

CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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CITY COUNCIL

JUNE 6, 2023

6:00 P.M. Cathy Payne, City Clerk

1. Resolution temporarily suspending the Ordinance pertaining to the open consumption of alcoholic beverages for the Rainbow Alliance Pridefest 2023 on June 25, 2023. (Spacetime Mead & Cider Works)

**-ORDINANCE FOR SECOND AND FINAL READING-**

**FILE OF COUNCIL NO. 3 OF 2023** – AN ORDINANCE OF THE CITY OF WILKES-BARRE REPEALING ARTICLE V. OF CHAPTER 10 OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES ENTITLED “CONSUMER FIREWORKS” AND REPLACING IT WITH A NEW ARTICLE V.

6:10 P.M. Mayor George C. Brown (See Attached)

**WILKES-BARRE CITY COUNCIL**  
**WORK SESSION – JUNE 6, 2023**  
**MAYOR’S AGENDA**

**RESOLUTIONS:**

Authorizing the proper city officials in preparing and submitting the necessary application to the Commonwealth Financing Authority of the Commonwealth of Pennsylvania through the Greenway, Trails and Recreation Program for the West Bank Riverfront Park Revitalization project grant in the amount of \$250,000.00. The project will focus on the Kirby Park Upland area and improvements will consist of pond rehabilitation, new pedestrian trails, educational kiosks, safety lighting, benches, trash receptacles and directional signage.

Authorizing the proper city officials to enter an agreement in the amount of \$975,860.00 with Farber Specialty Vehicles, 7052 Americana Parkway, Columbus Ohio, for the purchase of a 45-foot mobile clinic. Funding from the Epidemiology and Laboratory and Capacity Grant from the Pennsylvania Department of Health will be used to purchase the vehicle.

Authorizing the proper city officials to enter into an agreement in the amount of \$650,000.00 with Esri to better engage the community and improve operational efficiencies through Esri’s software, services, and training program for multi-departmental collaboration. Funding will be provided by an Epidemiology and Laboratory Capacity Grant from the Pennsylvania Department of Health.



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

Whereas, the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following events:

Event:	Rainbow Alliance Pridefest 2023
Sponsor:	Spacetime Mead & Cider Works
Designated Area:	Eastern corner of Public Square
Dates:	June 25, 2023
Time:	12:00 p.m. – 4:00 p.m.
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to the above-referenced events and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

Submitted by \_\_\_\_\_

ROLL CALL

# SPACETIME

## MEAD & CIDER WORKS

419 S. Blakley St Dunmore PA 18512

Spacetimemeadworks.com

May 27, 2023

Dear Cathy Payne,

I am requesting permission to sell bottles of wine at the Rainbow Alliance Pridefest 2023 to be held on Public Square in Wilkes-Barre on June 25<sup>th</sup>. We are one of the many sponsors of this event. It is my understanding that Wilkes-Barre City requires City Council approval for any alcohol sales that would occur on Public Square.

Our intent is to sell bottles of honey wine (mead), and apple wine/cider "to go", much like we have done at craft events held off the square area in Wilkes-Barre. We do not sell "by the glass".

We have a Wilkes-Barre Mobile Food Vendor License, 2022-2023 attached, awaiting to receive 2023-2024's. Our last community supporting event attendance in Wilkes-Barre was the Kirby Fest fundraiser.

We are a limited winery located in Dunmore, PA, licensed by both the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) and PA LCB. We opened in 2018 and specialize in honey wine (mead), apple, maple, and other fruit wines. We are a "PA Preferred Winery" having committed to sourcing our ingredients from Pennsylvania whenever possible, with most from within 50 miles of the winery.

If you require any additional information I can be reached by cell or email.

Regards,

Dan Schreffler

President and Wine Maker

570-313-0722

[timelord@spacetimemeadworks.com](mailto:timelord@spacetimemeadworks.com)

**FILE OF COUNCIL**

**Presented in City Council on May 25, 2023**

**NO. \_\_\_\_\_ of 2023**

**AN ORDINANCE**

**AN ORDINANCE OF THE CITY OF WILKES-BARRE REPEALING ARTICLE V. OF CHAPTER 10 OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES ENTITLED "CONSUMER FIREWORKS" AND REPLACING IT WITH A NEW ARTICLE V.**

**WHEREAS**, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa. C.S. Chapter 11 (hereafter, "Fireworks Law" or "Law"), and became effective on September 9, 2022; and

**WHEREAS**, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

**WHEREAS**, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

**WHEREAS**, the Fireworks Law authorizes the adoption of local rules and regulations by the City of Wilkes-Barre that govern permit approvals; and

**WHEREAS**, the City of Wilkes-Barre has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety; and

**WHEREAS**, the Council of the City of Wilkes-Barre has determined that the use of Consumer Fireworks within the City of Wilkes-Barre limits would violate the prohibition in the Fireworks Law and specifically Sections 1106(a)(1.2) and 1104(b)(5) (relating to use of consumer fireworks), and would be contrary to the public interest and harmful to public safety; and

**WHEREAS**, the Council of the City of Wilkes-Barre desires to regulate the use of Display Fireworks and Consumer Fireworks within the City of Wilkes-Barre limits.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED** and enacted by the City Council of the City of Wilkes-Barre, Pennsylvania, as follows:

## **ARTICLE V. CONSUMER AND DISPLAY FIREWORKS.**

### **Sec. 10-56.**     *Definitions.*

For purposes of this Ordinance, the definitions of "Consumer Fireworks" and "Display Fireworks" shall be those set forth in Section 1 of the Fireworks Law, and any successor legislation. As set forth therein, the term "Consumer Fireworks" shall not include devices such as "ground and hand-held sparkling devices," "novelties," or "toy caps."

### **Sec. 10-57.**     *Display Fireworks.*

1.     In accordance with the Fireworks Law, a permit is required before any use of Display Fireworks within the limits of the City of Wilkes-Barre. Permit application forms are available through the Fire Department during normal business hours. The application must include facts sufficient to establish that the Display Fireworks will not be ignited within 300 feet of sales locations for Consumer Fireworks and that the Display Fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, all in accordance with Section 1102 and 1107 of the Fireworks Law. The application must include the approval of the Chief of the fire department or other appropriate official as may be designated by the City of Wilkes-Barre and that the Display Fireworks will not be located, discharged or fired in such a manner as to be hazardous to property or an endangerment to any person. The application shall be accompanied by a certificate of insurance in accordance with Subsection 1102(d) of the Law. The applicant must acknowledge acceptance of the requirements otherwise established by State and federal law. Permit extensions shall be permitted in accordance with Subsection 1102(e), provided the extension sought receives a renewed approval by the designated official that the extended use would not be hazardous to property or an endangerment to any person.

2.     Applications for use of Display Fireworks shall be submitted at least two (2) weeks prior to the date of the proposed use. Permits for the use of Display Fireworks may be granted by the Fire Chief of the City of Wilkes-Barre, or by such official or officials designated by the Mayor of the City of Wilkes-Barre, upon approval of the application and payment of a fee of Two Hundred (\$200.00) dollars.

### **Sec. 10-58.**     *Consumer Fireworks.*

It shall be unlawful for any person to ignite or discharge Consumer Fireworks on any city street, sidewalk, or any property owned by the city, including, without limitation, all of the city's parks and public buildings. In addition, in accordance with the Fireworks Law, and based upon the determination that there are no other locations within the City of Wilkes-Barre limits that meet the statutory requirements, including but not limited to the prohibition of use within 150

feet of a building or vehicle, the use of Consumer Fireworks within those limits in accordance with Section 1104(b)(5) of the Law is hereby prohibited.

**Sec. 10-59.**     *Availability.*

Certified copies of this Ordinance shall be provided to the Magisterial District Judges within the City of Wilkes-Barre, posted on the City of Wilkes-Barre's website, and made available to the public at the City of Wilkes-Barre Fire Department.

**Sec. 10-60.**     *Sale of Consumer Fireworks.*

Nothing in this Ordinance governs the sale of Consumer Fireworks for the period of one (1) year from the effective date of the Fireworks Law in accordance with Section 1106 (a)(2) of the Law.

**Sec. 10-61.**     *Penalties.*

6.1     In accordance with the provisions of Section 1114(1) of the Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition or any other penalty authorized by law, be punishable by a fine of not more than Five hundred (\$500.00) dollars.

6.2     Any person selling Consumer Fireworks in violation of the Law is punishable in accordance with Section 1114(2) be punishable by a fine not less than Ten Thousand (\$10,000.00) dollars.

6.3     Any person selling or using Display Fireworks in violation of the Law is punishable in accordance with Section 1114(3) by a fine of not less than Ten thousand (\$10,000.00) dollars.

**SEVERABILITY.**

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

**REPEALER.**

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances (or parts thereof) not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2023.

This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Cathy Payne, City Clerk





Resolution No. \_\_\_\_\_ Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

**BE IT RESOLVED**, that the City of Wilkes-Barre, Luzerne County has submitted a Greenway, Trails and Recreation Program grant of \$250,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the West Bank Riverfront Park Revitalization project. The project will focus on the Kirby Park Upland area and improvements will consist of pond rehabilitation, new pedestrian trails, educational kiosks, safety lighting, benches, trash receptacles, and directional signage.

**BE IT FURTHER RESOLVED**, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the West Bank Riverfront Park Revitalization project, if the application is approved.

**NOW, THEREFORE, BE IT RESOLVED**, that the actions of the proper city officials in preparing and submitting the necessary application to the Commonwealth Financing Authority of the Commonwealth of Pennsylvania through the Greenway, Trails and Recreation Program for the West Bank Riverfront Park Revitalization project grant be and hereby are ratified.

Submitted by \_\_\_\_\_

ROLL CALL



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

Authorizing the proper city officials to enter an agreement in the amount of \$975,860 with Farber Specialty Vehicles, 7052 Americana Parkway, Columbus, Ohio, for the purchase of a 45foot mobile clinic. Funding from an Epidemiology and Laboratory and Capacity Grant from the Pennsylvania Department of Health will be used to purchase the vehicle.

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Submitted by \_\_\_\_\_

**ROLL CALL**