

ORDINANCE 2018-07

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN 1997, BY AMENDING CHAPTER 147, NOISE CONTROL TO PROHIBIT NOISE ASSOCIATED WITH THE USE OF CONSUMER FIREWORKS IN THE TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("**Board**") of Lower Allen Township ("**Township**"), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 147, Noise Control of the Code of the Township of Lower Allen 1997, shall be amended at Section 147-2, "**Definitions and standards**" by adding the following definitions to Subsection 'B':

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 sale, possession and use of which shall be permitted throughout this Commonwealth. 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, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

SECTION II

1. Chapter 147, Noise Control of the Code of the Township of Lower Allen 1997, shall be amended at Section 147-4, "**Noises prohibited**" by amending subsection I to read:
 - I. Discharging, detonating, igniting or otherwise using consumer fireworks between the hours of 11:00 pm and 7:00 am shall be prohibited.**
2. Section 147-4, "**Noises prohibited**" shall be amended by re-lettering current subsection I as subsection J.

SECTION III

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION IV

The provisions of this Ordinance are severable, and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

SECTION V

Any ordinance, or any part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

SECTION VI

This **Ordinance** shall take effect immediately.

ENACTED AND ORDAINED this 27th day of August 2018 by the Board of Commissioners of Lower Allen Township.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President