

Borough of Honesdale, PA
Friday, January 7, 2022

Chapter 110. Fireworks

[HISTORY: Adopted by the Borough Council of the Borough of Honesdale 4-9-2018 by Ord. No. 682.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. 105.

Fire prevention — See Ch. 109.

Park and recreation areas — See Ch. 147.

[1] *Editor's Note: This ordinance also repealed former Ch. 110, Fireworks, adopted 5-9-2016 by Ord. No. 672.*

§ 110-1. Permit required.

It shall be unlawful for any person, persons, firms or corporations, amusement parks, fair associations, or any other organizations or groups of individuals to have or to hold public displays of fireworks, as that term is defined in the Act of May 15, 1939, P.L. 134, as amended, 35 P.S. § 1271 et seq.,^[1] within the limits of the Borough of Honesdale unless a permit therefor is first granted by the Borough as hereinafter provided.

[1] *Editor's Note: See now 72 P.S. § 9401 et seq.*

§ 110-2. Application for permit.

- A. Any person, persons, firms or corporations, amusement parks, fair associations, or any other organizations or groups of individuals desiring to explode any fireworks as defined in the above-stated Act in a public display must complete an application for a fireworks display permit and submit the completed application to the Borough at least 30 days in advance of the proposed display.
- B. Applications for a fireworks display permit will be available at the Borough office during normal business hours and must be completed and signed by the applicant or an officer or authorized agent of the applicant.
- C. The permit application shall contain, as a minimum, the following:
 - (1) Name, address, telephone number, email, and fax number (if applicable) of the applicant and, if the applicant is an organization, the name, address, telephone number, email, and fax number (if applicable) of the contact person for the organization.
 - (2) Name of the individual or organization that will be responsible for providing the fireworks and detonation.
 - (3) Proposed site, date, and time of the fireworks display.
 - (4) Number and kind of fireworks to be discharged.
 - (5) The manner and place of storage of such fireworks prior to display.
 - (6) Proposed fireworks site plan.

- (7) Compliance with the National Fire Protection Association standard on fireworks displays, 2014 edition, specifically Sections 1123 and 1126.
- (8) Copy of a valid fireworks displays or exhibitions certificate of registration from the Commonwealth of Pennsylvania for the individual or organization that will be detonating the fireworks for the time period in which the fireworks display is proposed.
- (9) Applicant's agreement to supply fire suppression on site on the date of the fireworks display.

§ 110-3. Inspection; review and approval of Fire Chief.

- A. A site inspection of the proposed site for the fireworks display shall be conducted by the Fire Chief of the Honesdale Fire Department or his or her designee with the applicant. This inspection shall be conducted at the discretion of the Fire Chief at a time to allow appropriate pre-display review.
- B. The Fire Chief, or his or her designee, shall designate whether or not the display is a fire hazard to any and all structures in the immediate area of the display.
- C. The Fire Chief, or his or her designee, shall designate the area where the display will originate from and allow fireworks to be detonated from that area only and shall notify the applicant and the Borough prior to the display as to whether the presence of firefighters and firefighting equipment will be required at the display. The cost of any firefighters and/or firefighting equipment shall be borne by the applicant. An estimated cost of same shall be deposited by the applicant at the discretion of the Fire Chief.
- D. The approval of the application by the Fire Chief, or his or her designee, will be required prior to the issuance of a fireworks display permit by the Borough.
- E. Any and all holders of the fireworks permits will be required to notify the Fire Chief, or his or her designee, at least 48 hours in advance of the display and further notify the Wayne County Communications Center (911) at least two hours in advance of the display notifying them when and where fireworks will be displayed. Permit holders will be required to notify the Wayne County Communications Center (911) at the conclusion of the display, as well.
- F. The Fire Chief, or his or her designee, will not allow fireworks displays if a declared drought emergency is in effect at the time of the notification telephone calls.

§ 110-4. Insurance and liability.

- A. Applicants shall, at the time of the application, provide a certificate of insurance to the Borough with a minimum limit of the insurance of \$2,000,000 and naming the Borough as an additional insured. This may be accomplished with \$1,000,000 in general liability insurance and \$1,000,000 umbrella policy.
- B. The permittee shall agree to hold harmless and indemnify the Borough, its officers, agents and/or employees from any liability arising from the display for which the permit is issued. This language shall appear on the permit as issued.

§ 110-5. Permit issuance, cost and transferability.

- A. The Borough Secretary, or his or her designee, will issue fireworks display permits after approvals by the Fire Chief have been certified on the application and Borough Council approval. Permits issued shall only be valid for the date or rain date(s) of the scheduled event originally requested.

- B. The cost of the permit shall be \$400 for each display held by the permittee, payable to the Borough prior to the issuance of the permit. However, \$300 shall be remitted to the applicant upon restoration of the fireworks display area to the full and complete satisfaction of the Honesdale Borough Department of Public Works.
- C. Permits are not transferable.

§ 110-6. Violations and penalties; enforcement.

- A. Any person, association, corporation or other entity violating this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be subject to a fine in an amount not exceeding \$1,000.
- B. This chapter shall be enforced by the Honesdale Borough Police Department.