

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 070708)

RESOLUTION

Authorizing the Committee on Legislative Oversight to hold public hearings on the Commonwealth's regulations pertaining to the sale and use of consumer fireworks in Philadelphia and to discuss pending legislation in the Pennsylvania General Assembly that would authorize municipalities to regulate consumer fireworks within their respective jurisdictions.

WHEREAS, In 2004, the Commonwealth of Pennsylvania enacted Act 204 to permit the sale and use of a type of consumer fireworks known as Ground and Handheld Sparkling Devices throughout the entire Commonwealth and that also preempted cities and municipalities from enacting stricter regulations on the use and sale of such devices; and

WHEREAS, This legislation, which was sponsored by Senator Roger Madigan, was unanimously passed by both the Senate and House; and

WHEREAS, The sale of consumer fireworks in Philadelphia poses numerous enforcement and safety issues. It is difficult to pinpoint where sparkling devices or illegal fireworks are being used since they go off quickly and are often ignited out of sight. Furthermore, since these devices are often used on rooftops or decks, they can easily land on neighboring properties; and

WHEREAS, The penalty for using consumer fireworks in violation to the provisions set forth in the Pennsylvania Statutes is a fine of no more than \$100.00; and

WHEREAS, According to the U.S. Consumer Products Safety Commission, sparklers burn at a temperature of up to 2,000 degrees, which is hot enough to melt some metals; and

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WHEREAS, The sale of other fireworks devices is allowed outside of Philadelphia county to out-of-state residents, but are often brought back into Philadelphia and used. While these fireworks can only be sold to non-Pennsylvania residents, it is relatively easy to purchase them either with a fraudulent ID or through an out-of-state family member or friend. This is especially typical around the 4th of July; and

WHEREAS, There are currently two bills pending in the Pennsylvania Legislator that would alter the provisions set forth Act 204; and

WHEREAS, The enactment of SB 47 and HB 1193 would greatly benefit Philadelphia by allowing the city to implement its own restrictions on both the sale and use of consumer fireworks within the city limits; and

WHEREAS, New Jersey, having much stricter fireworks regulations, has urged Pennsylvania to repeal certain provisions in Act 204 that authorize the sale of certain fireworks to out-of-state residents; and

WHEREAS, The New Jersey Senate passed a resolution, sponsored by New Jersey Senator Peter A. Inverso, urging Pennsylvania to repeal its law authorizing the sale of certain fireworks to out-of-state residents. The resolution states, “Pennsylvania fireworks retailers are taking full advantage of this law [Act 204], by marketing to surrounding states, including sending advertisements to residents of this State, some of which target children”; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That City Council’s Committee on the Legislative Oversight is hereby authorized to hold public hearings on the Commonwealth’s regulations pertaining to the sale and use of consumer fireworks in Philadelphia and to discuss pending legislation in the Pennsylvania General Assembly that would authorize municipalities to regulate consumer fireworks within their respective jurisdictions.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twentieth of September, 2007.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Kenney

Sponsored by: Councilmembers Kenney, DiCicco, Goode, Savage, Greenlee, Clarke, Reynolds Brown, Rizzo, Tasco, Campbell and O'Neill