

ORDINANCE NO. 274 - 2011**AN ORDINANCE DEFINING AND REGULATING THE DISPLAY AND DISCHARGE OF FIREWORKS, REQUIRING PERMITS AND POSTING OF A BOND FOR THEIR USE AND PRESCRIBING PENALTIES FOR VIOLATION**

The Borough Council of the Borough of Conyngham hereby enact as follows:

Section 1.

It shall be unlawful for any person, persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals to have or to hold public displays of fireworks within the limits of the Borough of Conyngham, unless permit therefore is first granted by the Conyngham Borough Police Chief as hereinafter provided.

Section 2. Competent operator required.

Every such display within the limits of Conyngham Borough shall be handled by a competent operator, not under the age of 18, and which displays shall be of such character and so located, discharged or fired as in the opinion of the Borough Council or a duly authorized representative after proper inspection, shall not be hazardous to property or endanger any person or persons.

Section 3. Permit application information; fee.

Application for permits shall be made in writing to the Police Chief 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 applications shall pay the Borough of Conyngham the sum as set forth from time to time by Resolution of the Conyngham Borough Council before issuance of a permit and provide proof of liability insurance. Conyngham Borough Council, or other duly authorized representative, hereby reserves the right to grant permits upon applications submitted less than thirty (30) days in advance of the date of display.

Section 4. Permit conditions.

If in after such permit shall be granted by the Conyngham Borough Council or its designees, possession, sale, use and distribution of fireworks for such display shall be lawful for that purpose and on the date specified only. No permit granted hereunder shall be transferable.

Section 5. Bond required.

Conyngham Borough shall require a Bond, deemed adequate by it, given by the permittee or licensee in an amount deemed appropriate by the governing body, but will not be in a sum less than \$500.00, conditioned for the payment of all damages caused to any person or persons and to a property by reason of the licensed display and arising from the acts of the licensee, his or its

agents, employees, subcontractors, which Bond shall be filed with the Conyngham Borough Secretary before any permit for a supervised public display or fireworks is delivered.

Section 6. Violations and penalties.

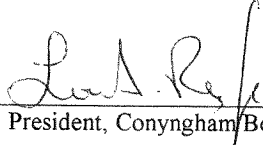
Any person who violates or permits a violation of this chapter shall, upon conviction, in a summary proceeding brought before a Magisterial District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000.00 plus costs of prosecution. In default of payment thereof, the Defendant may be sentenced to imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

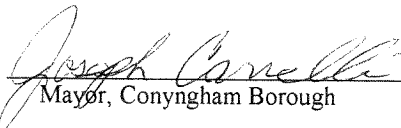
Section 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Conyngham that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

Section 8. Repealer. All Ordinances or parts of ordinances which are inconsistent wherewith are hereby repealed.

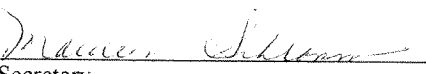
NOW THEREFORE, be it ORDAINED and ENACTED by the Council of the Borough of Conyngham, and it is hereby ORDAINED and ENACTED by the authority of same:

ORDAINED and ENACTED as an Ordinance of the Council of the Borough of Conyngham, this 24 day of May, 2011.


By: 
President, Conyngham Borough Council

By: 
Mayor, Conyngham Borough

ATTEST:


Secretary

I do hereby certify that the foregoing ordinance was advertised in the Hazleton Standard Speaker on May 18, 2011, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth at the Regular Meeting of the Conyngham Borough Council held May 24, 2011.


Secretary