

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

JULY 12, 2018

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
JULY 12, 2018

CONSENT AGENDA (RESOLUTIONS)

Authorizing payment of the change order related to the demolition of 121-123 Academy Street (the former Academy Market) to A.R. Popple.

Execute a Consulting Agreement with Aelaric, Inc. related to performing Information Technology (IT) services and support for one year.

Authorizing the disposition of records from the Fire Department.

Enter into an agreement with the most qualified bank for lease purchase of a 2019 Mack Model Granite 64BR 25 cu. yd. garbage packer.

Enter into an agreement with the Pennsylvania Department of Transportation to own and provide maintenance for an ADA Crosswalk and signal near the intersection of SR1011 (West North Street) and North Franklin Street.

MINUTES

Of the Public Hearing of City Council of June 11, 2018.

Of the Wyoming Valley Sanitary Authority of May 15, 2018.

Of the Parking Authority of April 17, 2018.

Of the Planning Commission (from September 2017 – June 2018).

Of the Traffic Committee (from August 2017 – May 2018).

**CITY COUNCIL
JULY 12, 2018**

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 6 OF 2018 – AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PARKING, STOPPING AND STANDING”. (SECOND AND FINAL READING) (APPEAL FROM PARKING TICKET VIOLATION).

FILE OF COUNCIL NO. 7 OF 2018 – AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PARKING, STOPPING AND STANDING”. (SECOND AND FINAL READING) (PROHIBITED PARKING VIOLATIONS, FEES AND PENALTIES)

FILE OF COUNCIL NO. 8 OF 2018 – AN ORDINANCE AMENDING SECTION 18-12 OF CHAPTER 18 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “NUISANCES”. (SECOND AND FINAL READING) (STORAGE OF MOTOR VEHICLES ON PRIVATE GROUNDS – NOTICE PROCEDURE)

FILE OF COUNCIL NO. 9 OF 2018 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. (FIRST READING)

FILE OF COUNCIL NO. 10 OF 2018 – AN ORDINANCE AMENDING CHAPTER 10 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “FIRE PREVENTION AND PROTECTION.” (FIRST READING) (FIREWORKS)



Resolution No. _____

Wilkes-Barre, PA _____

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to pay \$3,800.00 of the change order related to the demolition of 121-123 Academy Street (the former Academy Market) to A.R. Popple.

BE IT FURTHER RESOLVED that the payment related thereto be made from OECD Budget.

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

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

THAT, the proper city officials are hereby authorized to execute a Consulting Agreement (and any other related documents) with Aelaric, Inc. related to performing Information Technology (IT) services and support for a period of one (1) year.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS, by virtue of Resolution No. R0022-09, adopted February 26, 2009, The City of Wilkes-Barre declared its intent to follow the schedules and procedures for the Disposition of records set forth in the Municipal Records Manual approved December 16, 2008, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE BE IT RESOLVED that the City Council of Wilkes-Barre, Luzerne County, Pennsylvania, In accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Office/Department: Fire Department

Wilkes-Barre City Records (Ambulance Insurance & signature sheets, Payroll)

Medic 3-Insurance Sheets

2009 - January to July	1 cu. ft.
2009 - July to November	1 cu. ft.
2009 - November to December	1 cu. ft.
2010 - January to March	1 cu. ft.
2010 - April to August	1 cu. ft.
2010 - September to December	1 cu. ft.
2011 - January to June	1 cu. ft.
2011 - July to December	1 cu. ft.

Medic 5 - Insurance Sheets

2009 - January to March	1 cu. ft.
2009 - April	1 cu. ft.
2009 - April to August	1 cu. ft.
2009 - September to December	1 cu. ft.
2010 - January to December	1 cu. ft.
2011 - January to June	1 cu. ft.
2011 - July to December	1 cu. ft.

Submitted by _____

ROLL CALL

Ambulance Signature Sheets

Medic 3

January to March 2009 1 cu. ft.

September 10, 2010 to February 20, 2011 1 cu. ft.

February 21, 2011 to August 26, 2011 1 cu. ft.

August 26, 2011 to July 14, 2012 1 cu. ft.

Medic 5

January 2010 – August 2010 1 cu. ft.

September 2010 – December 2010 1 cu. ft.

January 2011 – February 2011 1 cu. ft.

March 2011 – June 2011 1 cu. ft.

July 2011 – December 2011 1 cu. ft.

Payroll Sheets:

2009, 2010, 2011, 2012, 2013, 2014 10 cu. ft.

Clothing P.O. Books: #1 to #69 February 4, 2005 to April 11, 2017	1 cu. ft.
Clothing Bills 2010, 2011	1 cu. ft.
Requests for Ambulance Reports: 2007 to 2009, 2010 to 2011	
Refusals & Releases: 2009, 2010, 2011, 2012	1 cu. ft.
Captains file: 1980 to 2013	1 cu. ft.
Monthly Company Reports: 2009-2013	1 cu. ft.
Vendors Files:	
2009, 2010, 2011	1 cu. ft.
2012, 2013, 2014	3 cu. ft.
2015	1 cu. ft.
<u>TOTAL</u>	<u>44 cu. ft.</u>



Resolution No. _____ Wilkes-Barre, PA _____

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

To hereby authorize the proper city officials to enter into an agreement with the most qualified bank for lease purchase of a 2019 Mack Model Granite 64BR 25 cu. Yd. Garbage Packer. The Packer will be purchased through the State Co-Starts Program and the cost is \$199,500.00

And further the funds for this purchase will come from the General Fund in an existing DPW Equipment Lease line.

Submitted by _____

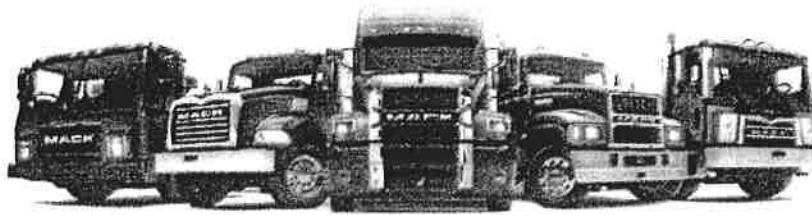
ROLL CALL

In Progress

Date 6/29/2018

Quote no. TRIP2018000040A447

GRANITE 64BR



Quote For
CITY OF WILKES BARRE

By
Tim Leahey
TRIPLE CITIES MACK

In Progress

Date 6/29/2018

Quote no. TRIP2018000040A447

Technical Specification Summary

VEHICLE USE & BODY/TRAILER TYPE APPLICATION RECOMMENDATIONS ENGINE	REFUSE REAR LOADER TRUCK WITHOUT SPECIAL SALES PACKAGE MP7-375M MACK 375HP @ 1500-1900 RPM (PEAK) 2100 RPM (GOV) 1360 LB-FT, US'17 4500 RDS 6 SP-ALLISON RUGGED DUTY SERIES GEN 5 W/PROGNOSTICS
TRANSMISSION	OMIT CLUTCH TRANSMISSION OUTPUT TORQUE BASIC
CLUTCH TRANSMISSION OUTPUT TORQUE FRONT AXLE	20000# (9100 KG) MACK FXL20 WIDE PIVOT CENTER STRAIGHT SPINDLE/UNITIZED BEARINGS MACK TAPERLEAF 20000# (9100 KG) GROUND LOAD RATING
SPRINGS - FRONT	MERITOR "S" CAM TYPE 16.5" x 6" Q+
BRAKES - FRONT REAR AXLES - TANDEM	46000# (20900kg) MACK S462R CAST DUCTILE HOUSING
CARRIER - REAR AXLE	CRDP150/151 AVAILABLE WITH OPTIONAL DRIVER CONTROLLED INTERWHEEL DIFFERENTIAL LOCKS, SEE 254 SYMBOL
REAR AXLE RATIO REAR SUSPENSION - TANDEM BOGIE SPREAD, REAR BRAKES - REAR WHEELBASE AF (OVERHANG) FUEL TANK - LH	5.04 RATIO SS462 MACK MULTILEAF (CAMELBACK) 46000# - EXTRA THICK SPRING THICKNESS 50" AXLE SPACING (BOGIE WHEELBASE) MERITOR "S" CAM 16.5"x7" Q+ 228" 63"
FUEL TANK - RH SLEEPER BOX TIRES BRAND/TYPE - FRONT	66 GALLON (250 L) 22" ALUMINUM, SLEEVED D-SHAPED W/O RH FUEL TANK Day Cab (No Sleeper)
WHEELS - FRONT	315/80R22.5 L BRIDGESTONE M860A (ALL POSITIONS) 22.5x9.00 HAYES LEMMERZ STEEL DISC 10-HOLE HUB PILOTED, FIVE HAND HOLES(11 1/4"/286mm BC)6.42" INSET
TIRES BRAND/TYPE - REAR	11R22.5 G BRIDGESTONE M726 EL A (DRIVE ONLY)
WHEELS - REAR	22.5x8.25 HAYES LEMMERZ STEEL DISC 10-HOLE HUB PILOTED, FIVE HAND HOLES (11 1/4"/286 mm BC)
DRIVE WHEEL STUDS SOFTWARE DOWNLOAD PASSWORD SOFTWARE DOWNLOAD NOTIFICATION	DRIVE WHEEL STUDS BASIC LENGTH WITHOUT SOFTWARE DOWNLOAD PASSWORD SOFTWARE DOWNLOAD NOTIFICATION TO DRIVER, POPUP & ICON



In Progress

Date 6/29/2018

Quote no. TRIP2018000040A447

PAINT DESIGN SINGLE COLOR
PAINT COLOR - FIRST COLOR MACK WHITE (HIGH GLOSS)

1 GRANITE 64BR

Market Extras

19B Freight (28)	\$ 2,100.00
19B GHG Emission Surcharge (28)	\$ 750.00

Vehicle Sales Price	\$ 199,500.00
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Total Price	\$ 199,500.00
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Resolution No. _____

Wilkes-Barre, PA _____

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

To hereby authorize the proper city officials to enter into an agreement with the Pennsylvania Department of Transportation to own and provide maintenance for an ADA Crosswalk and signal near the intersection of SR1011 (West North Street) and North Franklin St.
See attached documentation.

And Further that the installation of the ADA devices will be at no cost to the City of Wilkes-Barre.

Submitted by _____

ROLL CALL

Application for Traffic Signal Approval

Please Type or Print all information in Blue or Black Ink



pennsylvania
DEPARTMENT OF TRANSPORTATION

County : _____
Engineering District : _____
Department Tracking # : _____
Initial Submission Date : _____

A - Applicant's (Municipal) Contact Information

Municipal Contact's Name : Attilio Frati Title : Director of Operations
Municipal Name : City of Wilkes-Barre
Municipal Address : 40 East Market Street, Wilkes-Barre, PA 18711
Municipal Phone Number : 570-208-4164 Alternative Phone Number : _____
E-mail Address : bfrati@wilkes-barre.pa.us
Municipal Hours of Operation : Mon-Fri 8:00 am - 4:00 pm

B - Application Description

Location (*intersection*) : SR 1011 (W North Street) and N. Franklin Street and advance Speed Display Signs
Traffic Control Device is : ☒ NEW Traffic Signal ☐ EXISTING Traffic Signal (Permit Number) : _____
Type of Device (*select one*) ☐ Traffic Control Signal (MUTCD Section 4D, 4E, 4G) ☒ Flashing Beacon (MUTCD Section 4L) ☐ School Warning System (MUTCD Section 7B)
☐ Other : _____
Is Traffic Signal part of a system? : ☐ YES ☒ NO System Number (*if applicable*) : _____
If YES, provide locations of all signalized intersections in system.

Explain the proposed improvements :

Installation of two ADA pedestrian crosswalks with push-button on W. North Street. Each crosswalk will include installation of a crosswalk sign with a push button along with a Speed Minder Display Units as shown on Traffic Control Construction Plan.

Associated with Highway Occupancy Permit (HOP)? : ☒ YES ☐ NO If YES, HOP Application # : 150318 and 154520

C - Maintenance and Operation Information

Maintenance and Operations are typically performed by? :

☒ Municipal Personnel ☐ Municipal Contractor ☐ Municipal Personnel & Contractor
☐ Other : _____

Maintenance and Operations Contact Name : Butch Frati Company/Organization : _____
Phone # : 570 208-4177 Alternative Phone # : _____ E-mail : bfrati@wilkes-Barre.pa.us

D - Attachments Listing

<input checked="" type="checkbox"/> Municipal Resolution (<i>required</i>)	<input type="checkbox"/> Location Map	<input type="checkbox"/> Traffic Volumes / Pedestrian Volumes
<input type="checkbox"/> Letter of Financial Commitment	<input type="checkbox"/> Photographs	<input type="checkbox"/> Turn Lane Analysis
<input type="checkbox"/> Traffic Signal Permit	<input type="checkbox"/> Straight Line Diagram	<input type="checkbox"/> Turn Restriction Studies
<input type="checkbox"/> Warrant Analysis	<input type="checkbox"/> Capacity Analysis	<input checked="" type="checkbox"/> Other : <u>Traffic Signal Plan (HOP Plan)</u>
<input type="checkbox"/> Crash Analysis	<input type="checkbox"/> Traffic Impact Study (TIS)	
<input type="checkbox"/> Traffic Signal Study	<input type="checkbox"/> Condition Diagram	

Application for Traffic Signal Approval

Please Type or Print all information in Blue or Black Ink



pennsylvania
DEPARTMENT OF TRANSPORTATION

County : _____
Engineering District : _____
Department Tracking # : _____
Initial Submission Date : _____

E - Applicant (Municipal) Certification

The applicant desires to own, operate, and maintain the traffic control device in the location indicated above; and the Vehicle Code requires the approval of the Department of Transportation ("Department") before any traffic signals may be legally erected or modified. A signed Application for Traffic Signal Approval (TE-160) must be submitted in conformance with the instructions provided by the Department, and a Traffic Signal Permit must be issued, before any work can begin.

If the Department approves a traffic signal after a traffic engineering study and engineering judgment indicates the need, the traffic signal shall be installed, owned, operated, and maintained within the parameters indicated in the Vehicle Code and the Department's regulations relating to traffic signs, signals, and markings. The Department may direct appropriate alterations to the design or operation (including, but not limited to, hours of operation) of the traffic signal, or require removal of the traffic signal, if traffic conditions or other considerations necessitate alteration or removal.

All items associated with the traffic control device (geometric features, signs, signals, pavement markings, pedestrian accommodations, and other traffic control device associated items) are the applicant's responsibility. The Traffic Signal Permit will then document all of the items associated with operation of each traffic control device. The applicant, at its sole expense, shall provide the necessary inspection, maintenance, and operation activities in conformance with the Department's Publication 191 or as otherwise agreed to by the Department. The applicant shall perform the preventative and responsive maintenance requirements and recordkeeping in accordance with the exhibits specified below. If the applicant fails to provide the required inspection, maintenance, or operation services within thirty (30) days of receipt of written notice from the Department, the Department shall have the right to perform the required inspection, maintenance, or operation services in the applicant's stead and the applicant shall reimburse the Department for all costs incurred. Federal- and/or state-aid participation may be withheld on all future projects if the applicant fails to demonstrate to the Department the ability to provide all required maintenance and operation services. The applicant certifies that it has funds available and committed for the operation and maintenance of the traffic control device and that it will make available sufficient funds for all required future inspection, maintenance, and operation activities.

The applicant shall indemnify, save harmless and, defend (if requested) the Commonwealth of Pennsylvania, its agents, representatives, and employees from and against any damages recoverable under the Sovereign Immunity Act, 42 Pa. C.S. §§ 8521-8528, up to the limitations on damages under said law, arising out of any personal injury or damage to property which is finally determined by a court to be caused by or result from acts or omissions of the applicant and for which a court has held applicant, its officials, or employees to be liable. This provision shall not be construed to limit the applicant in asserting any rights or defenses. Additionally, the applicant shall include in any contracts into which it enters for maintenance, operation, or inspection of the traffic control device this same obligation to indemnify the Commonwealth and its officers, agents, and employees; and it shall require its contractor(s) to provide public liability insurance coverage, naming the Commonwealth and the applicant as additional insureds for bodily injury, including death and property damage, in the minimum amounts of \$500,000 per person, \$1,000,000 per occurrence, it being the intention of parties to have the contractor fully insure and indemnify the Commonwealth and the applicant.

The applicant shall comply with the study and ordinance requirements of 75 Pa. C.S. § 6109. The applicant submits this application with the intention of being legally bound.

Neither this application nor any Traffic Signal Permit creates any rights or obligations with respect to parties other than the applicant and the Department. Third parties may not rely upon any representations made by either the applicant or the Department in connection with the submission or approval of this application or any work permitted or approved that is related to this application, as regards either payment of funds or performance of any particular item of maintenance precisely as specified.

The applicant agrees to comply with the attached Exhibits:

- Exhibit "A": Preventative and Response Maintenance Requirements (Sheet 3 of 5)
- Exhibit "B": Recordkeeping (Sheet 4 of 5)
- Exhibit "C": Signal Maintenance Organization (Sheet 5 of 5)

Printed Municipal Contact Name :Attilio Frati

Date : 6.21.2018

Signed By :

Witness or Attest : Martin Moucha

Title of Signatory :

Title of Witness or Attester:

Exhibit "A":**Preventative and Response Maintenance Requirements****pennsylvania**
DEPARTMENT OF TRANSPORTATIONCounty : _____
Engineering District : _____
Department Tracking # : _____
Initial Submission Date : _____**Preventive Maintenance**

The APPLICANT or its contractor will provide preventive maintenance for each individual component of the traffic signal installation covered by this application at intervals not less than those indicated in the Preventive Maintenance Summary, PA DOT Publication 191, current version. This is the recommended level of maintenance to keep the intersection control equipment and signals in mechanically, structurally and aesthetically good condition.

Response Maintenance

The APPLICANT or its contractor will provide response maintenance in accordance with the provisions of the Response Maintenance Schedule. It encompasses the work necessary to restore a traffic signal system to proper and safe operation. Includes Emergency Repair and Final Repair.

FINAL REPAIR:

Repair or replace failed equipment to restore system to proper and safe operation in accordance with permit within a 24-hour period.

EMERGENCY REPAIR:

Use alternative means or mode to temporarily restore system to safe operation within a 24-hour period. Final repair must then be completed within 30 days unless prohibited by weather conditions or availability of equipment.

Response Maintenance Schedule**KNOCKDOWNS****TYPE OF REPAIR PERMITTED**

Support - Mast arm
Support - Strain pole
Span wire/tether wire
Pedestal
Cabinet
Signal heads

Emergency or Final
Emergency or Final
Final Only
Emergency or Final
Emergency or Final
Final Only

EQUIPMENT FAILURE

Lamp burnout (veh. & ped.)
Local controller
Master controller
Detector sensor
 - Loop
 - Magnetometer
 - Sonic
 - Magnetic
 - Pushbutton
Detector amplifier
Conflict monitor
Flasher
Time clock
Load switch/relay
Coordination unit
Communication interface, mode
Signal cable
Traffic Signal Communications
Traffic Signal Systems

Final Only
Emergency or Final
Emergency or Final
Emergency or Final
Emergency or Final
Emergency or Final
Emergency or Final
Emergency or Final
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Final Only
Final Only

**Exhibit "B":
Recordkeeping**



County : _____
Engineering District : _____
Department Tracking # : _____
Initial Submission Date : _____

Recordkeeping

Accurate and up-to-date recordkeeping is an essential component of a good traffic signal maintenance program. In recognition of this fact, the APPLICANT must prepare, retain, and make available to the COMMONWEALTH, on request, a record of all preventive and response maintenance activities performed on the traffic signal equipment covered by this application.

The APPLICANT shall establish a separate file for each installation and keep its records in the municipal building, signal maintenance shop, or other weather-protected enclosure.

At a minimum, the following records will be kept by the APPLICANT or its contractor for each traffic signal. These forms can be found in Section 10.0, Maintenance Record Forms, PA DOT Publication 191, current version.

FORM 1 - Master Intersection Record

This form, which lists all maintenance functions performed at the intersection, should be updated within one day of the activity but no more than one week later.

FORM 2 - Response Maintenance Record

Each time response maintenance is required at the intersection, this form is to be completed. Once the pertinent information is transferred to the master intersection record, this form is to be placed in the intersection file.

FORM 3 - Preventive Maintenance Record

This form will be used to provide a record of the preventive maintenance activities performed at each intersection. The date, the activities performed, and the signature of the person in charge of the work must be recorded in the form.

This form may be kept at the intersection, if it is adequately protected from the weather. Form 1 must be updated at the central file, however, to reflect the date and activity.

Personnel Classifications

In order to properly maintain the traffic signal equipment covered by this applicant, the APPLICANT agrees to provide, as minimum, the following staff throughout the useful life of equipment. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

Traffic Engineer - The administrative position which has prime responsibility for the proper operation of traffic signal equipment. The principal function of this position is the supervision and control of subordinate personnel and the planning of their activities to ensure adequate preventive and response maintenance programs.

Minimum Position Requirements

1. A thorough understanding of traffic signal design, installation and maintenance.
2. A working knowledge of the interaction between the following traffic characteristics: Intersection geometry, traffic flow theory, control type (fixed time, actuated, etc.), signal phasing and timing, and interconnection.
3. An ability to supervise subordinate personnel effectively in the assignment of their work.
4. Possession of a college degree in engineering, which includes course work in traffic engineering.
5. Either four years experience in the field of traffic engineering or its equivalent in graduate college work.

Signal Specialist - The individual responsible for the diagnostics and repair of all traffic signal equipment including solid state equipment.

Minimum Position Requirements

1. Extensive training and troubleshooting skills in electronics and software.
2. Ability to repair modules in the shop and to design test equipment needed to diagnose and repair a problem.
3. Ability to make design and modifications to implement or omit special functions.
4. Ability to implement a recordkeeping system to include maintenance activities, inventory control and identification of recurring problems.
5. Ability to perform all tasks required of a signal technician.

Signal Technician - Individual responsible for the operation and maintenance of traffic signals and electromechanical equipment.

Minimum Position Requirements

1. Ability to perform response maintenance on solid state equipment up to the device exchange level.
2. Capability to diagnose a vehicle loop failure and initiate corrective action.
3. Ability to tune detector amplifiers.
4. Ability to follow wiring schematics, check and set timings from plan sheet and check all field connections.
5. Ability to perform preventive maintenance on all equipment and to maintain accurate records of all work perform.

Training

The APPLICANT agrees to secure training in order to upgrade the ability of its present staff to properly perform the required maintenance functions. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

Budget Requirements

The APPLICANT agrees to provide, in its annual operating budget, dedicated funds which are sufficient to cover the cost of the personnel, training, contractors (if utilized) and specialized maintenance equipment which are required, by virtue of this application. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191..

A - Applicant's (Municipal) Contact Information

Municipal Contact's Name: Provide the municipal contact name that is (or will be responsible) for the traffic signal. Typically this is either the Municipal Manager or Roadmaster.

Title: Provide the title of the municipal contact name.

Municipal Name: Provide the official municipal name.

Municipal Address: Provide the full address of the municipal building.

Municipal Phone Number: Provide the municipal phone number of the municipal contact.

Alternative Phone Number: Provide an alternative phone number of the municipal contact.

E-mail Address: Provide the e-mail address of the municipal contact.

Municipal Hours of Operation: Please provide the municipalities normal operating hours (i.e. Monday-Thursday 9 AM - 2 PM)

B - Application Description

Location (intersection): Please provide a detailed location of the device or devices being considered for approval.

Please include any State Route and/or local road names in your description.

Traffic Control Device is: (Please select one of the two following categories)

NEW Traffic Signal: This item should be selected when requesting approval of a traffic signal that is currently not in operation at the device location indicated above.

EXISTING Traffic Signal: This item should be selected when requesting approval to make a modification or update to an existing traffic signal.

(Permit Number): Please provide the traffic signal permit number.

Type of Device (select one): (Please select one of the four following categories)

Traffic Control Signal: As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Sections 4D, 4E, and 4G. When selecting this category this is the typical red/yellow/green and pedestrian signal indications

Flashing Beacon: As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Section 4L. When selecting this category, this is typically either the flashing yellow/red signal at an intersection and/or the flashing yellow warning sign.

School Warning System: As defined in federal Manual on Uniform Traffic Control Devices (MUTCD) Section 7B. When selecting this category, this is typically the flashing school warning sign with a 15 mph indication.

Other: When selecting this category, this pertains to all other permitted electrically powered traffic control devices approved by the Department.

Is Traffic Signal part of a system?: Check off the appropriate box, either YES or NO. If YES, please fill in the **System Number (if applicable):** line.

Explain the proposed improvements: Provide a description of the proposed improvements to the intersection. This may be as complex as installing and/or upgrading a traffic signal or as non-complex as placement of a new traffic sign to supplement an existing traffic signal.

Associated with Highway Occupancy Permit (HOP)?: Check off the appropriate box, either YES or NO. If YES, please fill in the **Application #:** line.

C - Maintenance and Operation Information

Maintenance and Operations are typically performed by?: Please indicate if maintenance and operation will be performed by Municipal Personnel or through Contract Services.

Maintenance and Operations Contact Name: Provide the primary maintenance contact name for the individual that is (or will be responsible) for the maintenance and operation of the traffic signal.

Company/Organization: Provide the name of the company/organization with which the primary maintenance contact is affiliated.

Phone #: Provide the phone number for the primary maintenance contact.

Alternative Phone #: Provide an alternative phone number for the primary maintenance contact or affiliated company/organization.

E-mail: Provide the e-mail address for the primary maintenance contact.

D - Attachments Listing

Check off all documents which will be submitted along with this application. Note that a Municipal Resolution, authorizing the municipal contact to submit and sign the application, is a required document.

A sample Municipal Resolution has been provided on the next page.

E - Applicant (Municipal) Certification

Printed Municipal Contact Name: Please print the name of the municipal contact person signing the application.

Date: Please provide the date on which the application was signed.

Signed By: Please provide the signature of the named municipal contact.

Title of Signatory: Please provide the title of municipal contact.

Witness or Attest: Please provide the signature of the person witnessing or attesting the signature.

Witness or Attester: Please provide the title of the person witnessing or attesting the signature.

RESOLUTION

BE IT RESOLVED, by authority of the _____
(Name of governing body)

of the _____, _____ County, and it
(Name of MUNICIPALITY)

is hereby resolved by authority of the same, that the _____
(designate official title)

of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic

Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the MUNICIPALITY.

ATTEST:

(Name of MUNICIPALITY)

(Signature and designation of official title)

By:

(Signature and designation of official title)

I,

(Name)

(Official Title)

of the _____, do hereby certify that the foregoing
(Name of governing body and MUNICIPALITY)

is a true and correct copy of the Resolution adopted at a regular meeting of the

_____, held the _____ day of _____, 20____.
(Name of governing body)

DATE:

(Signature and designation of official title)

FILE OF COUNCIL

Presented in City Council on June 13, 2018

No. 6 of 2018

**AN ORDINANCE AMENDING ARTICLE V. OF CHAPTER 29 OF THE
WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "PARKING, STOPPING
AND STANDING"**

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Article V. of Chapter 29 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE V. OF CHAPTER 29 ENTITLED "PARKING, STOPPING AND STANDING" IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 29. TRAFFIC AND MOTOR VEHICLES

ARTICLE V. PARKING, STOPPING AND STANDING

DIVISION 1. GENERALLY

Sec. 29-108. Notice of violation; waiver.

Repealed.

Sec. 29-109. Appeal from parking ticket violation.

(1) *Submission of written appeal.*

- (a)** A parking ticket that is issued in violation of section 29-105 herein shall include a notice to inform the owner/driver of the vehicle ("owner") how the owner may submit in writing, an appeal setting forth the reason or reasons why the owner believes the parking ticket issued by the City of Wilkes-Barre is in error.
- (b)** Such written appeal through an appeal request form shall be filed with the Wilkes-Barre Police Department or other authorized department within thirty (30) days of the date of issuance of the parking ticket. Any person who wishes to appeal may appeal and freeze the fine as of the date of the appeal in relationship to the issuance of the ticket in accordance with the

schedule of fees and penalties as set forth in section 29-105 herein.

- (c) Individuals who submit an appeal will be contacted within (3) three calendar days after the appeal is processed and advised whether or not the parking ticket will be upheld or dismissed.

(2) *Hearing scheduling.*

- (a) In the event the parking ticket is upheld, the Wilkes-Barre Police Department or other authorized department will schedule a hearing before an independent hearing officer and notice of said hearing's date, time, and location shall be provided to the owner. Said hearing shall be conducted in accordance with Local Agency Law, 2 Pa.C.S.A. § 101 et al.

(3) *Determination.*

- (a) The independent hearing officer shall render a determination after the hearing and notify owner in writing of said determination by personal service or mail. Where the appeal is denied, the independent hearing officer shall direct owner to make appropriate payment of the ticket. The written decision shall also contain notice of the owner's right to appeal the denial of his/her appeal to the Luzerne County Court of Common Pleas, 200 N. River Street, Wilkes-Barre, PA, within thirty (30) days of the date of the independent hearing officer's determination in accordance with Local Agency Law, 2 Pa.C.S.A. § 101 et al.

(4) *Responsibility of costs.*

- (a) Any and all costs associated with the filing of an appeal in the Luzerne County Court of Common Pleas shall be the responsibility of the person or entity filing said appeal. The City of Wilkes-Barre shall not be responsible for any court costs or fees associated with an appeal.

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 not specifically amended hereby remain in full force and effect.

Passes finally by the Council of the City of Wilkes-Barre on _____
_____, 2018.

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

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

Presented in City Council on June 13, 2018

No. 7 of 2018

**AN ORDINANCE AMENDING ARTICLE V. OF CHAPTER 29 OF THE
WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "PARKING,
STOPPING AND STANDING."**

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Article V. of Chapter 29 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE V. OF CHAPTER 29 ENTITLED "PARKING, STOPPING AND STANDING" IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 29. TRAFFIC AND MOTOR VEHICLES:

ARTICLE V. PARKING, STOPPING AND STANDING

DIVISION 1. GENERALLY

Sec. 29-105. Prohibited parking violations, fees and penalties.

(1) *Meter Violation*

 (b) Failure to adhere to this requirement shall result in a fine of twenty dollars (\$20.00) if paid within seventy-two (72) hours; thirty dollars (\$30.00) if paid after seventy-two (72) hours but within ten (10) days; fifty dollars (\$50.00) if paid after ten (10) days but within thirty (30) days and one hundred dollars (\$100.00) if paid after thirty (30) days.

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 not specifically amended hereby remain in full force and effect.

Passes finally by the Council of the City of Wilkes-Barre on _____

_____, 2018.

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

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

Presented in City Council on June 13, **2018**

No. 8 **of 2018**

**AN ORDINANCE AMENDING SECTION 18-12 OF CHAPTER 18 OF THE
WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "NUISANCES"**

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Sec. 18-12. of Chapter 18 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT SECTION 18-12. OF CHAPTER 18 ENTITLED "NUISANCES" IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 18. NUISANCES

Sec. 18-12. Storage of motor vehicles on private grounds.

- (g) *Notice procedure.* The building inspectors office, health department (or other appropriate city designee) shall give notice of removal to the owner or occupant of the private property where it is located, and/or the owner of the vehicle at least five (5) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property at his/her last known address.

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 not specifically amended hereby remain in full force and effect.

Passes finally by the Council of the City of Wilkes-Barre on _____
_____, 2018.

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

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. _____ of 2018

Presented in City Council on July 12, 2018

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES WITHIN THE CITY OF WILKES-BARRE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

The City Council of the City of Wilkes-Barre does hereby ordain as follows:

Section 1. That a certain document, two (2) copies of which are on file in the Office of the City Clerk, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Wilkes-Barre for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. That all previously adopted building code or related ordinances and resolutions, or portions of said ordinances and resolutions, including the Code of Ordinances of the City of Wilkes-Barre, as amended, the Zoning Ordinance of the City of Wilkes-Barre and the Subdivision and Land Development Ordinance of the City of Wilkes-Barre, and all other relevant ordinances, resolutions, regulations and policies of the City of Wilkes-Barre not inconsistent herewith shall remain in full force and effect.

Section 3. The following sections are hereby revised:

- Section 101.1: These regulations shall be known as the Property Maintenance Code of the City of Wilkes-Barre, hereinafter referred to as "The Code."
- Section 103.5: That all prior ordinances establishing the fees for activities and services performed by the Office of Code Enforcement in carrying out its responsibilities under this ordinance shall remain in full force and effect until revised or amended by the City Council of the City of Wilkes-Barre.
- Section 112.4: No less than \$300.00 per day, and no more than \$1,000.00 per day
- Section 302.4: Eight (8) inches
- Section 304.14: April 15 to October 15
- Section 602.3: October 15 to April 15
- Section 602.4: October 15 to April 15

Section 4. 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.

Section 5. This ordinance shall become effective ten (10) days after final passage by the City Council of the City of Wilkes-Barre.

Passed finally by the City Council of the City of Wilkes-Barre on _____

_____, 2018.

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

Presented in City Council on _____, 2018

No. _____ of 2018

**AN ORDINANCE AMENDING CHAPTER 10 OF THE WILKES-BARRE CITY CODE
OF ORDINANCES ENTITLED "FIRE PREVENTION AND PROTECTION"**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WILKES-BARRE ACKNOWLEDGING THE ADOPTION BY THE COMMONWEALTH OF PENNSYLVANIA OF THE PENNSYLVANIA FIREWORKS LAW, ACT 43 OF 2017, ACKNOWLEDGING THAT THE FIREWORKS LAW PROHIBITS THE IGNITING OR DISCHARGE OF CONSUMER FIREWORKS ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE EXPRESS PERMISSION OF THE OWNER, PROVIDING THAT THE CITY OF WILKES-BARRE DOES NOT GRANT PERMISSION FOR ANYONE TO IGNITE OR DISCHARGE CONSUMER FIREWORKS ON THE STREETS OR SIDEWALKS OF THE CITY OF WILKES-BARRE OR PROPERTY OWNED BY THE CITY OF WILKES-BARRE INCLUDING, WITHOUT LIMITATION, ALL OF THE CITY OWNED PARKS AND PUBLIC BUILDINGS; DIRECTING THAT THE CITY OF WILKES-BARRE PROVIDE CERTIFIED COPIES OF THE ORDINANCE TO ALL MAGISTERIAL DISTRICT JUDGES WITHIN THE CITY; AND PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Chapter 10 of the Wilkes-Barre Code of Ordinances; and

WHEREAS, the Pennsylvania Fireworks Law, Act 43 of 2017, took effect on October 30, 2017; and

WHEREAS, the Pennsylvania Fireworks Law defines consumer fireworks as any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, suitable for use by the public, complies with the construction, performance, composition, and labeling requirements promulgated by the Consumer Products Safety Commission in 16 C.R.R. (relating to commercial practices), or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession, and use of which shall be permitted throughout the Commonwealth (the term does not, however, include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession, and use of which shall be permitted at all times throughout the Commonwealth); and

WHEREAS, pursuant to the Pennsylvania Fireworks Law, a person who is at least eighteen years of age and meets the requirements of the law may purchase, possess, and use consumer fireworks provided, however, that a person may not intentionally ignite or discharge consumer fireworks on public or private property without the express permission of the owner, may not intentionally ignite or discharge consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building, may not intentionally ignite or discharge consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person, may not intentionally ignite or discharge consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug, and may not intentionally ignite or discharge consumer fireworks within 150 feet of an occupied structure; and

WHEREAS, the City Council of the City of Wilkes-Barre has determined that the use of consumer fireworks and sparkling devices in an urban setting such as the City provides safety and health hazards if the terms of the Pennsylvania Fireworks Law are not specifically complied with.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT CHAPTER 10 ENTITLED "FIRE PREVENTION AND PROTECTION" IS HEREBY AMENDED AS FOLLOWS:

ARTICLE V. CONSUMER FIREWORKS

Sec. 10-56. Prohibitions.

- (a) As a result of the foregoing recitals, which are incorporated herein, no permission is granted by the City to any person to ignite or discharge consumer fireworks on the streets of the City of Wilkes-Barre, the sidewalks of the City of Wilkes-Barre, or any property owned by the City of Wilkes-Barre, including, without limitation, all of the City's parks and public buildings.
- (b) The City Clerk's Office is hereby directed to provide certified copies of this Ordinance to all magisterial judges within the City of Wilkes-Barre to provide judicial notice that no permission has been granted by the City for any person to intentionally ignite or discharge consumer fireworks on the City streets and sidewalks or on any real estate owned by the City of Wilkes-Barre.

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.

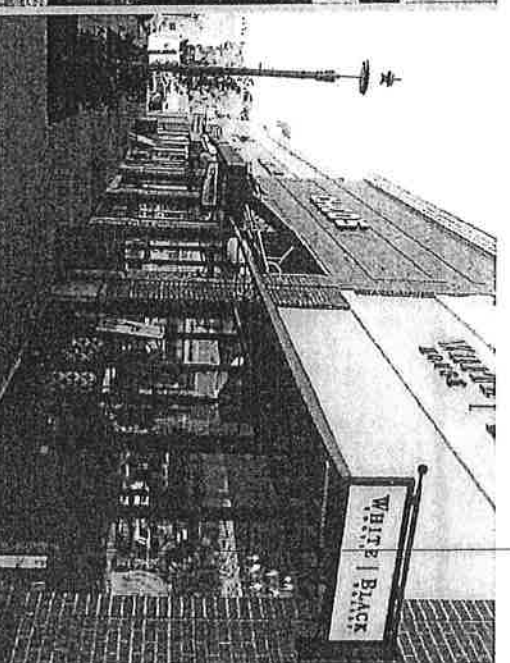
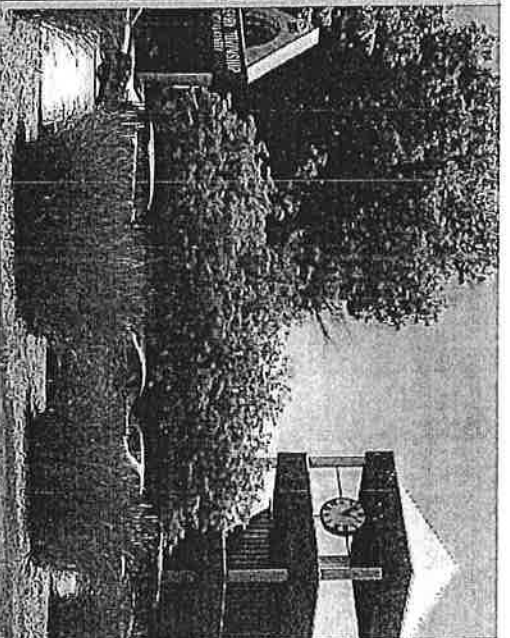
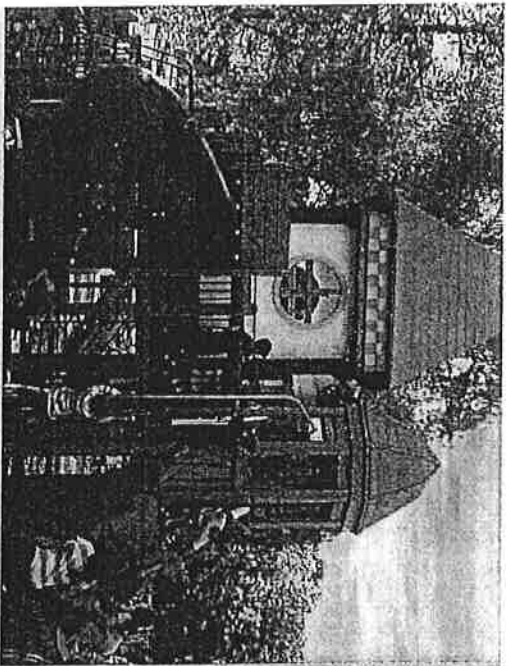
All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passes finally by the Council of the City of Wilkes-Barre on _____, 2018.

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

Attest:

Jim Ryan, City Clerk



The New Fireworks Law

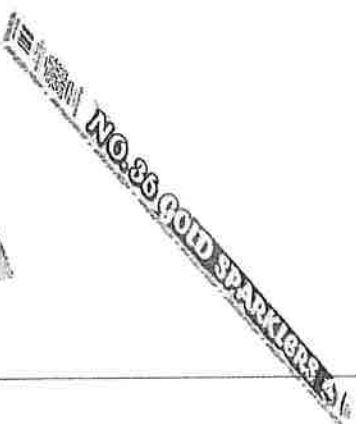
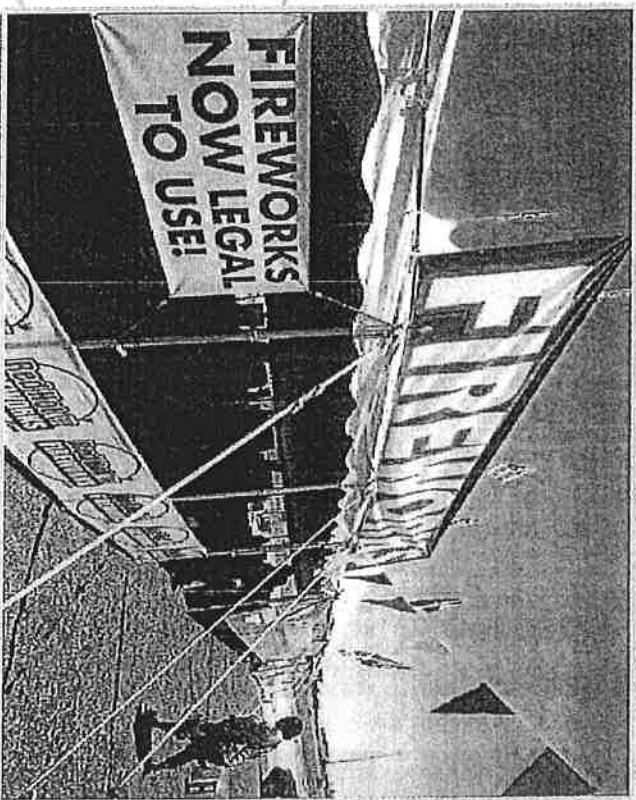
Act 43 of 2017



CRANBERRY
TOWNSHIP.
built for you

Effective as of October 30, 2017

Ground and hand-held sparking devices as “Novelties”



The Fireworks Law, Act 43 of 2017 - *Continued*

Section 2404. Use of consumer fireworks.

(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 sparking devices within, or throw consumer fireworks or sparking devices from, a motor vehicle or building.
- (3) Consumer fireworks or sparking devices into or at a motor vehicle or building or at another person.
- (4) Consumer fireworks or sparking devices while the person is under the influence of alcohol, a controlled substance or another drug.
- (5) Consumer fireworks within 150 feet of an occupied structure.

The Fireworks Law, Act 43 of 2017 - *Continued*

Temporary Structures (tents/stands) shall now be allowed to sell Consumer Fireworks if:

Continued



The entity has a minimum of \$2,000,000 in public and product liability insurance



The entity pays an application fee of \$1,000 and a license fee of \$3,000 per year to the Pa Department of Agriculture



It's selling period is limited to June 15th through July 8th and December 21st through January 2nd of each year

NFPA 1124: Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles

Chapter 7 Retail Sales of Consumer Fireworks ...		1124-27
7.1	Applicable Special Limits for Retail Sales of Consumer Fireworks	1124-27
7.2	General Requirements for All Retail Sales	1124-28
7.3	Consumer Fireworks Retail Sales (CFRS) Facility Requirements	1124-29
7.4	Storage	1124-31
7.5	Scenic	1124-31
7.6		

The current 2017 NFPA 1124, removed all requirements and limitations for retail sales of fireworks.

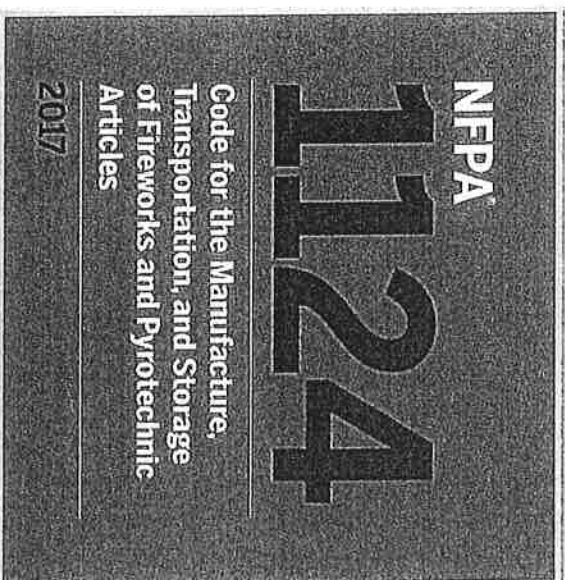
Chapter 7 Retail Sales of Consumer Fireworks ... 1124-27

NFPA® 1124

Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles

The 2013 edition of NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, is provided for historical reference only. This edition of NFPA 1124 was temporarily withdrawn by Standards Council Decision #14-1. In Decision #14-1, the Standards Council directed that NFPA cease all standards development activity regarding the retail sale and storage of consumer fireworks and that the Technical Committee on Pyrotechnics revise NFPA 1124 in accordance with the newly revised committee and document scopes. The Standards Council will consider the resubmission of NFPA 1124 once the Technical Committee has completed this work.

2013 Edition



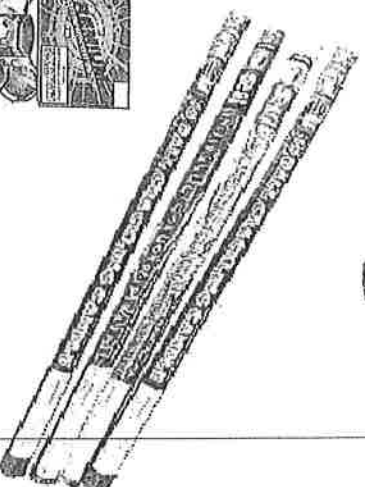
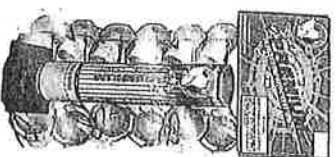
Temporary Structures are limited to selling only the following types of Consumer Fireworks -

Helicopters/Aerial Spinners (containing not more than 20g of composition)- propeller or blade item that spins rapidly and rises into the air.

Roman Candles (containing not more than 20g of composition)- heavy paper or cardboard tubes that upon ignition expel individual balls of composition (stars).

Mines and Shell Devices (containing not more than 60g of composition per tube)- heavy paper or cardboard tubes that upon ignition shoot balls of composition (stars) or projectiles (shells or shots) that burst with a visible or audible effect into the air.

In addition to all "Ground and hand-held sparking devices classified as 'Novelties'"



Additional Consumer Grade Fireworks...

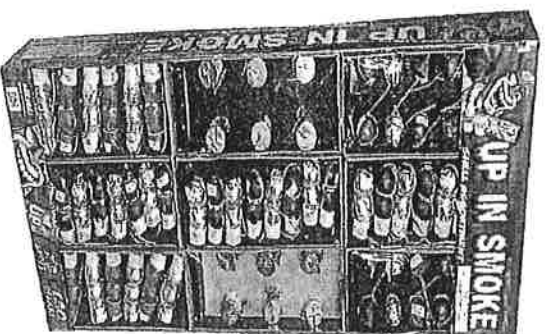
Aerial Devices *Types of Mine and Shell Devices*

Single Shot Devices

Preloaded aerial shell device (containing not more than 60g of composition).

Single Shot Reloadable Devices

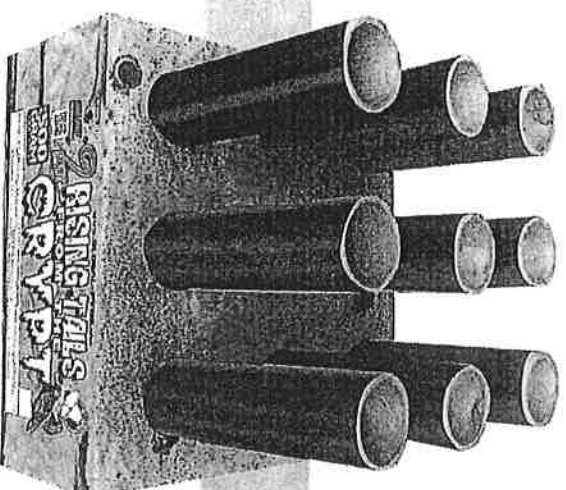
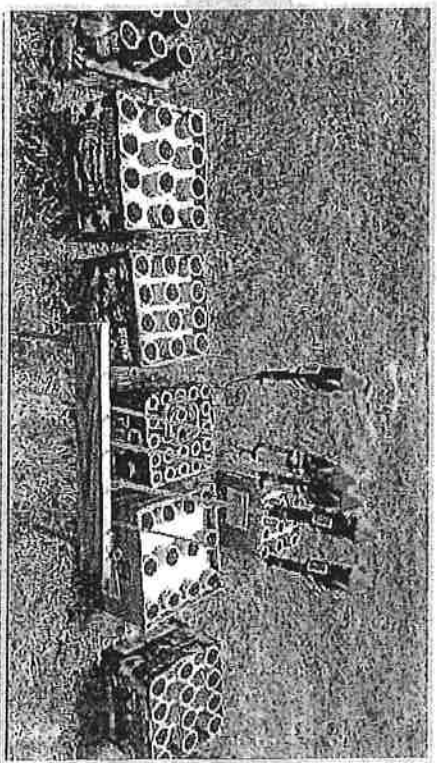
Prepackaged kits containing a cardboard or plastic launching tube and not more than 12 individually fired small (1.75" or less diameter, 60g or less) aerial shells and not containing more than 400g of total composition per kit. Kits can be packaged together for larger sales packs.



Additional Consumer Grade Fireworks...

"Cake" Devices

(containing at least 200 and not more than 500g of composition/60g per tube) devices that contain multiple tubes, separated by at least $\frac{1}{2}$ " from each other, that fire in a sequence upon ignition and are secured to a wood or plastic base.



Additional Consumer Grade Fireworks...



Cone Fountains (containing less than 50g of composition)

Ground Spinners

(containing less than 20g of composition)

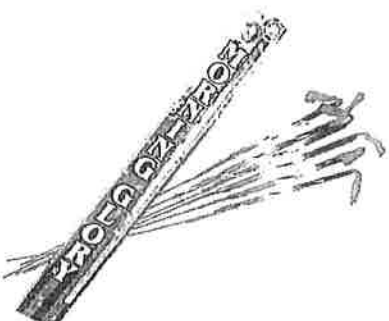


Spinning Wheels (containing less than 200g of composition)



Flitter Sparklers/Morning Glories

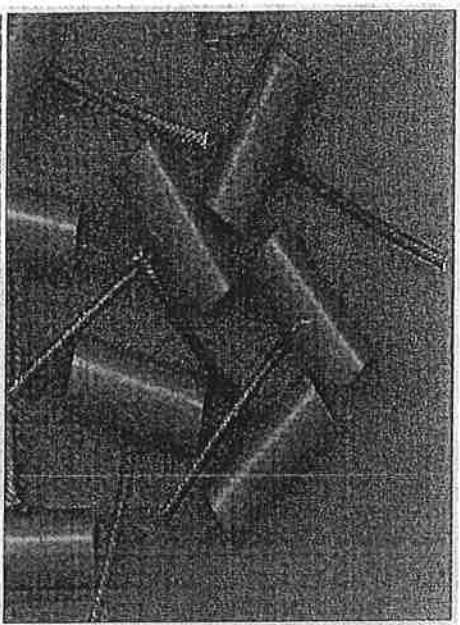
(containing less than 5g of composition)



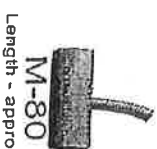
Prohibited...

Originally military simulators, M-80's have been deemed "Forbidden Explosives" and are federally banned for sale to consumers since the U.S. Child Protection Act of 1966.

Also forbidden are kits and components to produce such items.



! DANGER **THESE ARE NOT** **CONSUMER FIREWORKS**



M-80
Length - approx 1.5"



Silver Salutes
Length - up to 2"



Cherry Bomb
Diameter - 1"

These are DANGEROUS EXPLOSIVE DEVICES that are **ILLEGAL** in all 50 States. Use or possession of these dangerous devices should be immediately reported to your local police or fire department.



Consumer Fireworks Tax



In addition to sales tax, a tax is now imposed on the retail sale of Consumer Fireworks to be paid to the PA Department of Revenue to be deposited into the General Fund



The tax will be at a rate of 12% of the retail purchase price (including state and local sales tax).



1/6th of the tax collected (not to exceed \$2,000,000) shall be transferred for use as follows-

- ✓ 75% for the purpose of making grants related to emergency medical services
- ✓ 25% for the purpose of making online training programs for volunteer firefighters.

Penalties

Using Consumer Fireworks in violation of this Act

- Summary offense and fine or not more than \$100

Selling Consumer Fireworks in violation of this Act

- A misdemeanor of the 2nd degree and confiscation of stock

Selling Display Fireworks in violation of this Act

- A felony of the 3rd degree and confiscation of stock

Selling Forbidden Explosives in violation of this Act

- A felony of the 3rd degree and confiscation of stock

The Department of Agricultural requests that the Bureau of Ride and Measurements Standards be notified of any violations in regards to the retail sales or storage of consumer fireworks, after issuance of the citation or court determination.



RESEARCH

FIREWORKS FACT SHEET

EACH YEAR, FIREWORKS INJURE THOUSANDS AND CAUSE THOUSANDS OF FIRES.

FIRES INVOLVING FIREWORKS

- In 2013, fireworks caused an estimated 15,600 reported fires in the U.S., including 1,400 structure fires, 200 vehicle fires, and 14,000 outside and other fires.
- These fires resulted in an estimated 30 civilian injuries and \$21 million in direct property damage, with no reported fire deaths. Most fireworks deaths and injuries occur without fires.
- Two thirds of the fires started by fireworks in 2009-2013 were brush, grass or forest fires. However, most of the injuries and property damage resulted from structure fires.
- More than one-quarter (28%) of fires started by fireworks in 2009-2013 were reported on Independence Day. Almost half (47%) of the reported fires on the Fourth of July were started by fireworks.

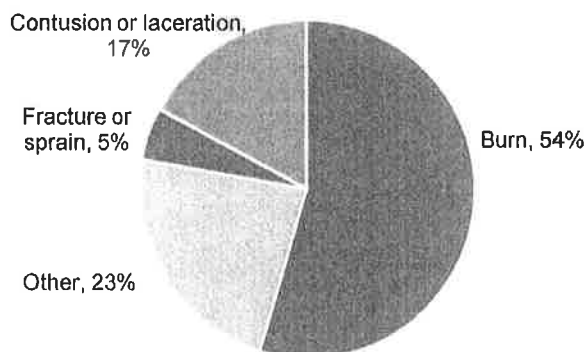
FIREWORKS INJURIES SEEN AT EMERGENCY ROOMS

In 2014, U.S. hospital emergency rooms saw an estimated 10,500 people for fireworks-related injuries. These injury estimates were obtained or derived from the Consumer Product Safety Commission's 2014 Fireworks Annual Report by Yongling Tu and Demar Granados. The detailed statistics below are based only on injuries seen from June 20-July 20, 2014. Two-thirds of the fireworks injuries occurred during that period.

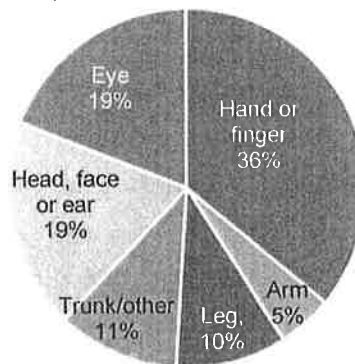
More than half (54%) of the fireworks injuries were burns, while almost 17% were contusions or lacerations.

More than one-third (36%) of the fireworks injuries in 2014 were to hands or fingers. One in five (19%) were eye injuries. An additional 19% were to other parts of the head.

**2014 Fireworks-Related Injuries*
by Type of Injury**



**2014 Fireworks-Related Injuries*
by Part of Body Injured**



Note: The reds and browns are extremities (51% of total) and the blues are parts of the head (38%).

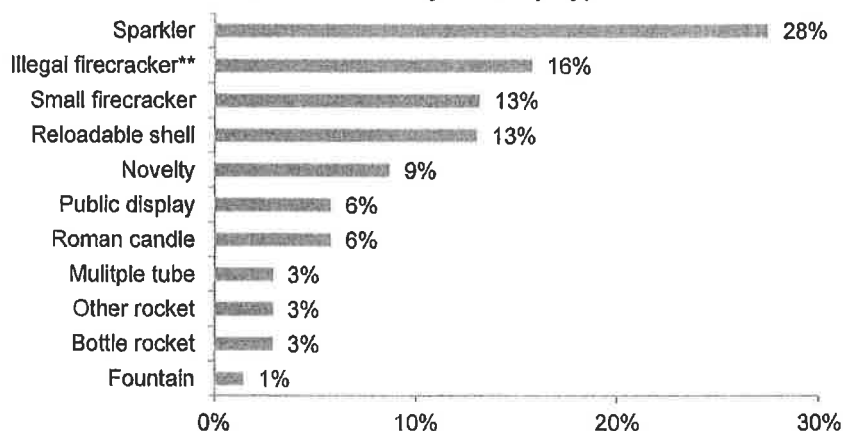
*Based on injuries during the month around July 4.

FIREWORKS INJURIES SEEN AT EMERGENCY ROOMS, FROM JUNE 20 TO JULY 20, 2014

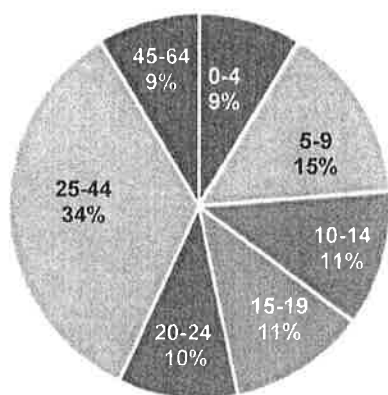
These injury estimates were obtained or derived from the Consumer Product Safety Commission's 2014 Fireworks Annual Report by Yongling Tu and Demar Granados.

- Sparklers alone accounted for more than one one-quarter (28%) of the emergency room fireworks injuries¹ in 2014.
- Only 6% of fireworks injuries were caused by public displays.
- Males accounted for three-quarters (74%) of the injuries.
- More than one-third (35%) of the people hurt by fireworks were under 15; nine percent were under five.
- Children ages 5-9 were 2.4 times as likely as the general population to be injured by fireworks.
- Youth ages 10-19 had a risk 1.8 times the overall risk.

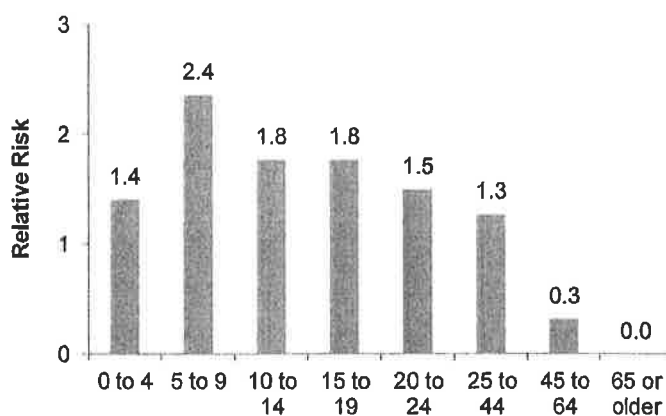
2014 Fireworks Related Injuries,* by Type of Fireworks¹



2014 Fireworks-Related Injuries* by Age of Victim



Relative Risk of 2014 Fireworks-Related Injury* by Age of Victim



*Based on injuries during the month around July 4.

**Illegal under Federal law

¹ Based on known types of fireworks.

Source: Fireworks, NFPA, Marty Ahrens, June 2016



RESEARCH

FIREWORKS FACT SHEET

EACH YEAR, FIREWORKS INJURE THOUSANDS AND CAUSE THOUSANDS OF FIRES.

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- Two thirds of the fires started by fireworks in 2009-2013 were brush, grass or forest fires. However, most of the injuries and property damage resulted from structure fires.
- More than one-quarter (28%) of fires started by fireworks in 2009-2013 were reported on Independence Day. Almost half (47%) of the reported fires on the Fourth of July were started by fireworks.

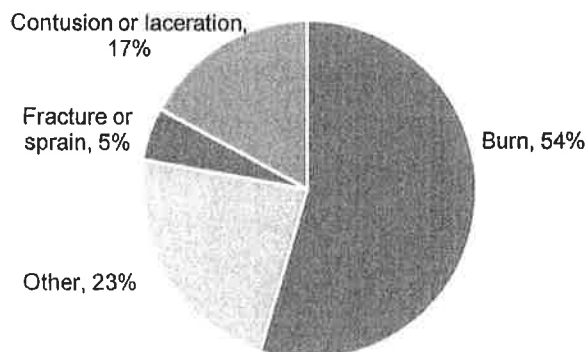
FIREWORKS INJURIES SEEN AT EMERGENCY ROOMS

In 2014, U.S. hospital emergency rooms saw an estimated 10,500 people for fireworks-related injuries. These injury estimates were obtained or derived from the Consumer Product Safety Commission's 2014 Fireworks Annual Report by Yongling Tu and Demar Granados. The detailed statistics below are based only on injuries seen from June 20-July 20, 2014. Two-thirds of the fireworks injuries occurred during that period.

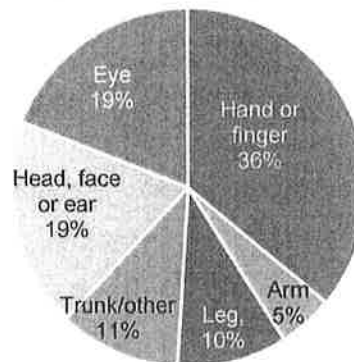
More than half (54%) of the fireworks injuries were burns, while almost 17% were contusions or lacerations.

More than one-third (36%) of the fireworks injuries in 2014 were to hands or fingers. One in five (19%) were eye injuries. An additional 19% were to other parts of the head.

**2014 Fireworks-Related Injuries*
by Type of Injury**



**2014 Fireworks-Related Injuries*
by Part of Body Injured**



Note: The reds and browns are extremities (51% of total) and the blues are parts of the head (38%).

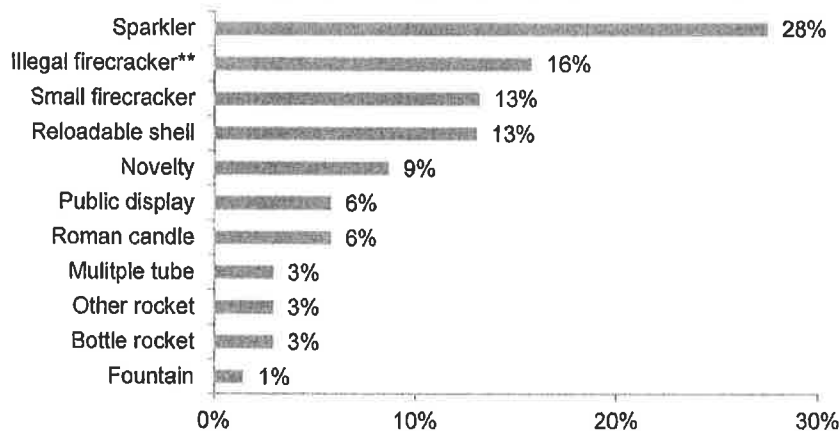
*Based on injuries during the month around July 4.

FIREWORKS INJURIES SEEN AT EMERGENCY ROOMS, FROM JUNE 20 TO JULY 20, 2014

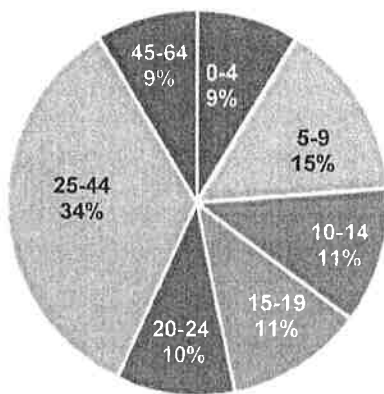
These injury estimates were obtained or derived from the Consumer Product Safety Commission's 2014 Fireworks Annual Report by Yongling Tu and Demar Granados.

- Sparklers alone accounted for more than one one-quarter (28%) of the emergency room fireworks injuries¹ in 2014.
- Only 6% of fireworks injuries were caused by public displays.
- Males accounted for three-quarters (74%) of the injuries.
- More than one-third (35%) of the people hurt by fireworks were under 15; nine percent were under five.
- Children ages 5-9 were 2.4 times as likely as the general population to be injured by fireworks.
- Youth ages 10-19 had a risk 1.8 times the overall risk.

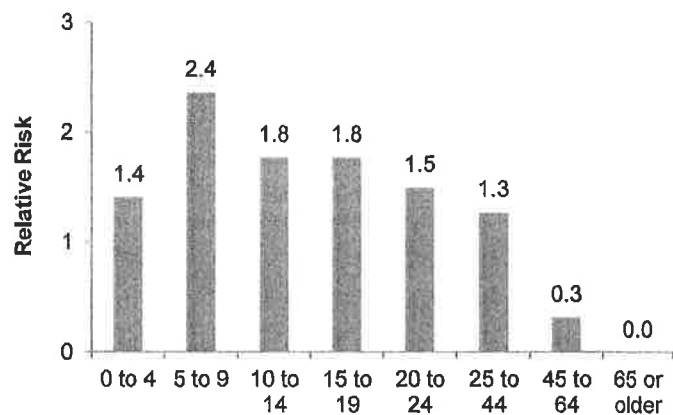
2014 Fireworks Related Injuries,* by Type of Fireworks¹



2014 Fireworks-Related Injuries* by Age of Victim



Relative Risk of 2014 Fireworks-Related Injury* by Age of Victim



*Based on injuries during the month around July 4.

**Illegal under Federal law

¹ Based on known types of fireworks.

In 2015, U.S. hospital emergency rooms treated an estimated 11,900 people for fireworks related injuries; 51% of those injuries were to the extremities and 41% were to the head. Children younger than 15 years of age accounted for one-quarter (26%) of the estimated 2015 injuries. These injury estimates were obtained or derived from the Consumer Product Safety Commission's 2015 Fireworks Annual Report by Yongling Tu.

UNOFFICIAL COPY:

Fireworks Law

ACT 43 of 2017

House Bill No. 542 of 2017 (Printer's No. 2598)

Amending the Tax Reform Code of 1971 (72 P.S. § 7101 et seq.)

The following is an unofficial copy of the current fireworks law, which took effect on October 30, 2017, as Act 43 of 2017.

It is "unofficial" because it has been downloaded from the internet. In the event of any discrepancy between the text of this document and the actual legislation, the text of the legislation shall control.

Since the provisions relating to fireworks took effect on October 30, 2017, the 90-day maximum window within which current licensees must obtain new licenses runs *through January 28, 2018*.

.....

* * * * *

Section 43. The act is amended by adding an article to read:

ARTICLE XXIV

FIREWORKS

Section 2401. Definitions.

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

"APA 87-1." The American Pyrotechnics Association Standard 87-1: *Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics*, 2001 edition, or any subsequent edition.

"Consumer fireworks."

(1) 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 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

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

"Display fireworks." Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- (1) salutes that contain more than two grains or 130 milligrams of explosive materials;
- (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and
- (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

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

"NFPA 1124." The National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles*, 2006 edition, or any subsequent edition.

"Occupied structure." A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

"Outdoor storage unit." A consumer fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

"Temporary structure." A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of consumer fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell consumer fireworks under this article.

Section 2402. Permits.

(a) **Permissible purposes.**--Display fireworks may be possessed and used by a person holding a permit from a municipality at the display covered by the permit or when used as authorized by a permit for any of the following:

- (1) For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
- (2) By railroads or other transportation agencies for signal purposes or illumination.
- (3) In quarrying or for blasting or other industrial use.
- (4) In the sale or use of blank cartridges for a show or theater.
- (5) For signal or ceremonial purposes in athletics or sports.
- (6) By military organizations or organizations composed of veterans of the armed forces of the United States.

(b) *Age limitation.*--A display fireworks permit may not be issued to a person under 21 years of age.

(c) *Bond.*--The governing body of the municipality shall require a bond deemed adequate by it from the permittee in a sum not less than \$50,000 conditioned for the payment of all damages which may be caused to a person or property by reason of the display and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee.

Section 2403. Request for extension.

(a) *Authorization.*--If, because of unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the municipality which granted the permit.

(b) *Contents of request.*--The request for extension shall state under oath that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall be not later than one week after the date originally designated in the permit.

(c) *Determination.*--Upon receiving the request for extension, the municipality, if it believes that the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall be not later than one week after the date originally designated in the permit.

(d) *Conditions.*--The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the extended date and in the same manner and to the same extent as if the display had occurred at the date originally designated in the permit.

Section 2404. Use of consumer fireworks.

(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 an occupied structure.

Section 2404.1. Use of display fireworks.

No display fireworks shall be ignited within 300 feet of a facility that meets the requirements of section 2407 or 2410.

Section 2405. Agricultural purposes.

(a) **Authorization.**--The governing body of a municipality may, under reasonable rules and regulations adopted by it, grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.

(b) **Duration of permit.**--A permit under this section shall remain in effect for the calendar year in which it was issued.

(c) **Conditions.**--After a permit under this section has been granted, sales, possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only.

Section 2406. Rules and regulations by municipality.

(a) **Authorization.**--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.

(b) **Conditions.**--

(1) Each display shall be:

(i) handled by a competent operator; and

(ii) of a character and 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.

(2) After permission is granted under this section, possession and use of display fireworks for display shall be lawful for that purpose only.

(3) A permit shall be transferable.

Section 2407. Sales locations.

Except as provided in section 2410, consumer fireworks shall be sold only from facilities which are licensed by the Department of Agriculture and that meet the following criteria:

(1) The facility shall comply with the provisions of the act of November 10, 1999

(P.L.491, No.45), known as the Pennsylvania Construction Code Act.

(2) The facility shall be a stand-alone permanent structure.

(3) Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.

(4) The facility shall be located no closer than 250 feet from a facility selling or dispensing gasoline, propane or other flammable products.

(5) The facility shall be located at least 1,500 feet from another facility licensed to sell consumer fireworks.

(6) The facility shall have a monitored burglar and fire alarm system.

(7) Quarterly fire drills and preplanning meetings shall be conducted as required by the primary fire department.

Section 2408. Fees, granting of licenses and inspections.

(a) **Initial application fees.**--

(1) An initial application for a license to sell consumer fireworks shall be submitted to the Department of Agriculture on forms prescribed and provided by the department with a nonrefundable application fee as follows:

(i) For a facility meeting the requirements of section 2407, the application shall be submitted with a nonrefundable application fee of \$2,500.

(ii) For a facility meeting the requirements of section 2410, the application shall be submitted with a nonrefundable application fee of \$1,000 no later than 60 days prior to the first day of sale.

(2) An application under paragraph (1)(i) or (ii) shall also be accompanied by the appropriate annual license fee as provided in subsection (b).

(b) Annual license fees.--The annual license fee for a facility licensed to sell consumer fireworks shall be as follows:

(1) \$7,500 for a location up to 10,000 square feet;

(2) \$10,000 for a location greater than 10,000 and up to 15,000 square feet;

(3) \$20,000 for a location greater than 15,000 square feet; and

(4) \$3,000 for a temporary structure.

(c) Time limitations and inspections.--

(1) A facility meeting the requirements of section 2407 shall be inspected by the Department of Agriculture within 30 days of receipt of a complete application for a license. The Department of Agriculture shall issue or deny a license within 14 days of completing the inspection.

(2) The Department of Agriculture shall issue or deny a license for a facility meeting the requirements of section 2410 no later than 10 days prior to the first day of sale. The facility shall be available for inspection by the Department of Agriculture for compliance with NFPA 1124 at all times during the licensed selling period.

(d) Term of license.--A license issued for the sale of consumer fireworks shall be effective for one year from the date the license is issued.

(e) License renewal and inspections.--License renewal shall be automatic upon payment of the appropriate annual license fee under subsection (b), but each facility shall be subject to annual inspections by the Department of Agriculture and at other times as the department may deem appropriate.

(f) Condition.--No license may be issued to a convicted felon or to an entity in which a convicted felon owns a percentage of the equity interest.

Section 2409. Conditions for facilities.

A facility licensed by the Department of Agriculture shall be exclusively dedicated to the storage and sale of consumer fireworks and related items, and the facility shall operate in accordance with the following rules:

(1) There shall be security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including January 2.

(2) No smoking shall be permitted in the facility.

(3) No cigarettes or tobacco products, matches, lighters or any other flame-producing devices shall be permitted to be taken into the facility.

(4) No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.

(5) All facilities shall carry at least \$2,000,000 in public and product liability insurance.

(6) A licensee shall provide its employees with documented training in the area of operational safety of a facility. The licensee shall provide to the Department of Agriculture written documentation that each employee has received the training.

(7) No display fireworks shall be stored or located at a facility.

(8) No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer or wine shall be permitted in the facility.

(9) Emergency evacuation plans shall be conspicuously posted in appropriate locations within the facility.

Section 2410. Temporary structures.

(a) **Conditions.**--Notwithstanding section 2407 or any other provision of law, a temporary structure may be licensed by the Department of Agriculture to sell consumer fireworks if the temporary structure meets all of the following requirements:

(1) The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.

(2) An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124.

(3) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.

(4) The temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks in temporary structures.

(5) The temporary structure is located one of the following distances from a permanent facility licensed to sell consumer fireworks under the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, at the time of the effective date of this article:

(i) Prior to January 1, 2023, at least five miles.

(ii) Beginning January 1, 2023, at least two miles.

(6) The temporary structure does not exceed 2,500 square feet.

(7) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.

(8) The temporary structure has a minimum of \$2,000,000 in public and product liability insurance.

(9) The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.

(10) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.

(b) **Limitations.**--The sale of consumer fireworks from the temporary structure is limited to the following:

(1) Helicopter, Aerial Spinner (APA 87-1, 3.1.2.3).

(2) Roman Candle (APA 87-1, 3.1.2.4).

(3) Mine and shell devices not exceeding 500 grams.

Section 2411. Attorney General.

(a) **Registration.**--Any business entity which performs, provides or supervises fireworks displays or exhibitions for profit shall register annually with the Attorney General.

(b) **Rules.**--The Attorney General shall promulgate rules to implement this section.

Section 2412. Consumer fireworks tax.

(a) **Imposition.**--In addition to any other tax imposed by law, a tax is imposed on each

separate sale at retail of consumer fireworks, which tax shall be collected by the retailer from the purchaser at the time of sale and shall be paid over to the Commonwealth as provided in this section. A tax imposed under this subsection on each separate sale at retail shall be paid to and received by the Department of Revenue and, along with interest and penalties, shall be deposited into the General Fund.

(b) *Rate.*--The tax authorized under subsection (a) shall be imposed and collected at the rate of 12% of the purchase price per item sold. The purchase price shall include State and local sales taxes.

(c) *Collection and administration.*--The provisions of Part VI of Article II shall apply to the tax authorized under subsection (a). No additional fee shall be charged for a license or license renewal other than the license or renewal fee required under section 2408 and the license or renewal fee authorized and imposed under Article II.

Section 2413. Disposition of certain funds.

(a) *Transfer.*--One-sixth of the tax collected under this article in a fiscal year, not to exceed \$2,000,000, shall be transferred annually for use as follows:

(1) Seventy-five percent of the amount transferred under this subsection shall be used for the purpose of making grants under 35 Pa.C.S. Ch. 78 Subch. C (relating to Emergency Medical Services Grant Program).

(2) Twenty-five percent of the amount transferred under this subsection shall be deposited into a special account in the State Treasury designated as the Online Training Educator and Training Reimbursement Account for the purposes of developing, delivering and sustaining training programs for volunteer firefighters in this Commonwealth.

(3) The Office of the State Fire Commissioner shall establish guidelines for use of the money deposited under paragraph (2). By December 31, 2018, and each December 31 thereafter, the Office of the State Fire Commissioner shall provide a written report detailing the use of the money received from the prior fiscal year to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(b) *Payments.*--The transfer required under subsection (a) shall be made by September 15, 2018, and each September 15 thereafter.

Section 2414. Penalties.

The following shall apply:

(1) A person using consumer fireworks in violation of the provisions of this article commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100.

(2) A person selling consumer fireworks in violation of the provisions of this act commits a misdemeanor of the second degree.

(3) A person selling display fireworks in violation of the provisions of this act commits a felony of the third degree.

(4) A person selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the United States Department of Transportation, including, but not

limited to, those devices commonly referred to as "M-80," "M-100," "blockbuster," "cherry bomb" or "quarter or half stick" explosive devices, in violation of the provisions of this act commits a felony of the third degree.

Section 2415. Removal, storage and destruction.

The Pennsylvania State Police, a sheriff or police officer shall take, remove or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored or held in violation of this article. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

Section 2416. Transition.

A person who, on the effective date of this section, holds a license under the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, may continue the activity permitted by the license for a period of 90 days following the effective date of this section or the date the license expires by the terms of the license, whichever is sooner. After the expiration of the 90-day period or the license, whichever is sooner, the person must obtain the license required under this article to continue the permitted activity, if applicable.

* * * * *

Section 48. Repeals are as follows:

* * * * *

(4) The act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, is repealed.

Section 49. This act shall take effect as follows:

* * * * *

(6) The following provisions shall take effect immediately:

- (i) This section.
- (ii) The remainder of this act.