

**EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE 2023-858**

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY,  
PENNSYLVANIA, AMENDING CHAPTER 181 – FIREWORKS**

**WHEREAS**, Section 1601 of the Second Class Township Code, 53 P.S. § 66601, authorizes the Exeter Township Board of Supervisors (“Board”) to adopt, amend, repeal or revise existing ordinances;

**WHEREAS**, Part I, Chapter 181, Section 5(C)(1) of the Code of the Township of Exeter (“Code”) sets restricts the use of consumer fireworks between 11 p.m. and 11 a.m., except on New Years Eve; and

**WHEREAS**, Act 74 of 2022 was signed into law on July 11, 2022 and permits municipalities to enact restrictions on the hours consumer fireworks may be used; and

**WHEREAS**, the Board desires to change the hours that consumer fireworks may be permitted.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania, as follows:

**SECTION 1.** Part I, Chapter 181, Section 5 is hereby amended in its entirety to read as follows:

**§ 181-5. Consumer fireworks: conditions, prohibitions, and restrictions of use.**

A. Conditions. A person who is at least 18 years of age and meets the requirements of this chapter and all applicable laws and regulations may purchase, possess, and use consumer fireworks. A person or entity using consumer fireworks pursuant to this chapter shall comply with all applicable federal and state laws.

B. Prohibitions. A person may not intentionally ignite or discharge consumer fireworks in the following manners and/or locations:

- (1) On public or private property without the express permission of the owner;
- (2) Inside a motor vehicle or occupied structure;
- (3) From a motor vehicle or occupied structure;
- (4) Into or at a motor vehicle or occupied structure or at another person;
- (5) While under the influence of alcohol a controlled substance or another drug;
- (6) Within 150 feet of an occupied structure;
- (7) Upon any Township roadway, park, public space, or any other Township-owned property, unless specifically authorized in writing in advance by the Township;

- (8) Within 100 feet of any flammable gases or liquids, including, but not limited to, tanks of gasoline, oil, propane, and/or oxygen;
- (9) Within 100 feet of any explosive materials, including, but not limited to, gunpowder, ammunition, and/or other fireworks, excluding the consumer firework to be ignited or discharged and the source of the ignition/discharge; and/or
- (10) In a manner such that the sparks or any portion of the fireworks may land upon the property of another without that property owner's express permission.

#### C. Restrictions of use.

- (1) Time. Consumer fireworks shall not be used between the hours of 10:00 p.m. and 10:00 a.m., except:
  - (a) On July 2, 3 and 4 and December 31, when consumer fireworks may be used until 1:00 a.m. the following day;
  - (b) When July 4 falls on a Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday;
  - (c) Memorial Day, including the immediately preceding Saturday and Sunday; and
  - (d) Labor Day, including the immediately preceding Saturday and Sunday.
- (2) Suspension. The Township has the discretion to suspend all use of consumer fireworks if the Fire Marshal, or the Fire Marshal's designee, deems such a suspension to be in the best interests of the Township or its residents, including, but not limited to, circumstances of adverse or unfavorable weather conditions, such as high winds or a drought.
- (3) Duration.
  - (a) As used herein, the phrase "cumulative basis" refers to a period of time commencing at the first discharge of a consumer firework and terminating at the last discharge of a consumer firework at any particular location, regardless of the number of individuals discharging the consumer fireworks at such location, and regardless of the frequency of the discharge of the consumer fireworks.
  - (b) The use of consumer fireworks at any particular location shall not exceed a period of one-hour duration, measured on a cumulative basis, in any given twenty-four-hour period. Notwithstanding the foregoing, however, the record owner of the particular location where the use of consumer fireworks is proposed may issue advanced written notice to all adjoining property owners, copying the Township's Board of Supervisors, at least 21 days in advance of the proposed use of consumer fireworks, advising of a plan to use consumer fireworks for a period of time in excess of the aforementioned durational limitation. Such written notice must specify the start time and end time of the use of consumer fireworks and the specific street address of the proposed location. Such written notice shall also be submitted to the Township Office at least 21 days in advance of the proposed use of consumer fireworks, and subsequently posted on the Township's website. Residents shall have 10 days (the "objection period") from the receipt of the notice and/or posting to the

Township website to submit any comments or objections to the Township's Board of Supervisors. Upon receipt of the written notice, and after the objection period concludes, the Township's Board of Supervisors, in its sole discretion, may impose any reasonable limitations deemed necessary, including a denial to exceed the aforementioned durational limitation.

**SECTION 2. REPEAL OF ORDINANCES**

Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance’s provisions.

**SECTION 3. SEVERABILITY**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Exeter, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall become effective at the earliest date permitted by law.

**SECTION 5. CODE OF ORDINANCES**

The Code of Ordinances of Exeter Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Exeter Township upon enactment.

DULY ORDAINED and ENACTED as an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF SUPERVISORS OF  
EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
Township Manager

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No.2023-858 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on \_\_\_\_\_, 2023, pursuant to notice as required by law.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Exeter Township Secretary