

Borough of Carlisle

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF CARLISLE, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF CARLISLE TO PROHIBIT THE USE OF FIREWORKS ON ALL PROPERTY OF THE BOROUGH OF CARLISLE.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of the Borough of Carlisle as follows:

SECTION 1: The Code of the Borough of Carlisle is hereby amended to include the following new Chapter:

CHAPTER 132

FIREWORKS

§ 132-1. LEGISLATIVE AUTHORITY.

This Chapter is enacted pursuant to the power of Borough Council to establish regulations necessary for the health, safety, general welfare, comfort and safety of the Borough of Carlisle pursuant to 8 Pa.C.S. §1202(5) and in accordance with Act 43 of 2017.

§ 132-2. PURPOSE.

Borough Council deems it best for the health, general welfare, cleanliness and safety of the Borough, its residents, visitors and property, to adopt an ordinance prohibiting the use of fireworks on all property of the Borough of Carlisle. Borough Council finds that the use of fireworks as permitted by Act 43 of 2017 creates a danger to the health and safety of persons, exposes property to potential damage and fire, and creates waste and litter.

§ 132-3. DEFINITIONS.

The definition of “Consumer fireworks” and “Display fireworks”, as well as “APA 87-1” and other relevant definitions necessary to define “Consumer fireworks” and “Display fireworks” as contained in Act 43 of 2017 (specifically 72 PS §9401, Definitions) are incorporated by reference in this Section in their entirety.

Person – A natural person, firm, partnership, limited partnership, limited liability partnership, limited liability corporation, association, corporation, trust or other legal entity.

§132-4. PROHIBITION.

Except as provided in §132-5 below, no person shall ignite or discharge, and no permission is granted by Borough Council to ignite or discharge, consumer fireworks or display fireworks on

any public streets, avenues or alleys of the Borough of Carlisle, public sidewalks of the Borough of Carlisle and on or from any Borough park, recreational facilities, trail or public buildings or other property of the Borough of Carlisle.

§132-5. PERMITTED DISPLAY FIREWORKS.

Nothing in this Chapter shall be construed to prevent Borough Council from approving the use of display fireworks by a properly licensed person on any public property of the Borough of Carlisle.

§132-6. PENALTIES.

A person using consumer fireworks in violation of the provisions of this Chapter commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100. A person using display fireworks in violation of the provisions of this Chapter commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100. Enforcement of this Section shall be by a police officer of the Police Department of the Borough of Carlisle, but such enforcement shall not prohibit the Borough of Carlisle from pursuing any other remedies available to it in the event of a violation of this Chapter, which remedies shall be cumulative.

SECTION 2: Except only as amended, modified and changed by this Ordinance, the Code of the Borough of Carlisle as amended shall remain in all other respects in full force and effect.

SECTION 3: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Code of the Borough of Carlisle.

SECTION 4: This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED this 10<sup>th</sup> day of September, 2020 by the Borough Council of the Borough of Carlisle in public session duly assembled.

BOROUGH OF CARLISLE

ATTEST:

By: \_\_\_\_\_  
Timothy A. Scott, Mayor

\_\_\_\_\_  
Joyce E. Stone, Secretary

(Borough Seal)