

NEW ALEXANDRIA BOROUGH
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 162

AN ORDINANCE OF THE BOROUGH OF NEW ALEXANDRIA, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 36 OF THE CODE OF ORDINANCES OF THE BOROUGH OF NEW ALEXANDRIA, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA THAT REGULATES THE USE OF FIREWORKS WITHIN THE BOROUGH OF NEW ALEXANDRIA AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

SECTION ONE.

A. The Pennsylvania State Legislature repealed the "Fireworks Law" and enacted new provisions relating to the use of fireworks as codified at 72 PS §4901 et seq. which, among other things, legalized the use of Consumer Fireworks by individuals within the Commonwealth of Pennsylvania

B. While the law provides certain regulations regarding the use of these fireworks, the law does not define the hours during which they may be set off.

C. The Council of the Borough of New Alexandria has deemed it to be in the best interests and general welfare of the residents of the Borough of New Alexandria to permit the use of consumer fireworks or other fireworks available to the general public at certain times.

D. Property owners within the Borough are entitled to the quiet use and enjoyment of their property.

SECTION TWO.

A. APA 87-1 means the American Pyrotechnics Association Standard 81-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics, 2001 Edition or any subsequent edition.

B. Consumer Fireworks shall mean any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provision for "Consumer Fireworks" as

defined in APA-87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout Pennsylvania.

SECTION THREE.

A. The Borough of New Alexandria hereby permits the use of Consumer Fireworks available to the general public during the following days and hours:

1. July 1st through July 7th commencing each day from 6:00 p.m. until 11:59 p.m. each evening;
2. December 31st from 6:00 p.m. to 11:59 p.m.; and
3. January 1st from 12:00 a.m. to 12:30 a.m.

SECTION FOUR.

A. The Borough of New Alexandria hereby prohibits the use of Consumer Fireworks on any and all property owned by the Borough of New Alexandria. The purpose of this prohibition is to ensure the safety of the Borough of New Alexandria's residents and visitors using public property for their use and enjoyment.

SECTION FIVE.

B. Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$300.00 and not more than \$1,000.00, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section of this Ordinance violated shall constitute a separate offence, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$300.00 and not more than \$1,000.00, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Borough of New Alexandria.

SECTION SIX.

A. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses,

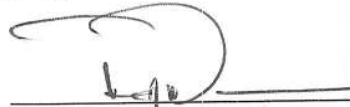
sections or parts hereof. It is hereby declared as the intent of the Borough of New Alexandria that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not be included herein.

SECTION SEVEN.

A. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

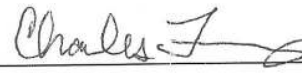
This Ordinance shall become effective within fourteen days from the date of adoption.

ADOPTED AND ENACTED adopted and enacted by the Council of the Borough of New Alexandria, County of Westmoreland, Commonwealth of Pennsylvania, on the _____ day of November, 2020.



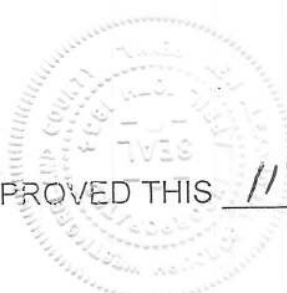
President


ATTEST: 



Secretary

APPROVED THIS 11th DAY OF November, 2020.





Mayor