

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING PART 8, NOISE, OF CHAPTER 6, CONDUCT, OF THE CODE OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH REGULATIONS FOR THE USE OF FIREWORKS.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. A new subsection (J) of § 803(2), Prohibited Noise Disturbance, of Part 8, Noise, of Chapter 6, Conduct, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby created and shall provide as follows:

§ 803 Prohibited Noise Disturbance.

(2)(J) Use of fireworks as permitted and defined by Pennsylvania State Law shall be limited to the following days and hours:

- i. July 4th and July 4th weekend (including Friday, Saturday, and Sunday) until 10:00 p.m.
- ii. New Year's Eve into New Year's Day - use of fireworks prohibited after 12:30 a.m.
- iii. Memorial Day weekend (including Friday, Saturday, Sunday and Monday) until 10:00 p.m.
- iv. Labor Day weekend (including Friday, Saturday, Sunday and Monday) until 10:00 p.m.
- v. All other days, use of fireworks is prohibited after 9:00 p.m.

SECTION 2. Subsection (D) of § 804, Exemptions, of Part 8, Noise, of Chapter 6, Conduct, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to read as follows:

§ 804. Exemptions.

D. Noise resulting from public festivals, celebrations, lawful fireworks, as permitted and regulated by § 803.2(J) above, and noise makers, when permitted, by the Borough or use for celebration of an official holiday authorized by the Borough, Commonwealth or Federal government.

SECTION 3. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 4. Re-Enactment. All other parts of Chapter 6, Conduct, of Part 8, Noise, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith, are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 5. Effective Date. This ordinance would be effective immediately upon enactment.

ENACTED and ORDAINED this _____ day of _____, 2021.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY:

Dan Weand, President

ATTEST:

Virginia L. Takach, Secretary

