

**MARIETTA BOROUGH
ORDINANCE NO 2018-06**

AN ORDINANCE TO AMEND CHAPTER 163. FIREARMS, FIREWORKS AND PROJECTILES TO THE CODE OF THE BOROUGH OF MARIETTA, PENNSYLVANIA BY ADDING RESTRICTIONS TO THE USE OF FIREWORKS IN MARIETTA BOROUGH

BE IT AND IT IS HERBY ORDAINED AND ENACTED, by and through Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania that Chapter 163 of the Borough Code is amended as follows:

The Council of the Borough of Marietta finds that the public interest, convenience, and safety require the adoption of this fireworks ordinance regulating consumer fireworks in conjunction with the noise ordinance cited in Chapter 229 and the passage of the Commonwealth of Pennsylvania's Fireworks Law Act 43 of 2017 House Bill No. 542 of 2017.

The following language shall be added to Chapter 163 Article I. Fireworks and Projectiles, as 163-1a:

163-1a. Use of fireworks; violations and penalties.

- (a) Conditions.--A person who is at least 18 years of age and meets the requirements of this article may purchase, possess and use consumer fireworks.
- (b) Prohibitions.--A person may not intentionally ignite or discharge:
 - (1) Consumer fireworks on public or private property without the express permission of the owner.
 - (2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 - (3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
 - (5) Consumer fireworks within 150 feet of any structure.

Any violation of this ordinance shall, upon conviction in a summary proceedings 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, plus court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings.

DULY ENACTED AND ORDAINED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this 9th day of October, 2018, in lawful session duly assembled.

BOROUGH OF MARIETTA

By: _____
Glen Mazis, President
Marietta Borough Council

Attest: _____
Sharon Bradnick, Secretary

APPROVED as an Ordinance this ____ day of October, 2018.

Harold Kulman, Mayor