

ORDINANCE NO. 6-05

AN ORDINANCE REGULATING PUBLIC DISPLAYS OF FIREWORKS IN McKEAN TOWNSHIP, ERIE COUNTY, PROVIDING FOR THE GRANTING OF PERMITS FOR SUPERVISED PUBLIC DISPLAYS OF FIREWORKS, PRESCRIBING SAFEGUARDS CONCERNING SAME, PROHIBITING PUBLIC DISPLAYS OF FIREWORKS AND THE POSSESSION, SALE, USE AND DISTRIBUTION THEREOF FOR PURPOSES OTHER THAN PUBLIC DISPLAYS WITHOUT OBTAINING A PERMIT THEREFORE AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ORDAINED by the Board of Supervisors of the Township of McKean, Erie County, Pennsylvania, and it is hereby ordained by the authority of the same that:

Section 1. It shall be unlawful for any person, persons, firms or corporations, fair associations or other organizations or groups of individuals, to have or to hold public displays of fireworks within the limits of the Township of McKean, unless a permit therefore is first granted by the Board of Supervisors of said Township, as hereinafter provided.

Section 2. Every such display within the limits of said Township shall be handled by a competent operator, and which display shall be of such character and so located, discharged or fired, as determined by the Board of Supervisors, or their duly authorized representative, after proper inspection, shall not be hazardous to property or endanger any person or persons.

Section 3. Application for permits shall be made in writing to the Township Secretary at least thirty (30) days in advance of the date of display, setting forth the proposed location of the display, the character thereof, name and address of the operator, and the name and address of the owner or owners of the grounds on which the display is to be held, with the consent of such owner or owners thereto in writing attached. All applicants shall pay the Township Treasurer the sum of Fifty Dollars (\$50.00) before issuance of a Permit and provide proof of liability insurance.

Section 4. If and after such permit shall have been granted by Township Supervisors or designee, possession, sale, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 5. The Board of Supervisors of the Township of McKean shall require the permittee to provide proof in writing of the existence of general liability insurance in the amount of \$1,000,000 per occurrence for personal injury and/or death and \$1,000,000 per occurrence for property damage, or in other such additional amounts as may be determined by the Board of Supervisors in their discretion, caused by reason of the licensed display and arising from any acts of the licensee, his or its agents, employees, or subcontractors, which proof of insurance shall be filed with the Township Secretary before any permit for a supervised public display of fireworks is delivered. The Township shall be named as an additional insured under such insurance policies.

Section 6. If by reason of unfavorable weather the 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 twenty-four (24) hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, giving the reason therefore, and requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the said authority, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application, not later than one week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

Section 7. Any person, partnership, association, or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00), and in the case of individuals, the partners of a partnership, or the officers of a corporation, by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment.

Section 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 9. This Ordinance shall be come effective five (5) days after its passage or adoption.

Ordained and Enacted by the affirmative vote of at least a majority of the duly elected Board of Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, on this the _____ day of _____, 2005.

Township of McKean

John L. Dombrowski, Chairman

Edward L. Hess

James Guckes

ATTEST:

Janice T. Dennis, Secretary