

ORDINANCE NO. 328 of 2026

CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE REPEALING ORDINANCE NO. 274-2011 AND REPLACING IT
WITH A NEW ORDINANCE REGULATING FIREWORKS, PYROTECHNICS AND
SKY LANTERNS IN THE BOROUGH AND PRESCRIBING PENALTIES FOR
VIOLATIONS

The Conyngham Borough Council does hereby adopt the following Ordinance Regulating
Fireworks:

Section 1. Title.

This Ordinance shall be known and may be cited as the "Conyngham Borough Fireworks Ordinance".

Section 2. Purpose.

This Ordinance is adopted to:

(A) Comply with the Pennsylvania Fireworks Laws and Regulations;

(B) Properly regulate fireworks and pyrotechnic use within the Borough; and

(C) Protect the health, safety, and welfare of Borough citizens through limiting and regulating the use of fireworks, pyrotechnics, flame effects and sky lanterns by making it unlawful for any person, persons, firms, corporations, or other entities to possess, sell, or use fireworks, pyrotechnics and flame effects in violation of this Ordinance.

Section 3. Authority.

This Ordinance is adopted pursuant to the authority granted under Pennsylvania's fireworks regulations and laws as adopted and codified by the Pennsylvania legislature at 72 P.S. § 9401 et seq., and pursuant to the authority to regulate fireworks as set forth in Section 1202(17) (to provide for fireworks and inflammable articles) of the Pennsylvania Borough Code.

Section 4. Definitions.

For purposes of this Ordinance:

"Borough"- means Conyngham Borough, Luzerne County, Pennsylvania.

"Code Enforcement Officer"- means the person appointed by Conyngham Borough Council to administer and enforce the provisions of this Ordinance.

“Commonwealth”- means the state of Pennsylvania.

“Consumer Fireworks”- includes any combustible or explosive composition or any substance or combination of substances, which is intended to produce visible or audible effects by combustion and which is suitable for use by the public that 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 which complies with the provisions for "consumer fireworks (Class C)" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard, the sale, possession and use of which shall be permitted throughout the 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 the Commonwealth.

“Competent Operator”- means a person who: (A) is at least 18 years of age; (B) is not under the influence of any alcohol or any controlled substance; and (C) has never been convicted of a felony, or property crimes involving damage to property, vandalism, trespass or other similar crimes.

“Contractor Operator”- means a professional pyrotechnician possessing a current, valid registration with the Pennsylvania Attorney General.

“Display Fireworks”- means large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 60 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “Consumer Fireworks” and are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101 (relating to purpose and use of hazardous materials table). This term also includes fused set pieces containing components which together exceed 50 mg of salute powder. "Display fireworks" are Class B type fireworks and are those fireworks as provided in 27 CFR — 555.11 (relating to meaning of terms).

“Discharge Site”- means the area immediately surrounding the fireworks mortars used for the outdoor display of Display Fireworks.

“Display Site”- means the immediate surrounding area where a display of Display Fireworks is conducted, including the Discharge Site, the Fallout Area, and the required separation distances from mortars to spectator viewing areas.

“Fallout Area”- means the maintaining of a safe distance during the discharge of Display Fireworks between the audience or place where persons gather to observe the fireworks and the location where the Display Fireworks are discharged.

“Fireworks”- means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of

“Consumer Fireworks” or “Display Fireworks” as defined by this section. Fireworks does not include devices such as "ground and hand-held sparkling devices," "novelties" and "toy caps" defined in APA Standard 87-1, the sale, possession and use of which shall be permitted all times within the Borough.

“Flame Effects”- means the combustion of solids, liquids, or gases utilizing atmospheric oxygen to produce thermal, physical, visual, or audible phenomena before an audience. The following are the types of Flame Effects:

(A) **Automatic Flame Effect**- means a flame effect that is supervised and fired by an automatic control system.

(B) **Hybrid Flame Effect**- means a flame effect that is used in combination with a pyrotechnic material or device.

(C) **Manual Flame Effect**- means a flame effect that is operated manually without the use of an automatic control system.

(d) **Portable Flame Effect**- means a flame effect that is designed and installed, either in a permanent or temporary installation, and that is designed to move or be moved in during the operation of installation.

“Occupied Structure”- means any man-made object having an ascertainable stationary location, whether affixed to the land, that is adapted for overnight accommodation of persons; conducting of a business; or for housing animals.

“Person”- includes an individual or individuals, firms, corporations, companies, associations or other organizations or groups of individuals or any entity.

“Pyrotechnics”- means controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume. 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 the Commonwealth.

"Sky lantern"- means an unmanned and self-contained luminary device that uses heated air produced by an open flame or another source to become or remain airborne.

“Temporary Structure”- means a structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or has and is dedicated to the storage and sale of consumer fireworks and related items. This term includes temporary retail sales, stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. This term shall not include a facility that is not licensed to sell consumer fireworks under this Ordinance.

Section 5. Firework Manufacturing Prohibited.

The manufacture of fireworks is not permitted under this Ordinance.

Section 6. Display Fireworks, Pyrotechnics and Flame Effects.

- A. Permit Required. It shall be unlawful for any person to have or to hold public displays of fireworks, pyrotechnics or flame effects within the Borough unless a permit is first granted by the Borough, as hereinafter provided.
- B. Requirements. All Display Fireworks, Pyrotechnics and Flame Effects within the limits of the Borough shall be handled by a state-licensed operator, and shall be of such character and so located, discharged or fired as in the opinion of the Code Enforcement Officer, or a Police Officer, after proper inspection, to not be hazardous to property or endanger any person.
- C. Application procedures; fee.
 - 1. An Application for Display Fireworks, Pyrotechnics and Flame Effects shall be in writing on a permit application furnished by the Borough and submitted to the Code Enforcement Officer at least 30 days in advance of the date set for the display.
 - 2. The applicant shall contact Valley Regional Fire and Rescue ("VRFR") at least 30 days in advance of the date set for the display to coordinate VRFR presence at the display of Display Fireworks, Pyrotechnics and Flame Effects before an audience. VRFR presence is not required for Pyrotechnics and Flame Effect testing unless the Code Enforcement Officer identifies that as a condition of issuing a permit.
 - 3. All displays of Display Fireworks shall conclude by 10:00 pm.
- D. Conditions. The Code Enforcement Officer may attach to a permit any conditions deemed necessary and appropriate to address safety concerns.
- E. Applications for Display Fireworks, Pyrotechnics and Flame Effects. An application shall contain the following information:
 - 1. The name and address of the owner of the property upon which the Fireworks will be discharged.
 - 2. The name and address of the operator, including the registration information with Pennsylvania Attorney General's Office, if applicable, and written approval of the owner of the property from which the Display Fireworks, Pyrotechnics or Flame Effects shall be used.

3. A site plan showing at a minimum: (i) the location of the discharge area; (ii) the location where the viewers will be situated; (iii) the boundaries of the property upon which the fireworks will be discharged; (iv) the names and addresses of the adjoining property owners within 500 feet of the subject property; and (v) parking areas, Occupied Structures, overhead utilities and roadways.
 4. The types of Fireworks discharged, including an itemized list of quantities and sizes of Display Fireworks.
 5. The name, address, telephone number and policy number of the insurance of the property owner and operator. Proof of insurance coverage, with reputable insurance companies licensed to do business in the Commonwealth of Pennsylvania, naming the Borough as an additional insured, shall be provided as follows: (i) Workers Compensation / Liability \$500,000.00 per accident; (ii) General Liability Insurance \$1,000,000.00 per occurrence; (iii) Intrastate Liability Insurance \$3,000,000.00 per occurrence; and (iv) Umbrella Liability \$1,000,000.00 per occurrence.
 6. Any other information deemed necessary by the Code Enforcement Officer or Fire Chief.
- F. Bonding. As a condition of issuance of the permit, the applicant shall submit a bond in the amount of not less than Fifty Thousand U.S. Dollars (\$50,000.00) for payment of damages caused to any person and to any property by reason of the licensed display and arising from any acts of the licensee or licensee's agents, employees or subcontractors. The bond shall be filed with the Borough before any permit for a display is delivered.
- G. Permit Extension. A permit shall be issued by the Code Enforcement officer for a specific date and time. A permit may not be extended beyond the date and time of the permit unless unfavorable weather conditions prevent the display from taking place in which case the person to whom such permit was issued may within 24 hours apply to the Code Enforcement Officer for an extension. All requests for an extension must be in writing and set forth, under oath, the facts upon which a continuance is being requested. If the Code Enforcement Officer believes the facts to be true, a permit may be extended for a period not later than seven days after the day fixed originally in the permit, and such extension of time shall be granted without the payment of any additional fee and without requiring 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 the 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.
- H. Permit Fee. A permit fee of \$50.00 is hereby established. This fee may be changed by resolution of Borough Council. A waiver from the fee may be granted by Borough Council under special circumstances or when requested by a nonprofit organization.

I. Inspection Requirements.

1. Code Enforcement Officer is to be contacted at least one business day in advance of a Display Fireworks event or a Pyrotechnic and Flame Effects event to inspect the Display Site/Venue. The Display Site/Venue is subject to inspection and approval prior to discharging Display Fireworks, Pyrotechnics and Flame Effects. All applicable provisions and clearances provided in the approval plans are applicable and will be verified.
2. The Code Enforcement Officer may be present, but is not required to, be present during testing and a Display Firework event and during a Pyrotechnic and Flame Effect event and may be in direct contact with the Contractor/Operator before and after the event.
3. The monitoring of the Display Site is the responsibility of the property owner. Barriers and patrols of the perimeter shall be conducted prior to the start of the Display Firework, Pyrotechnic and Flame Effect displays.
4. It is the responsibility of the Contractor /Operator to provide a post display inspection of the Discharge Site and Display Site immediately after Display Fireworks and at a "first light" inspection the day immediately following the Display Fireworks.

J. Disposal of Display Fireworks.

1. It shall be the sole responsibility of the property owner, tenant and Contractor/Operator to dispose of all firework shells that fail to fire or charges that fail to detonate. Any materials which are hazardous or unsafe shall be immediately disposed of in a proper manner.
2. Any shell found during the inspection shall not be handled until at least 15 minutes have elapsed from the time the shells were fired. The fireworks shall then be doused with water and allowed to remain for at least five additional minutes before being placed in a plastic bucket or fiberboard box. The disposal instructions of the manufacturer as provided by the fireworks supplier shall then be followed in disposing of the fireworks.

K. Denial or Revocation of Permit; Appeal. The Code Enforcement Officer may deny or revoke a permit issued under this Ordinance if the application contains false statements or misrepresentation of facts, or for failure of the applicant to comply with the provisions of this Ordinance, or any other applicable ordinance, statute, or regulation. Any denial or revocation must be in writing and served on the applicant. The applicant may appeal a revocation or denial of a permit to Borough Council within 10 days and, thereafter, to the Luzerne County Court of Common Pleas pursuant to the provisions of the Local Agency Law, 2 Pa.C.S.A. § 751 et seq. If a permit or application has been denied or revoked, the permit fee shall be refunded.

Section 7. Consumer Fireworks.

- A. Only a Competent Operator may discharge Consumer Fireworks in the Borough and then only if the Competent Operator meets the requirements of this Ordinance and all applicable federal, state and local laws, regulations and ordinances.
- B. Consumer Fireworks shall be discharged outside on the ground in an open area on real property with landowner's written consent, and more than 150 feet from an Occupied Structure, street, highway, road, public property, flammable liquids or gases, explosive materials, and utility lines. Consumer Fireworks shall be so located, discharged or fired to not be hazardous to property or endanger any person.
- C. Consumer Fireworks shall not be discharged within 350 feet of a structure housing horses or livestock or field where they are present.
- D. Consumer Fireworks shall not be discharged upon any Borough street, sidewalk, park, public space, or any other Borough-owned property unless specifically authorized in writing in advance by Borough Council.
- E. The Competent Operator must read and follow the instructions carefully for possessing, handling and discharging Consumer Fireworks. Only one Consumer Firework shall be lit at a time.
- F. Consumer Fireworks may only be stored in a residence or residential accessory structure provided that the stored fireworks are for the personal use of the occupants of the residence and provided that the cumulative amount of fireworks does not exceed one pound (7,000 grains) of propellant or explosive material.
- G. Consumer Fireworks shall be placed in a container of water prior to properly disposing of them.
- H. The applicant and Competent Operator must have liability insurance in the minimum amount of \$100,000.00 for personal injury and in the minimum amount of \$50,000.00 for property damage.
- I. The debris from Consumer Fireworks shall be immediately disposed of after they are discharged in a safe and lawful manner. Any debris not confined to the property of the discharge site shall also constitute a violation. Debris shall be considered prime facie evidence that a discharge occurred.
- J. Consumer Fireworks may not be discharged during times in which adverse or unfavorable weather conditions such as a drought, burning bans, or other fire emergency that has been declared by federal, state, or local officials.
- K. Consumer Fireworks shall not be ignited or discharged in the Borough, except between the hours of 4:00 p.m. and 10:00 p.m.

i. Exemptions:

1. July 2, 3, 4 and Dec. 31 when they may be used until 1 a.m.
2. If July 4 falls on a Tuesday, Wednesday, or Thursday they may be used until 1 a.m. on the immediately preceding and following Friday and Saturday

Section 8. Consumer Pyrotechnics and Flame Effects.

Pyrotechnics and Flame Effects within the Borough shall be handled by a state-licensed operator. No unlicensed operator shall permit, authorize or use pyrotechnics or flame effects.

Section 9. Sky Lanterns.

No person shall ignite, discharge, light, fly, release into the atmosphere or otherwise release an untethered sky lantern, aerial luminary lantern or similar device.

Section 10. Administration and Enforcement.

This Ordinance may be enforced by the Code Enforcement Officer, Fire Chief or any police officer. However, a permit may only be issued by the Code Enforcement Officer.

Section 11. Violations and Penalties.

Any person violating the provisions of this Ordinance shall be subject to Non-Traffic Summary citation proceedings, with fines which shall be \$300.00 per violation and/or imprisonment to the extent allowed by law for each offense. Each launch or release into the air shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. In lieu of summary proceedings before a magisterial district judge, the Borough may enforce this Ordinance in equity where circumstances require prompt action because of a threat to health, safety, and welfare of the public. In addition, the Code Enforcement Officer, the Fire Chief, or a police officer may seize, take, remove or cause to be removed at the expense of the owner or operator any fireworks display, stored, held, or used in violation of this Ordinance. If seized and ultimately destroyed, the owner or operator may also be liable for the costs of destruction.

Section 12. Conflicting Regulations.

All relevant ordinances, regulations, and policies of the Borough, not amended, shall remain in full force and effect.

Section 13. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 14. Repealer.

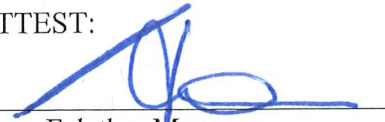
All ordinances or parts of ordinances, which are inconsistent with this Ordinance, are hereby repealed.

Section 15. Effective Date.

This Ordinance shall become effective immediately following the date of its adoption.

Adopted and enacted this 18 day of August, 2026.

ATTEST:



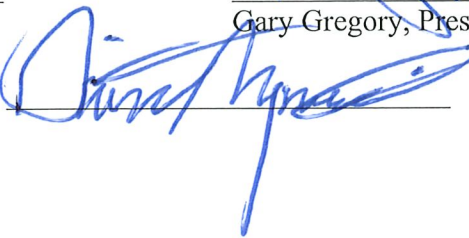
Lynn Falatko, Manager

CONYNGHAM BOROUGH COUNCIL:



Gary Gregory, President

APPROVED BY THE MAYOR:



**CONYNGHAM BOROUGH LUZERNE COUNTY
DISPLAY FIREWORKS APPLICATION**

Name of Applicant: _____	Date of Application: _____
Legal Entity Type of Contractor Operator: ☐ Sole Proprietor ☐ Corporation ☐ NON-Profit or Association ☐ Partnership ☐ Limited Liability Company ☐ Limited Liability Partnership	Business Name of Contractor Operator: _____ Display Date and time: _____ Type of Display Fireworks: _____ _____
Legal Name of Contractor Operator: _____ Mailing Address: _____ Street Number and Name _____ City/State/Zip Code _____ Contact Information: Phone: () _____ - _____ Cell: () _____ - _____ Email Address: _____ If the Applicant is not the owner of the land upon which the Discharge Site for the Display Fireworks is to be located, the landowner must sign below to evidence consent to this application. _____ Signature of Landowner _____ Signature of Landowner	Property Owner's Name and Address: _____ Street Number and Name _____ Physical Location _____ Contact Information: Phone: () _____ - _____ Cell: () _____ - _____ Email Address: _____ The Following Documents Must be Attached to this Application: 1. Site Plan. 2. Certificate of General Liability Insurance. 3. Bond. 4. Sign Release and Indemnification Agreement. 5. Permit Fee. I verify that the information contained in this application and the documents attached are true and correct to the best of my knowledge, information, and belief. I understand that false statements made are subject to penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities. _____ Signature of Applicant

CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA
PERMIT FOR DISPLAY FIREWORKS

THIS FIREWORKS PERMIT HAS BEEN ISSUED BY THE CONYNGHAM BOROUGH
CODE ENFORCEMENT OFFICER TO: (Name, Address and Phone Number of Applicant)

(_____) _____ - _____

Granting the right to Display Fireworks on _____, 20____ between the hours
of _____ and _____ at _____

(Location Where Fireworks will be Displayed or Discharged):

*****OFFICIAL USE ONLY*****

PERMIT ISSUED THIS _____ DAY OF _____, 20____.

Code Enforcement Officer

FEE PAID: \$ _____

BOND AMOUNT: \$ _____ (ATTACH A COPY)

SPECIAL CONDITIONS OF PERMIT, IF ANY:

RELEASE OF LIABILITY AND INDEMNIFICATION

We are aware of the dangers of Display Fireworks and am willing to assume full responsibility for any personal or property damage caused by Display Fireworks.

We hereby agree to indemnify and hold harmless Borough, its officers, directors, employees, agents, representatives, successors, affiliated entities, administrators, assigns and insurers, from and against any and all manner of claims, actions, causes of action, suits, demands, debts, dues, accounts, bonds, covenants, contracts, agreements, judgments, costs and expenses (including reasonable attorneys' fees), whatsoever in law or equity, arising out of the manufacture, transportation, possession, installation, firing, fallout, detonation, combustion, deflagration or disassembly of any pyrotechnic equipment or device and/or the supervision, performance, conduct, display and presentation of Display Fireworks on the Property identified in the permit application.

We have provided the Borough with copies of the required insurance certificate naming the Borough as an additional insured. Copies of the insurance certificates are attached.

This Agreement constitutes my entire understanding and shall not be amended except in writing signed by myself and the Borough.

We agree not to seek legal redress or prosecute the Borough, its appointed and elected officials, for any claims that may arise from the use, storage, or transportation of the Display Fireworks.

Signature of Applicant

Date: _____

Signature of Landowner

Date: _____