

**AN ORDINANCE OF THE BOROUGH OF MOHNTON, BERKS COUNTY, PENNSYLVANIA SETTING FORTH THE DEFINITIONS AND REGULATIONS FOR USE OF FIREWORKS WITHIN THE BOROUGH OF MOHNTON; INCLUDING RESTRICTIONS OF USE AND PROVIDING PENALTIES FOR VIOLATION.**

**WHEREAS**, Mohnton Borough is located in Berks County, Commonwealth of Pennsylvania, and;

**WHEREAS**, Council finds that the sound caused by Fireworks are detrimental to the well-being of its residents, but recognizes the traditional use of fireworks on certain holidays, and also finds that the use of aerial fireworks in an area such as the Borough of Mohnton constitutes a fire hazard.

**WHEREAS**, the purpose of this Ordinance is to provide for the reasonable use of fireworks in Mohnton Borough so as to reduce noise and protect the public's health, safety, and welfare; and to provide for the peaceable enjoyment of property.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of Mohnton, Berks County, Pennsylvania, as follows:

**Definitions:**

Consumer Fireworks

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 provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard.

The term does not include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard.

Display Fireworks

Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- (1) salutes that contain more than two grains or 130 milligrams of explosive materials;
- (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and
- (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

## Aerial Fireworks

Any type of Consumer or Display Fireworks which cause a projectile, flame, burst, spark, or any other object to propel more than 20 feet into the air.

### SECTION 2. Use of Consumer Fireworks

The use of Consumer fireworks within the Borough of Mohnton is regulated as follows:

(a) Conditions.—

A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.

(b) Prohibitions.--A person may not intentionally ignite or discharge:

1. Any fireworks, including consumer fireworks and display fireworks, on any Borough property, including, but not limited to, the streets and sidewalks of the Borough, and real property owned by the Borough for public parks, utility purposes, and/or for public buildings.
2. Consumer fireworks on private property without the express permission of the owner.
3. All aerial fireworks to include but not be limited to aerial mortar shells, mortar cakes, bottle rockets, roman candles is strictly prohibited, regardless of the distance from the structure.
4. Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
5. Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
6. Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or another drug.
7. Consumer fireworks within 150 feet of an occupied structure.
8. Display Fireworks, Any fireworks that causes sparks or debris to land on the property of another without their expressed consent.
9. Consumer fireworks cannot be ignited or discharged in the Borough, except during the following holidays, dates and times:


- (a) Memorial Day: 4:00 p.m. to 10:00 p.m.

DULY ENACTED AND ORDAINED by the Council of the Borough of Mohnton, Berks County, Pennsylvania, this 10<sup>th</sup> day of February, 2021.

BOROUGH OF MOHNTON:

By:   
President of Council

Attest:

  
Secretary

Approved this 10<sup>th</sup> day of February, 2021.

By:   
Mayor