

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 - 2025

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING
THE DISPLAY AND USE OF FIREWORKS, PROVIDING FOR THE
ISSUANCE OF PERMITS THEREFOR, PROVIDING FOR PENALTIES FOR
VIOLATIONS THEREOF AND REPEALING ORDINANCE 5-2010.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and
ordained by the Board of Township Supervisors in and for the Township of Middlesex,
Cumberland County, Pennsylvania, as follows:

SECTION 1: BACKGROUND.

It is the intent of the Board of Supervisors of Middlesex Township to protect the health,
safety and welfare of the general public through regulating and limiting the use of fireworks,
which by their nature contain explosives which when misused, used by untrained individuals or
used in a manner without regard to those working, located or living in close proximity to their
use, can cause the deposit and accumulation of trash and debris, damage to property and
endanger human and animal life.

SECTION 2: DEFINITIONS.

The following words and terms used in this Ordinance shall have the meanings ascribed
to them as follows:

BOARD OF SUPERVISORS: The Middlesex Township Board of Supervisors.

CONSUMER FIREWORKS: The term includes any combustible or explosive composition or
any substance or combination of substances which is intended to produce visible and/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 the American Pyrotechnics Association (APA) Standard 87-1, the sale, possession and use of which shall be permitted throughout the Commonwealth. The term does not include devices such as “ground and hand-held sparkling devices,” “novelties” and “toy caps” in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

DISPLAY FIREWORKS: shall be defined as provided in 27 CFR § 555.11 (relating to meaning of terms).

FIREWORKS: shall mean and refer to consumer fireworks, display fireworks and any combustible or explosive composition or any substance or combination of substances, intended to produce visible and/or audible effects by combustion, but specifically excluding only those fireworks specifically excluded from the definition of “consumer fireworks” as noted above.

TOWNSHIP: Middlesex Township

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include self-propelled wheelchair, or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

SECTION 3: RESTRICTIONS ON THE USE OF ALL FIREWORKS.

The use of fireworks, whether consumer fireworks, display fireworks or other types of fireworks (but excluding only those fireworks specifically excluded from the definition of “consumer fireworks” in Section 2, above), shall be strictly prohibited at all times except in compliance with the provisions of this Ordinance. No fireworks shall be used and shall be strictly prohibited at any location within 150 feet of any building, property line, vehicle or roadway. Fireworks shall be prohibited in any Township Park unless approved by the Board of Supervisors and no fireworks shall be used by any person who is under the influence of alcohol, a controlled substance, or another drug.

SECTION 4: PERMITS FOR THE USE OF DISPLAY FIREWORKS.

A. Unlawful to use display fireworks without a permit.

It shall be unlawful for any person, firm, entity, corporation, amusement park, fair association or other organization or groups of individuals, or any combination or grouping of the foregoing, to use display fireworks and/or hold public displays of display fireworks within the limits of the Township unless a permit is first granted by the Board of Supervisors as hereinafter provided.

B. Compliance with State and Federal and Other Statutes and Regulations.

The applicant for a permit to use display fireworks within this Township must comply with the following requirements:

1. Each use of display fireworks shall be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training;
2. Each use of display fireworks shall be of a character and so located, discharged or fired as, in the opinion of Township Fire Chief or other appropriate officer as may be designated by the Board of Supervisors, after proper inspection, to not be hazardous to property or endanger any person;
3. The applicant shall abide by any and all Pennsylvania and federal statutes, codes and regulations and any and all applicable county or other local regulations, laws or codes governing the use, storage, and display of fireworks, including, but not limited to, the most recent version of the International Fire Code as published by the International Code Council (ICC) and 35 P.S. §1271 et seq., as amended, and any successor codes, statutes and regulations. All Pennsylvania, federal, county and other local statutes, codes and regulations are incorporated herein by reference. All codes and regulations relating to the use and/or display of fireworks under the International Fire Code and/or Uniform Construction Code are

also incorporated herein by reference. In the event of an inconsistency between Pennsylvania, federal, county and other local laws, codes and regulations and this Ordinance, the more-stringent law, code or regulation shall apply. The applicant must further obtain any and all requisite Pennsylvania, federal, county and/or other local permits and/or licenses relating to the use of display fireworks.

4. No display fireworks shall be ignited within 300 feet of a facility that meets the requirements of 3 Pa.C.S. §1107 (relating to sales locations).

C. Permit.

1. An application for a permit to use display fireworks shall be made in writing to the Township on forms supplied by the Township at least 60 days in advance of the date of the proposed use or display. The permit application shall state, among other information required thereon, the proposed date, time and location of the use or display, the character and duration thereof, the name and address of the competent operator, and the name and address of the owner or owners of the property on which the use or display is to be held. The application submitted shall also include the written consent of such owner or owners thereto as well as a copy of any permit application required by the International Fire Code. The application for the permit shall also contain copies of any and all federal, state, county and/or local permits and/or licenses needed for the use or display of fireworks. All applicants shall pay to the Township, when submitting the permit application, a permit application fee of \$100.00 for display fireworks use or events, which fee the Board of Supervisors may change from time to time by Resolution of the Board. All applications submitted shall further include a copy of all declaration pages evidencing liability insurance coverage of the applicant as specified in paragraph 3 below and written confirmation from a fire company providing fire protection service in Middlesex

Township that the applicant has made arrangements for and has paid or has agreed to pay the fire company for the presence of a fire truck at the time of the use or display of the fireworks. The Board of Supervisors may attach conditions and/or restrictions on any permit for the use or display of fireworks as it deems necessary.

2. If and after such permit is granted by the Board of Supervisors, the possession, use and display of fireworks shall be lawful for only that date and time and for those purposes and under such conditions as specified in the approved permit. No permit granted hereunder shall be transferable.

3. The applicant shall provide evidence to the Township that the applicant carries insurance in an amount no less than \$1,000,000, conditioned for the payment of any and all damages caused to any person or persons and to any property by reason of the display fireworks use arising from any acts of the applicant and his, her or its agents, employees, subcontractors or volunteers.

D. Permit Extension.

If, by reason of unfavorable weather or other circumstances beyond the control of the applicant the fireworks display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may, within 24 hours, apply to the Township and set forth under oath the fact that such use and display was not made, the reason the use and display did not take place, and a request for a continuance of such permit for a day designated therein. The continuance date shall be no later than seven (7) days after the day fixed for the display originally provided in the permit. Upon receiving an application for a continuance, the Board of Supervisors or its designated agent, may extend the date for the fireworks display to a date no longer than seven (7) days after the date of the originally

scheduled fireworks display date, provided that the insurance provided by the applicant shall remain in full force and effect for the period applicable to the extended use or display date and the site of the use or display of the fireworks has not changed from that noted in the original application and permit issued.

E. Responsibility of the Applicant.

The applicant shall at all times be responsible for the payment of any and all damages caused to any person or persons and to any property by reason of the fireworks display and arising from any acts of the applicant and his or its agents, employees, subcontractors or volunteers. In addition, the applicant shall be responsible for the collection, removal and proper disposition of all trash, waste and debris generated by, associated with or in any way caused by the fireworks display, regardless of the location or property where such trash, waste or debris may be deposited, within 24 hours of the use or display of the fireworks.

SECTION 5: USE OF CONSUMER FIREWORKS.

A. Condition of Use of Consumer Fireworks.

Consumer fireworks may only be possessed and used by persons who are at least 18 years of age and meet the requirements of this Ordinance.

B. Prohibitions on the Use of Consumer Fireworks.

A person shall not intentionally use consumer fireworks:

1. On private or public property, including, but not limited to, streets, parking lots, or sidewalks, without the express written permission of the property owner;
2. Within, directed at or directed from a vehicle or building;
3. Directed at another person;

4. While the person is under the influence of alcohol, a controlled substance or another drug;

5. Within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the consumer fireworks;

6. Within 150 feet of an animal housing facility or a fenced area designated to confine livestock owned or managed by another person. If a person uses consumer fireworks at a distance of 150 to 300 feet from an animal housing facility or fenced area designed to confine livestock owned or managed by another person, the user of consumer fireworks shall notify in writing the owner or manager of the livestock at least 72 hours in advance of the use that consumer fireworks will be use in the area.

C. Limitation on the times when consumer fireworks can be used.

Consumer fireworks cannot be ignited, used or discharged in Middlesex Township except during the following holidays and times:

1. July 2, 3 and 4, and December 31, 10:00 p.m. to 1:00 a.m. the following day. If July 4 falls on a Tuesday, Wednesday or Thursday, then consumer fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday.

2. When July 4 falls on a Tuesday, Wednesday or Thursday, consumer fireworks may be used from 10:00 p.m. until 1:00 a.m. on the immediately preceding and following Friday and Saturday.

3. Memorial Day, including the immediately preceding Saturday and Sunday.

4. Labor Day, including the immediately preceding Saturday and Sunday.

5. The above times notwithstanding, consumer fireworks are not permitted during an emergency that prohibits open fires or burning by the Township.

D. Public Streets, sidewalks or property.

No permission is granted by Middlesex Township to any person to ignite, use or discharge Consumer Fireworks at any time on the public streets or sidewalks of the Township or any property owned by the Township, including without limitation, all of the Township parks, public buildings and land.

E. Permit for consumer fireworks.

In addition to those times noted in Section 5.C, above, for which no permit shall be required to use consumer fireworks, the Township may issue a permit for the use of consumer fireworks on days and times not specified in Section 5.C. A request in writing shall be made to the Township that includes the date and time of the use of consumer fireworks, the location where the consumer fireworks shall be used, and the written approval of the property owner. The permit shall be valid for the date and time specified therein. The fee for submitting the request for the permit shall be \$50.00, which permit fee shall be subject to change from time to time by Resolution of the Board of Supervisors. No more than two permits shall be issued in a calendar year to an applicant, property owner or property.

SECTION 6: STOPPING FIREWORKS USE OR DISPLAY.

In the event of any violation of this Ordinance or of any term, condition or limitation noted on a permit for the use or display of fireworks, or in the event of any unsafe condition occurring before or during the course of the use or display of fireworks, or in the event of any unsafe condition occurring as a result of any use of consumer, display or other fireworks within the Township, any officer of the Middlesex Township Police Department, the Middlesex Township Fire Chief, the Zoning Officer or any other authorized Township representative

designated by the Board of Supervisors may, before or during the unsafe and/or violating occurrence, order such fireworks use or display to be stopped in the interest of public safety.

SECTION 7: USE OF FIREWORKS FOR AGRICULTURAL PURPOSES.

Nothing in this Ordinance shall be construed to prevent the issuance of permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops or for the protection of crops from bird or animal damage. The Board of Supervisors specifically reserves the right to vary and/or waive any requirements specified herein for the issuance of a permit that it deems appropriate as necessary to avoid interference with the agricultural practices within the Township.

SECTION 8: PENALTIES.

A. This ordinance shall be enforced by the Middlesex Township Police Department.

B. Any person, individual, partnership, co-partnership, association or corporation violating the provisions of this Ordinance with respect to consumer or display fireworks shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$500 in addition to any other penalty authorized by law. If a subsequent offense is committed within three years of a prior conviction, such offense shall be considered a summary offense, and upon conviction, shall be sentenced to pay a \$1,000 fine in addition to any other penalty authorized by law.

SECTION 9: SAVING IN THE EVENT OF INVALIDITY.

If any section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the

validity of this Ordinance as a whole or any other section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance.

SECTION 10: REPEAL OF ORDINANCE 5-2010.

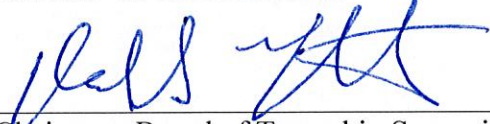
Ordinance 5-2010 is hereby repealed in its entirety.

SECTION 11: EFFECTIVE DATE.

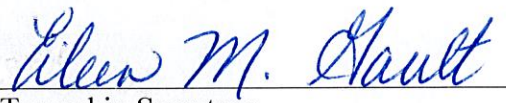
This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 2nd day of July, 2025, in public session duly assembled.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township Supervisors

ATTEST:


Township Secretary

(Township Seal)