



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE AGRICULTURE AND
RURAL AFFAIRS COMMITTEE**

ON

HOUSE BILL 1687 (*PN 2287*)

PRESENTED BY

**JOSEPH H. GERDES III
DIRECTOR OF GOVERNMENT RELATIONS**

**SEPTEMBER 24, 2019
HARRISBURG, PA**

4855 Woodland Drive Enola, PA 17025-1291 Internet: www.psats.org

PSATS Pennsylvania Township News Telephone: (717) 763-0930 Fax: (717) 763-9732

Trustees Insurance Fund Unemployment Compensation Group Trust Telephone: (800) 382-1268 Fax: (717) 730-0209

Chairman Causer and members of the House Agriculture and Rural Affairs Committee:

Good morning. My name is Joe Gerdes and I am the director of government relations for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of the 1,454 townships in Pennsylvania represented by the Association.

The Association is a non-partisan, non-profit member service organization. Member townships represents 5.6 million Pennsylvanians — more residents than any other type of Pennsylvania municipal government and cover 95 percent of the commonwealth's land mass. Thank you for giving us the opportunity to comment on an issue that is impacting many of our members.

HB 1687 (PN 2287) provides for the regulation of fireworks in Pennsylvania and would codify and revise the most recent changes to fireworks regulations that were adopted in 2017, when the state made it legal for Pennsylvania residents 18 or older to purchase consumer fireworks. Prior to the 2017 change, a Pennsylvania resident could only purchase and use consumer fireworks if they first obtained a permit for their municipality.

The reality is that consumer fireworks are now legal, which has brought challenges to our members in part due to the lack of common sense among some users, but also due to the difficulty of enforcing some of the restrictions in the current law. It has brought significant challenges to many townships, both suburban and rural.

In some townships, consumer fireworks are used night after night and even day after day, prompting a rash of complaints. On holidays, the night sky lights up for hours over suburban neighborhoods as competing displays of consumer fireworks take place in nearly every development. In many cases, these displays of consumer fireworks are taking place from porches or on lots too small to meet the current setback of 150 feet away from an occupied structure or with disregard to the direction with which the consumer fireworks are shot. While most would agree that a few nights a year is reasonable, there are those who have taken the use of consumer fireworks to a whole new level and insist on using them daily, without regard to their neighbor's requests to stop.

While PSATS' members have not set specific policy on this issue, we are strong supporters of local control and this is an issue where local officials need some discretion to set reasonable local rules for the peace and safety of their communities. These rules may differ based on local conditions and preferences.

Consumer fireworks

HB 1687 would clarify several current prohibitions on the use of consumer fireworks, including changing the term "occupied structure" to building. The bill would restrict the hours when fireworks could be used to between 10pm and 10am except on certain holidays. However, this doesn't restrict an individual from choosing to set off displays every evening or day that could go on for hours, which the neighbors may consider to be a serious nuisance.

While we appreciate that Section 906 would enable a municipality to "enact conditions, prohibitions and limitations" on the use of consumer fireworks that are "not in conflict with this

chapter,” we do not believe it is sufficiently clear what, exactly, a township could regulate without being in conflict. We believe preferable language would list all state minimums and specifically allow a municipality to adopt customized regulations for community safety that exceed these minimums.

Townships should have the ability to reasonably regulate the frequency and length of consumer fireworks displays, including how many times per week they may take place, as well as additional limitations on the hours they may take place. The bill appears to grant this authority, however, it would be helpful if all of the days that the public has the right to use consumer fireworks were listed in one section.

While the existing statute currently requires the use of consumer fireworks to be at least 150 feet from an occupied structure, a township should be able to enact additional reasonable regulations, such as prohibiting use in a certain zoning district or an entire municipality based on lot sizes which make meeting the 150-foot setback impossible. Township officials should be able to set larger setbacks or restrictions based on safety and local conditions.

We appreciate the requirement for written notice of the state rules for consumer fireworks be provided or posted at the sales locations, with the addition of local conditions. It would be helpful if this also listed the penalties for violating the state rules, which HB 1687 would appropriately increase, as well as best practices for the use and storage of fireworks.

Display fireworks

We suggest that some changes be made to the language authorizing municipalities to issue permits for the use of display fireworks. Specifically, the minimum criteria for a permit should include that the operator has all required federal licenses and is in compliance with applicable federal law, not just that they are 21 years of age and “competent.” While the bill designates the chief of the fire department or other appropriate official for the site inspection, it may be more appropriate to eliminate the specific reference to the chief and leave this appointment to the discretion of the municipality, which may choose their commercial inspector. The bonding amount of not less than \$1,000 seems inadequate considering that the 1939 act required a minimum bond of \$500 for the use of consumer fireworks. While municipalities may exceed this threshold, the floor should be set higher.

In closing, PSATS is a strong proponent of local control and we believe that townships need the ability to adopt safe and reasonable fireworks regulations that exceed state minimums and provide for local conditions. We believe the bill’s provisions for local control are a step in the right direction, but that additional clarification is needed as to what areas are preempted and what specific authority that municipalities would have to exceed the provisions in HB 1687.

Thank you for this opportunity, and I will now be available to answer any questions.