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## Part 1 Outdoor Burning

### §101. Definitions

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

#### ATTENDED WATER SUPPLY

A water supply with an individual present at all times during the burning of a fire, who shall have a sufficient supply of water to extinguish the burning.

#### BUILDING MATERIALS

All materials incidental to construction or remodeling of buildings, including but not limited to shingles, asbestos, Styrofoam, wire, insulation and treated wood, but not including untreated wood.

#### BURNING BARREL OR CONTAINER

An above-ground metal barrel, drum or masonry structure which shall have a metal lid to prevent debris from escaping into the air. A burning pit or earthen hole shall not be deemed a container.

#### GARBAGE

All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

#### OPEN FIRE

A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

#### PERSON

Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

#### REFUSE

Garbage, rubbish and trade waste.

#### RUBBISH

Solids not considered to be highly inflammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, ashes, furniture, tin cans, glass, crockery, masonry and other similar materials.

#### TRADE WASTE

All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials, provided that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

### §102. General Regulations

#### A. General regulations.

1. All outdoor burning and fires are expressly prohibited, except as may be authorized under the terms hereof.
2. Any burning permitted by the terms of this chapter shall only be those items or materials

owned by the property owner or generated on the property by said property owner or resident. No person shall burn any items or material on behalf of any other individual for either a fee or gratuitously, nor shall any person bring upon the property of another any materials or items allowed to be burned pursuant to the terms of this chapter for the purpose of burning said items on another person's property.

3. No person or persons shall set or maintain any outdoor burning or fires upon the paved portion of any street, alley or public ground in the Township of Sewickley.
4. No person or persons shall knowingly maintain a fire hazard on any property within the Township of Sewickley.
5. No person or persons shall deliberately, knowingly, carelessly or negligently set fire to or cause the burning of any material in such manner to endanger the safety of any person or property.
6. All outdoor burning or fires shall be limited to the burning of paper products, newspaper and yard waste, excluding leaves, grass and building materials as defined herein, during the hours of 6:00 a.m. to 6:00 p.m. on Wednesdays, and on Saturdays. A waiver may be issued by the Code Enforcement Officer if circumstances foresee the need to burn outside the 6:00 a.m. to 6:00 p.m. on Wednesdays and Saturdays.
7. All outdoor burning or fires in Sewickley Township shall be controlled in a contained area and shall have an attended water supply or equal extinguishing agent throughout the duration of burning.
8. No person or persons shall set or maintain any outdoor burning or fires closer than 20 feet to any property line.
9. No person or persons shall burn or cause to be burned any garbage, rubber, tires, paint, animal waste, plastics, toxic materials or any other matter consisting of rubbish, trade waste, refuse or garbage as defined by this chapter.
10. Outdoor fireplaces, grills, fire pits, and stone rings used solely for recreational purposes shall be exempt from these regulations.
11. Bonfires for amusement purposes shall be permitted permitting that they are not closer than 20 feet to any property line.
12. All fires shall be fully extinguished to ensure that there is no smoke or smoldering of said fire. Bonfires for amusement purposes as permitted above shall also be required to be extinguished so there is no smoke or smoldering of said fire.
13. There shall be no restrictions as to the type of material which may be burned in an agricultural area, with the exception that tires, garbage and rubbish shall not be burned.
14. Nothing contained herein shall regulate or restrict the reasonable and safe use of outdoor burning or fires by any person or persons for or incidental to any valid agricultural purpose within the Township of Sewickley.

### **§103. Burning of Certain Materials Prohibited.**

No person, firm, or corporation shall within the Township burn any garbage or noxious or offensive materials of any kind, including but not limited to automobile, truck, and tractor tires; animal hides, bones, fat, or parts; paints or any other highly inflammable or explosive material.

### **§104. Hours and Days for Burning Set.**

No person, firm, or corporation shall within the Township burn anything at any time except

between the hours of 6:00 A.M. and 6:00 P.M. on Wednesday and Saturday.

**§105. Exceptions.**

This Part shall not apply to any burning within the Township by any person, firm, or corporation which takes place within the interior of a building in any stove, furnace, fire place, or incinerator.

**§106. Outdoor Cooking Devices.**

This Part 1 shall not prohibit use of outdoor cooking devices such as barbecue pits or grills or similar cooking devices when used for cooking, but such devices shall not be used for burning otherwise prohibited by this Part 1.

**~~§107. Outdoor Burning on Private Property.~~**

~~This Part 1 shall not apply to burning of any materials by any person, firm, or corporation within the Township on land which is owned by it at a place which is more than 500 feet, measured in a straight line, from any home or building owned or used by others than the person, firm, or corporation doing the burning.~~

**§107. Landowners' Responsibility.**

It shall be a violation of this Part 1 for any landowner to conduct or permit any burning prohibited by this Part 1 or to actively or passively permit others to conduct such burning upon land of such owner.

**§108. Violation Defined.**

It shall be a violation of this Part 1 for any person, firm, or corporation to assemble materials for a burning prohibited by this Part 1 or to ignite such materials or to otherwise foster or add to such burning, by whoever started.

**§109. Validity.**

Should any section or provision of this Part be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other parts thereof.

**§110. Penalty.**

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

## **Part 2**

### **Smoke and Carbon Monoxide Detectors**

#### **§111. Smoke Detectors - Residential Occupancy**

A. All buildings and structures used for residential occupancy, including but not limited to single-family dwellings, multifamily dwellings, multifamily apartment houses, condominiums, boardinghouses, lodging homes, rooming houses, tourist homes, bed-and-breakfast homes, dormitories, hotels, motels and residential buildings, shall have smoke detectors installed in each sleeping area of said building or structure. Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered as separate sleeping areas for the purpose of this section. Additionally, in each multifamily dwelling, condominium building, or apartment house containing three (3) or more units and in each boardinghouse, lodging home, rooming house, bed-and-breakfast home, tourist home, dormitory, hotel, motel and resident building, smoke detectors shall be installed in the cellar and/or basement and on every floor in common areas (e.g., basements, cellars, hallways, corridors, etc.) in addition to those placed in sleeping areas.

B. It shall be the responsibility of the owner of each new residential occupancy unit and each existing residential occupancy unit in any structure having at least one (1) occupant to install smoke detectors as heretofore provided. It shall be the joint responsibility of the owner and the tenants/residents in all occupied units, and of the owner in all other cases, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of smoke.

#### **§112. Smoke Detectors - Non-Residential Occupancy**

A. In all buildings and or structures in the Township for which a use and/or occupancy permit has been issued, and is not a building or structure used for residential occupancy and in compliance with Section 110 above, smoke detectors shall be installed and placed so as to provide adequate coverage for the structure in accordance with standards set forth in the Uniform Construction Code, and International Fire Code, and all other such Codes as adopted pursuant to Township of Sewickley Code Chapter 5 Section 401.

B. It shall be the responsibility of the owner of each new structure and each existing structure having at least one (1) occupant, other than those buildings and structures used for residential occupancy and in compliance with Section 110 above, to install smoke detectors as heretofore provided. It shall be the joint responsibility of the owners and tenants/occupants in all such occupied units, and of the owner in all such unoccupied units, if any, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electrical source so that they remain capable of transmitting an audible signal in the presence of smoke.

#### **§113. Carbon Monoxide Detectors**

- A. Carbon monoxide detectors shall be installed in all occupied buildings and structures within fifteen (15) feet of any fossil fuel burning fireplace, appliance, furnace, heating source and any other fossil fuel burning device, and any attached garage. Fossil fuel shall include, without limitation, gasoline, coal, propane, natural gas, heating oil, and other similar fuels, and shall also be defined to include wood, wood pellets, corn kernels, pits, and other similar combustible fuel used to heat homes or otherwise be combusted.
- B. It shall be the responsibility of the owner of each new occupancy unit, residential, commercial or otherwise, and each existing occupancy unit in any structure having at least one (1) occupant to install carbon monoxide detectors as heretofore provided. It shall be the joint responsibility of the owner and the tenants/residents in all occupied units and of the owner in all other cases to maintain said carbon monoxide detectors. Such maintenance shall include keeping the carbon monoxide detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of carbon monoxide.

**§114. Specifications; maintenance.**

- A. Each smoke detector shall be capable of sensing visible or invisible particles of combustion and shall be capable of producing an audible alarm thereof. Each carbon monoxide detector shall be capable of detecting carbon monoxide through the use of a biometric sensor or other operable sensor. Each detection device utilized shall be maintained in operable condition and shall be of a type certified by a nationally recognized inspection agency, such as Underwriter's Laboratories, Inc., as a properly operating fire and/or carbon monoxide detection device for the protection of life and safety.

**§115. Prohibited acts.**

- A. In addition to any owner or tenant who fails to carry out the obligations imposed hereby, any person or persons who remove or destroy any smoke and/or carbon monoxide detector(s) (except the owner or tenant for the purpose of immediate replacement) shall be deemed in violation of this chapter.

**§116. Power supply.**

- A. In any new construction, smoke and/or carbon monoxide detectors shall be hard-wired directly to the building's power supply.
- B. In all existing structures, it is preferred that smoke and/or carbon monoxide detectors be hard-wired to the building's power supply; however, a battery powered detectors are acceptable where a hardwired smoke and/or carbon monoxide detector is not economically feasible.
- C. All areas of existing structures that are renovated, including the opening of any wall or ceiling, shall be constructed to include hard wired smoke and/or carbon monoxide detectors.

- D. All additions to existing structures shall be constructed to include hardwired smoke and/or carbon monoxide detectors, where appropriate under this Part 2 of Chapter 7.

**§117. Alternative fire detection and/or prevention systems.**

- A. Alternative fire and/or carbon monoxide detection and/or prevention systems may be installed as a substitute for the smoke and/or carbon monoxide detectors required hereunder, provided that such alternative smoke and/or carbon monoxide detectors/prevention system has been individually approved and a permit therefore issued by the Code Enforcement Officer of the Township (or such other persons as the Township Board of Supervisors shall designate by resolution). Alternate smoke and/or carbon monoxide detection and/or prevention systems installed and in operation prior to and on the effective date of this Part of this Chapter are hereby deemed acceptable, provided that such systems are in conformance with the standards of this Part of this Chapter.

**§118. Effect on Other Provision of the Code**

- A. This Part is intended to establish a minimum requirement for fire detection devices in buildings and structures located within the Township. Residents and building owners in the Township are encouraged to research fire safety and install addition smoke and/or carbon monoxide detectors exceeding the requirements of the Part, if appropriate. The standards provided herein are additional to the provisions of the Codes adopted pursuant to the Township of Sewickley Code Chapter 5 Section 401 and any other provision of the Township of Sewickley Code. To the extent that the standards provided in other Sections of this Code are more stringent, or in the alternative the provisions of this Part 2 of Chapter 7 are more stringent, the more stringent provisions shall be controlling.

**§119. Violations and penalties.**

- A. Any person who violates this chapter shall, upon conviction thereof before any District Justice of the Township or any other court having jurisdiction over the same, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days.
- B. Any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof before any District Justice in the Township or other court having jurisdiction over the same, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days.
- C. Each day that a violation continues shall be deemed a separate offense.

**Part 3**

## **Fire Insurance Escrow Requirements**

### **§120. Designated Officer.**

The Township Secretary, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

### **§121. Fire Loss Certificate.**

No insurance company, association or exchange (hereinafter the "Insuring Agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Sewickley (hereinafter "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds Seven Thousand Five Hundred (\$7,500.00) Dollars, unless the Insuring Agent is furnished by the municipal treasurer with a municipal certificate pursuant to Section 508 (B) of Act 98 of 1992 as amended and unless there is compliance with Section 508 (C) of Act 98 of 1992 as amended and the provisions of this Ordinance.

The municipal treasurer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, furnish the insurance company, association or exchange either of the following within fourteen (14) working days of the request:

- (i) a certificate or, at the discretion of the municipality, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the treasurer's certificate or verbal notification, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property; or
- (ii) a certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the treasurer's certificate, the amount of the total costs, if any, certified to the treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property. For the purposes of this subclause, the municipality shall certify to the treasurer the total amount, if any, of such costs. A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the municipality under applicable law.

### **§122. Fire Loss Procedure.**

Where pursuant to Section 508 (B)(1)(I) of Act 98 of 1992, as amended, the municipal treasurer issues a certificate indicating that there are not delinquent taxes, assessments, penalties, or user charges against real property, the Insuring Agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the Insuring Agent equals or exceeds sixty (60%) percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

1. The Insuring Agent shall transfer from the insurance proceeds to the designated



officer of the Municipality in the aggregate of \$2,000.00 for each \$15,000.00 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$15,000.00 or less, the amount transferred to the Municipality shall be \$2,000.00; or

2. If at the time of a proof of loss agreed to between the named insured and the Insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the Insuring Agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
3. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
4. After the transfer, the named insured shall submit a contractor's signed estimate within sixty (60) days of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality in excess of the estimate to the named insured, if the Municipality has not commenced to remove, repair or secure the building or other structure.
5. Upon receipt of the proceeds under this section, the Municipality shall do the following:
  - a) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Municipality. Such costs shall include, all reasonable and customary engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair, or securing of the building or any proceedings related thereto; and
  - b) It is the obligation of the Insuring Agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and
  - c) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and
  - d) To the extent that interest is earned on proceeds held by the Municipality pursuant to this Section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that the proceeds are returned to the named insured, interest earned on such proceeds shall

be distributed to the named insured at the time that the proceeds are returned.

6. Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

#### **§123. Additional Procedures and Regulations.**

The Board of Supervisors may by Resolution adopt procedures and regulations to implement Act 98 of 1992 as amended and this Ordinance and may by Resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 as amended and this Ordinance, including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

#### **§124. Enforcement.**

Any owner of property, any named insured or any Insuring Agent who violates this Ordinance shall be subject to a penalty of up to \$1,000.00 per violation.

#### **§125. Severability.**

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

#### **§126. Conflicting Law.**

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Part 2 of Chapter 7 of the Township of Sewickley Code are hereby repealed insofar as the same affect this Ordinance.

### **Part 4**

#### **Fire Departments Reporting and Accountability**

*(added per ordinance 1 of 2022)*

#### **§127. Criteria Establishment.**

The Board of Supervisors may, by majority vote, establish annual reporting criteria to be provided to the Township by the Fire Departments who are based in the Township, designated as first responders and eligible for Township funds. The Board may also request the same information from other companies who request to be designated first responders for specific areas of the Township prior to their designation.

#### **§128. Penalties**

For the purposes of promoting the health, safety and general welfare of the Township of Sewickley, the Board of Supervisors shall review all fire department and 911 reporting protocols as required, and at a minimum annually, and shall communicate to the departments and/or 911 any requested revisions to said protocols. The Board of Supervisors may, by resolution, take appropriate action against any fire company that has failed to comply with the Township's reporting requirements, established protocols and /or otherwise failed to perform within accepted

fire industry standards and protocols.

### **§129. Suspension Revocation**

The Township of Sewickley may, by resolution, suspend or revoke any, and all authorizations granted to any volunteer fire company to operate as a fire company and/or emergency service provider for the Township of Sewickley and may withhold and/or reallocate funds until such time as said fire company comes into compliance with the requirements for operations as set forth by the Township Supervisors.

### **§130. Reinstatement**

The Township of Sewickley Board of Supervisors shall review any proper request for reinstatement made to the Board of Supervisors by any fire company whose operating privileges have been suspended or revoked under Section 128 of this ordinance. Any request for reconsideration must be accompanied by a certification from the fire company's chief that all requirements imposed by the Board of Supervisors in its suspension/revocation resolution have been met and all documents, if any, requested by the Board of Supervisors have been submitted to the Township for review and consideration.

## **Part 5 Fireworks**

### **§131. Definitions**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Consumer fireworks."

(1) The term includes any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, 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 complies with the provisions for "consumer fireworks" as defined in APA 87-1, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices such as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

"Display fireworks." As defined in 27 CFR 555.11 (relating to meaning of terms).

"Municipality." A city, borough, incorporated town or township.

"Vehicle." Every device in, upon or by which any person or property is or may be transported or

drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

## **§132. General Regulations**

### Use of display fireworks.

(a) Prohibition.--No display fireworks shall be ignited within 300 feet of a facility.

(b) Permit.--Permission shall be given by the governing body of a municipality under reasonable rules and regulations for displays of display fireworks to be held within the municipality. After permission is granted and a hold-harmless agreement is approved, purchase, possession and use of display fireworks shall be lawful for the use outlined in the permit only. Permits shall not be transferable.

(c) Limitations.--Each use of display fireworks shall be:

(1) handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training; and

(2) so located, discharged or fired as, in the opinion of the chief of the fire department or other appropriate officer as may be designated by the governing body of the municipality, after proper inspection, to not be hazardous to property or endanger any person.

(d) Insurance.--The governing body of the municipality shall require a permittee to carry insurance in an amount not less than \$1,000,000 conditioned for the payment of all damages which may be caused to a person or property by reason of the use of display fireworks and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee.

(e) Permit extension.--A municipality may grant an extension for a permit issued under this section to a new date for displays canceled due to unfavorable weather or other circumstances beyond the control of the permittee.

### Use of consumer fireworks.

(a) Conditions.--A person who is at least 18 years of age may purchase, possess and use consumer fireworks.

(b) Prohibitions.--A person may not intentionally use consumer fireworks:

(1) On private property or on public property, including, but not limited to, streets, parking lots, sidewalks and parks, without the express permission of the owner or entity that controls the property.

(2) Within, directed at or directed from a vehicle or building.

(3) Directed at another person.

(4) While the person is under the influence of alcohol, a controlled substance or another drug.

(5) Within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the consumer fireworks.

(c) Conditional use.--No person may use consumer fireworks within 150 feet of an animal housing facility or a fenced area designed to confine livestock owned or managed by another person. If a person uses consumer fireworks at a distance of 150 to 300 feet from an animal housing facility or fenced area designed to confine livestock owned or managed by another person, the user of consumer fireworks shall notify in writing the owner or manager of the livestock at least 72 hours in advance of the use that consumer fireworks will be used in the area.

#### Rules and regulations by municipality.

(a) Authorization.--

(1) Except for the limitations under subsection (b), a municipality may enact conditions, prohibitions and limitations on the use and sale of consumer fireworks that are not in conflict with this chapter.

(2) Except for the limitations under subsection (b), a municipality may require a permit for the use of consumer fireworks. A fee for a permit shall be reasonable.

(3) A municipality may prohibit the use of consumer fireworks if the use of the consumer fireworks within the municipality cannot comply with section relating to use of consumer fireworks.

(4) Except for the limitations under subsection (b), a municipality may enact the following restrictions on the use of consumer fireworks: Consumer fireworks may not be used between the hours of 10:00 p.m. and 10:00 a.m., except:

(i) on July 2, 3 and 4 and December 31, when consumer fireworks may be used until 1:00 a.m. the following day; and

(ii) 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.

(b) Limitations.--Except for authority exercised under subsection (a)(3), no municipality shall restrict or regulate the use of consumer fireworks on the following days:

(1) The days listed in subsection (a)(4)(i) and (ii).

(2) Memorial Day, including the immediately preceding Saturday and Sunday.

(3) Labor Day, including the immediately preceding Saturday and Sunday.

**§133. Violations and penalties**

Any person violated any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and cost of prosecution, provided that each violation of any provision of this article and each day the same continues shall be deemed a separate offense.