

ORDINANCE NO. 14830

FILE OF CITY COUNCIL

BILL NO. 61 - 2010

INTRODUCED BY THE ADMINISTRATION/COUNCIL

OCTOBER 6, 2010

AN ORDINANCE

An Ordinance of the City council of the City of Allentown, Pennsylvania, adopted in conjunction with the adoption of the 2009 International Fire Code, as amended, prohibiting the sale of fireworks within the City limits, prescribing penalties for the violation thereof and repealing all other ordinances inconsistent herewith.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the City of Allentown adopted the International Fire Code of 2006, as amended, on August 26, 2008 at Section 1707 of the Codified Ordinances.

SECTION TWO: That Chapter 33 (Explosives and Fireworks) of the International Fire Code of 2008, Part 3309 (Local Fireworks Regulations), Section 3309.2 (Sales and Storage) permits the display and sale of fireworks from tents, canopies and stores smaller and larger than five thousand (5,000) square feet.

~~SECTION THREE: That the City Council of the City of Allentown, contemporaneously herewith, adopts the International Fire Code of 2009, amending Section 3309.2 by deleting this Section which currently permits the sale and storage of fireworks from tents, canopies and stores smaller and larger than five thousand (5,000) square feet with the express intent of prohibiting the sale of fireworks within City limits from any facility or any location.~~

~~SECTION FOUR: That by this Ordinance, the City Council of the City of Allentown forbids the sale of fireworks within the corporate limits of the City of Allentown.~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

~~Section 1. Fireworks Sales Prohibited.~~

~~It shall be unlawful for any person, partnership, association or corporation to sell, offer for sale any type of fireworks, as defined by law, 35 P.S. Section 1271 et. seq., within the corporate limits of the City of Allentown.~~

SECTION THREE: That the City of Allentown intends to forbid the sale of "Consumer Fireworks" as defined by Pennsylvania State Law at 35 P.S. Section 1271(1) which can only be sold to out-of-state residents according to 35 P.S. Section 1275 but to permit the sale of devices known as "ground and hand-held sparkling devices," "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth according to 35 P.S. Section 1271(2); and

SECTION FOUR: That the City Council of the City of Allentown, contemporaneously herewith, adopts the International Fire Code of 2009, amending Section 3309.2 by deleting this Section which currently permits the sale and storage of fireworks from tents, canopies and temporary structures in its entirety with the express intent of prohibiting the sale of any type of fireworks from tent, canopies and temporary structures within the corporate limits of the City of Allentown.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1. Fireworks – Sales Prohibited.

It shall be unlawful for any person, partnership, association or corporation to sell or offer for sale any "Consumer Fireworks", as defined by law, 35 P.S. Section 1271(1) within the corporate limits of the City of Allentown.

It shall be lawful for any person, partnership, association or corporation to sell or offer for sale, possess or store any device defined in 35 P.S. Section 1271(2) as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth, except such sales from tents, canopies and temporary structures, which shall be unlawful.

Section 2. Violation of Ordinance.

Any person, partnership, association or corporation found to be in violation of Section 1 shall, upon conviction be sentenced to pay a fine the sum of \$1000.00 or to a sentence of ninety (90) days in jail..

Section 3. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 4. Severability.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective in thirty (30) days from the date of passage.

The following amendment was approved, 7 - 0

SECTION THREE: That the City of Allentown intends to forbid the sale of "Consumer Fireworks" as defined by Pennsylvania State Law at 35 P.S. Section 1271(1) which can only be sold to out-of-state residents according to 35 P.S. Section 1275 but to permit the sale of devices known as "ground and hand-

held sparkling devices," "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth according to 35 P.S. Section 1271(2); and

SECTION FOUR: That the City Council of the City of Allentown, contemporaneously herewith, adopts the International Fire Code of 2009, amending Section 3309.2 by deleting this Section which currently permits the sale and storage of fireworks from tents, canopies and temporary structures in its entirety with the express intent of prohibiting the sale of any type of fireworks from tent, canopies and temporary structures within the corporate limits of the City of Allentown.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1. Fireworks – Sales Prohibited.

It shall be unlawful for any person, partnership, association or corporation to sell or offer for sale any "Consumer Fireworks", as defined by law, 35 P.S. Section 1271(1) within the corporate limits of the City of Allentown.

It shall be lawful for any person, partnership, association or corporation to sell or offer for sale, possess or store any device defined in 35 P.S. Section 1271(2) as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth, except such sales from tents, canopies and temporary structures, which shall be unlawful.

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on November 3rd and signed by the Mayor on November 5, 2010.



 CITY CLERK

LEGISLATIVE TEMPLATE

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Administration and City Council jointly.

- **Summary and Facts of the Bill**

Amends the Fire Code to no longer permit the sale of fireworks within the boundaries of the City of Allentown.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The numbers of vendors selling fireworks under tents and in temporary establishments has been increasing over the years. This increase made fireworks easier to obtain and has increased the number of violators who are discharging these fireworks within the City limits which is prohibited. Changing the ordinance to prohibit the sale of fireworks will coincide with the prohibition of discharging fireworks within the City limits.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

N/A

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

To be approved at the same time the 2009 IFC Ordinance is adopted.

- **Why should Council unanimously support this bill?**

Prohibiting the sale of fireworks will make it more difficult for the citizens to obtain and therefore make the City a safer place to live. It will improve the quality of life issues in the City of Allentown.