

East Rockhill Township Board of Supervisors

August 25, 2020

Regular Business Meeting Minutes

NOT APPROVED

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on August 25, 2020 in the meeting room at the Pennridge Regional Headquarters, 200 Ridge Road, Sellersville, PA 18960.

Present:	David Nyman	Supervisor Chairperson
	Gary Volovnik	Supervisor Vice-Chairperson
	Jim Nietupski	Supervisor Member
	Marianne Morano	Township Manager
	John Rice, Esq.	Township Solicitor
	Steve Baluh, P.E.	Township Engineer
	Jeff Scholl	Public Works Director

The meeting was called to order at 7:00p.m. by Mr. Nyman with the Pledge of Allegiance.

Announcements:

Based on the Governor's current COVID19 Disaster Declaration, the Board of Supervisors held their monthly meeting with special meeting protocol for public participation. The entire meeting packet was available on the Township website. Pre-registration on a first-come first-serve basis with limited attendance was available. Anyone wishing to provide public comment could do so electronically or by submitting a public comment form. All public comment will be read at the Board's meeting.

Conditional Use Hearing for Group Home at 925 Three Mile Run Road.

Legal notice was advertised and posted to website that the Board of Supervisors will consider the Conditional Use Application of Sudesh K. Singh at a public hearing for a Group Home on the property located at 925 Three Mile Run Road, Sellersville, PA 18960, more particularly described at Tax Map Parcel No. 12-009-129, located in the Suburban Zoning District. The Applicant, in accordance with Sections 27-1001, 27-1003 and 27-304 of Chapter 27 of the Township of East Rockhill Code of Ordinances, filed a Conditional Use Application and requested approval for the proposed B5 Group Home use on the property. Caroline Edwards, Esq., Sudesh Singh, Sumit Singh, Bob Irick P.E. were present on behalf of the applicant. Mr. Rice opened the Public Hearing. A Stenographer's transcript is stored for 5 years and can be requested from ERSA Court Reporters.

- Steve Piccari, 935 Three Mile Run Road, requested six trees adjacent to his auto repair shop that are a safety concern be addressed. He asked if there would be a fence or berm installed so noise from his business did not have an impact and noted there is poor drainage at 925 Three Mile Run Road. The applicant agreed to address the trees of concern and was proposing a tree buffer, which Mr. Piccari appreciated.
- Diana Moyer, 921 Three Mile Run Road, requested dead trees adjacent to her property that are a safety concern be addressed and replaced with evergreens as needed. She also noted the property has poor drainage. The applicant will remove and replace trees as necessary and stormwater review should improve drainage. A dumpster was on the plan that is 4-6 yards in size and will be emptied once a week. Ms. Moyer was appreciative of the willingness of the applicant to address the concerns.

NOT APPROVED

- Steve Duda, 945 Three Mile Run Road, asked how often buses and ambulances would be on the property. School transportation depends on which schools the children will be attending which could be a small bus or a van and ambulances are hoped to not be needed but no more than three times a year.
- Ryan Gottshall, 2201 N. Rockhill Road, submitted a public comment electronically stating opposition to the group housing in a residential area which may not match the character of the street. He would like to see it in another location not in a residential area.
- Jeannine Gravel, 2198 N. Rockhill Road, submitted a public comment electronically stating opposition to the group home in a quiet residential neighborhood with concerns for lighting and was opposed to the use that she believes could dramatically change the neighborhood.

Ms. Gravel was in favor of the Draft Resolution requesting a modification of the definition of continuously operating quarry and requested the status of an update to the Nuisance Ordinance.

The Hearing closed at 8:33p.m. The adjudication will be presented at the September Supervisor regular meeting.

Public Comment #1:

- Jeff Knueppel, 2510 Creek Road, thanked the Supervisors for issuing zoning violations whose appeal will be heard at the August 31 Zoning Hearing supporting the communities opposition to the Lakehouse Inn's commercial expansion noting they are not looking to put the Lakehouse Inn out of business, but preserve their residential neighborhood.
- Kathy Costello, 10 Boulder Drive, asked for assistance to rectify a stormwater swale located behind her home on an adjacent property. It was noted that staff did a site visit to inspect the swale. Mr. Rice stated the Development was constructed by Court Order and the swale was installed according to design standards at the time of construction which were to encourage the water to saturate into the ground. The property owner is responsible for maintenance in the swale easement and the Township has access to the easement but the staff cleans out grates only. It was noted Mrs. Costello's property is located down hill and nothing can handle the severe storms the area has been seeing in recent years. Deeds are to state the property owner's responsibility of the easement area however sometimes errors are made but it continues to be located on private property and the private property owner is to maintain.

Approval of Minutes and Bills Payable:

Approval of Minutes from July 28, 2020 Regular Meeting.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to adopt the meeting minutes from the Board of Supervisors' July 28, 2020 Regular Meeting as presented. With no additional discussion, all present voted in favor.

Payment of Unpaid Bills dated August 18, 2020 in the amount of \$430,590.72.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve payment of the Bills List dated August 18, 2020 in the amount of \$430,590.72 as presented. With no additional discussion, all present voted in favor.

Township Manager's Report: Marianne Morano

NOT APPROVED

Street Tree Removal Request 700 Campus Drive.

A request for the removal of a healthy street tree has been received for 700 Campus Drive which has resulted in the sidewalk lifting over two inches. The property owner has requested an extension to the sidewalk replacement beyond the six-month requirement.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the removal of a street tree at 700 Campus Drive contingent on the property owner replacing the sidewalk no later than May 28, 2021. With no additional discussion, all present voted in favor.

Fuel Bids 2020-2021.

The Board of Supervisor's consensus was to acknowledge the fuel bid award to Riggins, Inc., for unleaded regular 87 octane bid amount of 0.2050 market value and to award the ultra-low sulfur diesel bid amount of 0.2350 market value covering the bid period of August 1, 2020 to July 31, 2021.

Mid-Year Budget Review. Mrs. Morano advised the Board all the funds have been reviewed. Income and expenses are as anticipated according to the 2020 budget except for general fund revenue is down 12% in comparison to 2019 and expenses are down 11% in comparison to 2019 most likely due to COVID19 however the numbers are still as projected for 2020.

2021 Preliminary Draft Budget.

The Board of Supervisor's consensus was to authorize advertising 2021 preliminary budget work session meetings for 6:15pm on September 22, 2020 and October 27, 2020.

Mrs. Morano requested an Executive Session to discuss litigation.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Township Manager Report. With no additional discussion, all present voted in favor.

Public Works Report: Jeff Scholl

Mr. Scholl updated the Board on Public Works activities as of August 20, 2020. Mrs. Morano noted the 2019 H2O pumping station grant was not approved and new grants are not available. The report is on file.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Township Public Works Report. With no additional discussion, all present voted in favor.

Township Engineer Report: Steve Baluh, P.E.

Release of Escrow Vouchers.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve Pennridge Airport Business Park Authorization Voucher Number 5 payable to Pennridge Development Enterprises in the amount of \$72,149.53 for E&S, earthwork, storm drains and landscaping and Pennridge Airport Business Park Authorization Voucher Number 6 payable to Pennridge Development Enterprises in the amount of \$24,627.00 for contingency release as presented. With no additional discussion, all present voted in favor.

NOT APPROVED**Municipal Office Addition / Renovation Update.**

Municipal office addition has received General Contractor list of questions for the ceiling change and the existing building has been re-roofed.

Subdivision Plan Review Status. Review dated July 30, 2020 is in the Board's packets. No action is necessary.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to accept the Township Engineer report. With no additional discussion, all present voted in favor.

Township Solicitor Report: John Rice, Esq.**Draft Firework Ordinance.**

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize advertising a Public Hearing for September 22, 2020 for an amendment to the Firework Ordinance. With no additional discussion, all present voted in favor.

Draft Resolution.

A draft Resolution defining the definition of continuously operating quarry was presented. Mr. Rice will clarify non-coal surface mining permit language and have available for the September Supervisor meeting.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Township Solicitor report. With no additional discussion, all present voted in favor.

Board and Commission Reports**Pennridge Regional Police Department.**

The July 2020 Pennridge Regional Police activity report is on file.

Planning Commission.

The August 6 Planning Commission Agenda and August 13 Planning Commission agenda and draft minutes were provided to the Board.

Pennridge Wastewater Treatment Authority.

The June 2020 Pennridge Wastewater Treatment Authority minutes and flows are on file. Mr. Nyman noted there was approximately \$50,000 in damages to the Plant as a result of the recent Tropical Storm.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to acknowledge the Pennridge Regional Police Department, Planning Commission and Pennridge Wastewater Treatment Authority Reports. With no additional discussion, all present voted in favor.

Department and Emergency Services Reports

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to acknowledge receipt of the Department and Service Reports. With no additional discussion, all present voted in favor. Copies are on file.

NOT APPROVED

New or Other Business – Supervisors’ Items

- On motion by Mr. Volovnik, seconded by Mr. Nietupski, for the purchase of a 1993 grader, plow and transportation to replace a 1968 model from Harford Township with funds from Capital Reserve Road Maintenance allocation as presented. With no additional discussion, all present voted in favor.

Public Comment #2:

There was none.

Adjournment:

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 9:13p.m.

Respectfully submitted,

Marianne Morano
Township Manager

UNPAID 2020 BILLS LIST
SEPTEMBER 18, 2020

NOT APPROVED

FUND CODE	FUND NAME	TOTAL AMOUNT TO BE PAID OUT	
01	GENERAL FUND	\$	129,960.72
05	OPEN SPACE FUND	\$	1,165.90
08	SEWER FUND	\$	10,074.74
09	PARK & RECREATION/DRIVING RANGE FUND	\$	3,211.15
13	STREET LIGHT FUND	\$	1,491.44
19	CAPITAL IMPROVEMENT FUND	\$	117,529.10
22	BUILDING DEBT FUND	\$	5,797.22
30	CAPITAL RESERVE FUND	\$	13,000.00
35	STATE AID (LIQUID FUEL) FUND	\$	35,749.22
90	ESCROW FUND	\$	4,781.08
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		TOTAL UNPAID BILLS	\$ 322,760.57
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NOT APPROVED

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
General Fund - 01		
21st Century Media	WEGBB, LLC Ad	138.23
Arlo Eby	ZHB - 8/31/2020 - WEGBB	25.00
Bucks County Court Reporters	ZHB - 8/31/2020/WEGBB, LLC	325.00
C. Robert Wynn Associates	Rock Hill Quarry	61.25
C. Robert Wynn Associates	General Engineering	703.85
C. Robert Wynn Associates	Costello Complaint	398.14
C. Robert Wynn Associates	Comprehensive Plan	588.25
C. Robert Wynn Associates	MS4/PRP & Annual Report	3,920.78
C. Robert Wynn Associates	Zoning Permit Reviews - Lake House Inn	246.25
C. Robert Wynn Associates	Municipal Building	4,608.04
Clemens Uniform	Uniforms 8/19/2020	46.01
Clemens Uniform	Uniforms 8/26/2020	46.01
Clemens Uniform	Uniforms 9/2/2020	46.01
Clemens Uniform	Uniforms 9/9/2020	46.01
Clemons Richter & Reiss	WEGBB, LLC	480.20
Clemons Richter & Reiss	O'Rourke/Bazik	293.40
Comcast	Phone & Internet - Sept 2020	324.44 *
Cowan Associates	Municipal Building - 6/30/2020-8/2/2020	1,061.20
Delaware Valley Health Insurance (DVHT)	Premium - Sept 2020	7,997.25
Emerald Garden	Lawn Maintenance - August 2020	1,174.04
Grim Biehn & Thatcher	General Engineering	1,364.00
Grim Biehn & Thatcher	Lake House Inn Complaint	3,007.00
Grim Biehn & Thatcher	Fireworks Ordinance	511.50
Grim Biehn & Thatcher	Ridge Run Easement	387.50
Grim Biehn & Thatcher	Quarry Resolution	356.50
Hot Frog Print Media	Fall 2020 Township Newsletter postage & mailing	864.59
IT Business Solutions	IT Services - September 2020	459.00
IT Business Solutions	Move Admin Asst. Computer	76.00
Jeff Scholl	2020 Boot Stipend	130.00
Jimcor Concrete	Concrete - Township Sign	327.00
John Fenley	ZHB - 8/31/2020 - WEGBB	25.00
Kathleen Hart	ZHB - 8/31/2020 - WEGBB	25.00
Keystone Architecture	Municipal Building Through 6/30/2020	1,218.75
Keystone Architecture	Municipal Building Through 7/31/2020	281.25
Keystone Architecture	Municipal Building Through 8/31/2020	250.00
Keystone Collections Group	EIT Commission	1,624.00 *
Keystone Collections Group	Costs Retained by Tax Officer (Act 192)	272.98 *
Keystone Collections Group	EIT Taxpayer Refunds	452.24 *

NOT APPROVED

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Keystone Collections Group	LST Commission	240.23 *
Kirby Richards	2020 Boot Stipend	130.00
Lapp's Landscape Products	Mulch - Twp Building Sign	140.00
Larsen & Landis	Municipal Building Through 8/28/2020	113.00
Latrell Belfield	2020 Boot Stipend	130.00
Manko Gold Katcher Fox	Quarry - June 2020	2,297.25
Neat & Clean	8/4 & 8/18	200.00
ORE Rental	Excavator Rental-Twp Bldg Sign	560.70
Paul Behr	2020 Boot Stipend	130.00
Pennridge Regional Police Department	Police Services - September 2020	83,636.00
Pitney Bowes	Reserve Account - New Postage Machine	800.00 *
PP&L Electric	Emergency Aux Bldg + Break Room (Jul-Dec)	104.49
PP&L Electric	Parking Lot Lights	86.85
PP&L Electric	Municipal Office	113.57
PP&L Electric	Garage/Shop	89.83
Principal Financial Group	Premium - Sept 2020	347.55 *
Reiss Hauling & Recycling, Inc.	Trash & Recycling Service - Aug 2020	1,930.00
Ricoh	Prepay Copier Rental - 10/20/20-11/19/20	128.07
Ricoh-Images	Black & White/Color Copies	39.82
Shadywood Communications	Enews - September 2020	215.00
Sprint	Cell Phone Service - July 2020	133.85 *
Waste Management	Old Sign Removal	247.84
William S. Seachrist	Install Heat Pump-PW Breakroom	3,985.00
		<u>General Fund \$ 129,960.72</u>
Open Space Fund - 05		
Grim Biehn & Thatcher	Etzler Conservation Easement	139.50
Keystone Collections Group	EIT Commission	800.23 *
Keystone Collections Group	Taxpayer Refunds	226.17 *
		<u>Open Space Fund \$ 1,165.90</u>
Sewer Fund - 08		
Bullseye	Pumping Station Alarm Service-Sept 2020	125.23 *
Delaware Valley Health Insurance (DVHT)	Premium - Sept	3,418.80
Emerald Garden	Lawn Maintenance - August 2020	439.95
Grim Biehn & Thatcher	Sewer liens	94.50
Kevin Franks	Treatment Plant Operations-July 2020	1,850.00 *
Lawson Products	Supplies	476.82
MJ Reider Associates	Lab Analysis Bi-weekly - 8/11/2020	275.00
MJ Reider Associates	Lab Analysis Bi-weekly - 8/28/20	275.00
PA One Call	Monthly Activity - Aug 2020	41.50

NOT APPROVED

Payable To	Memo	Amount
PP&L Electric	Pump Station	367.24
PP&L Electric	Treatment Plant	1,652.48
Principal Financial Group	Premium -Sept 2020	294.54 *
Riggins	131.3 Gallons Unleaded	204.42
Riggins	60.7 Gallons Unleaded	92.97
Riggins	149.4 Gallons Biodiesel	225.86
Riggins	100.3 Gallons Biodiesel	151.20
Sprint	Phone Service 7/15-8/14	89.23 *
		<i>Sewer Fund</i> \$ 10,074.74
Park & Recreation / Driving Range Fund -09		
Emerald Garden	Lawn Maintenance - August 2020	680.00
George Allen Portable Toilets Inc.	8/12/20-9/8/20	160.00
Home Depot	Markey Park	46.34 *
Miller Tire & Auto	Part - Hustler Mower	33.61
Nyce Crete and Landis Block and Concrete	Sand - Driving Range Sand Trap	288.47
ORE Rental	Lift Rental	1,057.50
PP&L Electric	Markey Park Sign	27.25
PP&L Electric	Markey Park Buildings	54.42
Range Servant	Ball Dispenser Motor - Driving Range	863.56
		<i>Park & Rec / Driving Range Fund</i> \$ 3,211.15
Street Light Fund - 13		
PP&L Electric	Street Lights	1,491.44
		<i>Street Light Fund</i> \$ 1,491.44
Capital Improvement Fund - 19		
Gordan H. Bayer, Inc.	Municipal Addition	81,968.00
K.C. Mechanical	Municipal Addition	23,363.10
MJF Electrical Contracting	Municipal Addition	12,198.00
		<i>Capital Improvement Fund</i> \$ 117,529.10
Building Debt Fund - 22		
Pennridge Regional Police Department	Loan Payment - Sept 2020	5,797.22
		<i>Police Headquarter Debt Fund</i> \$ 5,797.22
Capital Reserve Fund - 30		
Harford Township	1993 672B Grader	13,000.00 *
		<i>Capital Reserve Fund</i> \$ 13,000.00
State Aid (Liquid Fuel) Fund - 35		
Auto Plus	Bluedef - All Trucks	41.52
BR Scholl	State Inspection/Repair - 2005 GMC	895.04 *
BR Scholl	State Inspection - 2015 Hino	154.82
BR Scholl	State Inspection - 2002 Ford Explorer	58.00

NOT APPROVED

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Established Traffic Control	Pedestrian Signs - PHS	567.00
H&K Materials	4.03 Tons 9.5MM .3-3 15%	201.50
Little's	Parts - Roadmower	51.18
Little's	Supplies	26.16
Little's	Credit	(57.60)
Miller Bros.	Traffic Signal Repair - 313 & 5th Street	33,212.00
Naceville Materials	16.88 Tons Surge Material	236.32
Nelson Wire Rope	Equipment Chains	111.00
PP&L Electric	Signal 313 & 5th	31.82
PP&L Electric	Flasher 5th Street	27.35
PP&L Electric	Signal Campus & 5th	36.90
PP&L Electric	Signal 313 & 563	32.05
PP&L Electric	Flasher Schwenkmill Road	27.38
PP&L Electric	Signal 313 & Mountain View	44.69
PP&L Electric	Flasher Mountain View	27.85
Wehrung's Lumber & Home Center	Supplies	24.24
		<u>State Aid Fund \$ 35,749.22</u>

Escrow Fund - 90

C. Robert Wynn Associates	Pennridge Airport Business Park - Voucher #4	631.15 *
C. Robert Wynn Associates	Weidner SALDO	30.88
C. Robert Wynn Associates	Weinstock Timber Harvest	84.30
C. Robert Wynn Associates	Green Ridge West	824.53
C. Robert Wynn Associates	JDM Group	846.50
C. Robert Wynn Associates	Pennridge Airport Hangars	275.88
C. Robert Wynn Associates	Docherty	138.16
C. Robert Wynn Associates	DiBello	224.74
C. Robert Wynn Associates	Maszewski	200.98
C. Robert Wynn Associates	Santora	342.30
Courier Times	JDM Group - CU Ad	381.42
Grim Biehn & Thatcher	Green Ridge West	185.00
Grim Biehn & Thatcher	JDM Group	263.50
Grim Biehn & Thatcher	Mager - Driveway	46.50
Michael Loomis	Escrow Closure	305.24
		<u>Escrow Fund \$ 4,781.08</u>

Total Unpaid Bills \$ 322,760.57

**denotes already paid*

NOT APPROVED

AN ORDINANCE OF EAST ROCKHILL TOWNSHIP AMENDING CHAPTER 10, HEALTH AND SAFETY, OF THE CODE OF ORDINANCES OF EAST ROCKHILL TOWNSHIP BY REPEALING AND RESTATING ALL OF PART 4, FIREWORKS; ESTABLISHING DEFINITIONS; AND ESTABLISHING REGULATIONS FOR CONSUMER AND DISPLAY FIREWORKS AND FIREWORKS SALES; ALLOWING PERMITS FOR AGRICULTURAL FIREWORK USES; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, The Township of East Rockhill is empowered to ensure the public safety and to define conduct that constitutes disturbing the peace pursuant to the Second Class Township Code, 53 P.S. §65101 et seq.;

WHEREAS, The Township is empowered to abate and prohibit nuisances on property pursuant to the Second Class Township Code, 53 P.S. §66529;

WHEREAS, The Board of Supervisors of East Rockhill Township has determined that the use of fireworks can be detrimental to the health, safety and welfare of the Township's inhabitants and interfere with both the quiet enjoyment of residential and public property and the operation of business and therefore, should be controlled to the greatest extent possible;

WHEREAS, It is the purpose and scope of this Ordinance to provide regulations that govern the use and display of fireworks within East Rockhill Township in accordance with the Second Class Township Code, the applicable Pennsylvania Code and Statutes, and all other Pennsylvania law; and,

The East Rockhill Township Board of Supervisors hereby enacts an ordinance regulating the use and display of fireworks in the Township of East Rockhill as follows:

ARTICLE I. REPEALER

Chapter 10, Health and Safety, Part 4, Fireworks. is repealed in its entirety and restated to read as follows:

PART 4

FIREWORKS

§10-401. Intent.

Fireworks, by nature, contain explosives which, when misused, can damage property and endanger human life. It is the intent of the Board of Supervisors of East Rockhill Township to protect the health, safety and welfare of the general public through limiting the use of fireworks.

10-402. Definitions.

ACT- Fireworks Law, Act 43 of 2017, as amended

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- 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. The term “Consumer Fireworks” does not include devices such as “ground and hand-held sparkling devices,” “novelties,” or “toy caps” as defined in APA 87-1 or any successor standard.

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 salutes that contain more than two grains or 130 milligrams of explosive materials; aerial shells containing more than 60 grams of pyrotechnic compositions; and other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN 0335 hazardous materials table.

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.

§10-403. Restrictions on all Fireworks.

1. The use of fireworks, whether consumer or display, shall be strictly prohibited at any location within 200 feet of any structure, property line, vehicle or roadway unless prior written approval is received from all property owners within the 200 foot area.
2. The use of any fireworks shall be prohibited within any closed structure, building or tent.

§10-404. Display Fireworks.

1. **Unlawful to Use Display Fireworks without a Permit.** It shall be unlawful for any person, persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals, to use and/or hold public displays of display fireworks within the limits of the Township of East Rockhill, unless a permit therefor is first granted by East Rockhill Township, as hereinafter provided.
2. **Compliance with State and Federal Statutes and Regulations.** The applicant for a permit to display fireworks within this Township must comply with and abide by

any and all Pennsylvania and Federal statutes and regulations and any and all applicable County or other local regulations governing the use, storage, and display of fireworks, including but not limited to the International Fire Code and 35 P.S. §§ 1271 et seq., as amended. All Pennsylvania, Federal, County and other local laws and regulations are incorporated herein by reference. All regulations relating to the display of fireworks under the International Fire Code and/or Uniform Construction Code are also incorporated herein by reference. In the event of an inconsistency between the aforementioned Pennsylvania, Federal, County and other local laws and regulations and this Ordinance, the more stringent regulation shall apply. The applicant must further receive any and all requisite Pennsylvania, Federal, County and/or other local permits and/or licenses relating to the proposed fireworks display.

3. **Competent Operator and Safe Display Location.** Every such fireworks display within the limits of the Township shall be handled, arranged, managed and directly supervised by a competent operator. Every such fireworks use and display within the Township shall be of such a character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons in the opinion of the Board of Supervisors, or their duly authorized representative. The Township fire chief and fire code official, or other such officer as may be designated by the Township, shall inspect the site where the fireworks are to be used and displayed prior to the issuance of a permit in accordance with the International Fire Code and other applicable regulations and ensure that the site and proposed fireworks display are compliant with said regulations. No permit for the use of fireworks shall be issued until the Township fire chief, or other such officer as may be designated by the Township, determines that the requested permit may be granted after inspecting the location for the requested display.

4. **Permit.**
 - A. An application for a permit shall be made in writing to the Township at least 45 days in advance of the date of the proposed use and display, and shall set forth the proposed date, time and location of the use and display, the character and duration thereof, the name and address of the competent operator, and the name and address of the owner or owners of the grounds on which the use and display is to be held, together with the written consent of such owner or owners thereto and a copy of any permit application required by the International Fire Code. The application for the permit shall also contain copies of any and all State, Federal and/or County permits and/or licenses needed for the use and display of fireworks. All applicants shall pay the Township the permit fee identified in the Township's duly enacted fee schedule resolution before the issuance of a permit and shall further provide proof of liability insurance, acceptable to the Township, and the required bond to the Township. The Township Board of Supervisors may attach conditions and/or restrictions on any permit for the use and display of fireworks as are deemed necessary.

 - B. If and after such permit is granted by the Township Board of Supervisors or an authorized designee, the possession, use and display of fireworks for the approved display shall be lawful for that purpose, date and time only. No permit granted hereunder shall be transferable.

- C. No permit for the use and display of fireworks shall be issued to an individual under the age of 18.
5. **Liability insurance.** All applicants shall submit proof of liability insurance in an amount no less than \$1,000,000, and such policy shall name the Township, its employees, and its elected and appointed officials as additional insureds. The liability insurance shall be in a form acceptable to the Township before issuance of any permit.
6. **Continuance.** If by reason of unfavorable weather the fireworks display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may within 24 hours apply to the Township, and set forth under oath the fact that such use and display was not made, the reason the use and display did not take place, and a request for a continuance of such permit for a day designated therein. The continuance date shall be no later than one week (7 days) after the day fixed originally in said permit. Upon receiving such application for a continuance, the Township, if it believes the facts stated therein are true, may extend the provisions of said permit to the day fixed in said application, no later than one week (7 days) after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit, provided that the provisions of the original bond extend to and cover all damages which may be caused by reason of said use and display taking place at such extended date in the same manner and to the same extent as if such use and display had taken place at the date originally fixed in the permit.

§10-405. Consumer Fireworks.

1. A person who is at least 18 years of age and meets the requirements of this article may purchase, possess, and use Consumer Fireworks.
2. A person may not intentionally ignite or discharge:
 - A. Consumer Fireworks on public or private property without the express permission of the owner.
 - B. Consumer Fireworks or sparkling devices within, or throw Consumer Fireworks or sparkling devices from, a motor vehicle or building.
 - C. Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - D. Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or another drug.
 - E. Consumer Fireworks within 200 feet of an occupied structure.
 - F. Consumer Fireworks more than one day per week.

- G. Consumer Fireworks after 10 PM, except on the 4th of July or New year's Eve.

10-406 Sale of Consumer Fireworks.

- 1. Consumer Fireworks shall only be sold from facilities which are licensed by the Department of Agriculture and which meet the locational, operational, storage and safety requirements of the Act.
- 2. Consumer fireworks may be sold from a temporary structure which meets the licensing requirements of the Department of Agriculture, the Township Zoning Ordinance and the Act. Sales of Consumer Fireworks from a temporary structure is limited to the following:
 - A. Helicopter, Aerial Spinner (APA 87-1, 3.1.2.3).
 - B. Roman Candle (APA 87-1, 3.1.2.4).
 - C. Mine and shell devices not exceeding 500 grams.

§10-407. Agricultural Purposes.

- 1. **Authorization.** The Township 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.
- 2. **Duration of Permit.** A permit under this section shall remain in effect for the calendar year in which it was issued.
- 3. **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.

§10-408. Violation or Public Safety.

In the event of any violation of this ordinance or of the terms, conditions or limitations noted on a permit for the display of fireworks, or in the event of any unsafe condition occurring before or during the course of a fireworks display, or in the event of any unsafe condition occurring as a result of any use of consumer, display or other fireworks within the Township, the Pennsylvania State Police, Pennridge Regional Police, Township Fire Chief or the appropriate Township designee, or any other authorized Township representative may, before or during the unsafe and/or violating occurrence, order such fireworks use or display to be stopped in the interest of public safety.

§10-409. Penalty.

- 1. Any person, individual, partnership, co-partnership, association or corporation violating the provisions of this act with respect to the use of Consumer or Display Fireworks shall be guilty of a summary offense, and upon conviction thereof, shall

be punished by a fine not exceeding \$600.00 Dollars or by imprisonment not exceeding 90 days or by both such fine and imprisonment.

- 2. Any person, individual, partnership, co-partnership, association or corporation who violates any provision of this Chapter shall be ineligible to obtain a permit under this section for a period of three years from the date of violation.

ARTICLE III. INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE IV. SEVERABILITY

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its passage or adoption.

ENACTED AND ORDAINED this _____ day of _____, A.D., 2020.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

Gary W. Volovnik

David R. Nyman

Jim Nietupski

NOT APPROVED

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REQUESTING THE STATE LEGISLATURE AND DEP TO ESTABLISH SPECIFIC CRITERIA REQUIRING MINE OPERATORS TO DOCUMENT THE CONTINUATION OF MINING LICENSES UNDER THE NONCOAL SURFACE MINING ACT (NCSMA)

WHEREAS, the NCSMA permits the continuation of mining licenses provided the operator extracts a minimum of 500 tons of stone per year; and

WHEREAS, neither the NCSMA nor DEP provides any specific measure to determine if a mining operator has removed 500 ton of stone from a particular quarry site; and

WHEREAS, Rockhill Quarry owned by Hanson Materials in East Rockhill Township stopped actively mining at the site in 1983, yet has continued to maintain its mining license based on little or no definitive documentation nor verification by DEP; and

WHEREAS, the data presented by the owners of Rockhill Quarry to substantiate the 500 ton minimum has been the subject of much controversy regarding the accuracy of the data; and

WHEREAS, the controversy stems from subjective nature of the data, in that, there has not been a continuously operational scale on the site to certify accurate extraction; and

WHEREAS, although active quarries with daily operations are meticulous about the weight of material leaving the site through the use of an on-site scale, non-active quarries are not subject to the same documentation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of East Rockhill Township, Bucks County, Pennsylvania, request the PA legislature to amend the NCSMA to require that all licensed quarries include a continuously operating certified permanent scale to accurately document material extraction.

RESOLVED, at a duly convened meeting of the Board of Supervisors of East Rockhill Township conducted this 25th day of August, A.D. 2020.

**EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS**

David Nyman, Chairperson

Gary W. Volovnik, Vice-Chairperson

James C. Nietupski, Member

ATTEST:

Marianne K. Morano, Manager

DRAFT