

Cheltenham Township, believing that public input is appropriate on any item coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

BUILDING AND ZONING COMMITTEE

Brad M. Pransky – Chairman
J. Andrew Sharkey – Vice Chairman
Irv Brockington – Member
Baron B. Holland – Member
Ann L. Rappoport – Member
Mitchell Zygmund-Felt – Member
Daniel B. Norris – Ex-Officio Member

Wednesday, February 7, 2018

8:00 PM

Curtis Hall

AGENDA

1. Receipt of the Planning Commission Meeting Minutes for January 22, 2018 (see attached).
2. Acceptance of 2017 Planning Commission Annual Summary Report (see attached).
3. Report of the Building Inspector for January, 2018 (see attached).
4. Old Business
5. New Business
 - A. Review and discuss possible recommendation to the Board of Commissioners to authorize advertisement of its intent to hold a Public Hearing at its regularly-scheduled meeting on March 21, 2018 to consider the adoption of an Ordinance amending Chapter 295, Zoning, to include provisions governing the sales of Consumer Fireworks within the Township (see attached).
 - B. Review and discuss possible recommendation to the Board of Commissioners to authorize advertisement of its intent to consider the adoption of an Ordinance amending Chapter 205, Peace and Good Order, to regulate permissible hours for the use of Consumer Fireworks within Cheltenham Township at its regularly-scheduled meeting on March 21, 2018 (see attached).
 - C. Review and discuss possible recommendation to the Board of Commissioners to authorize advertisement of its intent to consider the adoption of an Ordinance establishing Chapter 194, Display Fireworks, to establish the requirement and conditions for issuance of a permit to possess and use Display Fireworks within Cheltenham Township at its regularly-scheduled meeting on March 21, 2018 (see attached).

- D. Review and discuss possible recommendation to the Board of Commissioners to authorize advertisement of its intent to consider the adoption of an Ordinance amending Chapter 251, Peddling, Soliciting and Transient Sales, to extend the length of time a Transient Sales Permit is valid within Cheltenham Township at its regularly-scheduled meeting on March 21, 2018 (see attached).
- E. Review and discuss possible recommendation to the Board of Commissioners to adopt a Resolution amending Chapter A300, Fees, to amend and establish fees in accordance with the Consumer and Display Fireworks Ordinances under consideration at its regularly-scheduled meeting on March 21, 2018 (see attached).
- F. Review and discuss possible recommendation to the Board of Commissioners to adopt a Policy regarding the use of Display Fireworks on Township-owned Property at its regularly-scheduled meeting on March 21, 2018 (see attached).

6. Citizen's Forum

7. Adjournment



Bryan T. Havir
Township Manager

Planning Commission Minutes

Dated January 22, 2018

The regular meeting of the **PLANNING COMMISSION** was held this evening at the Township Administration Building. The following Planning Commission members were present: David Conley, Thomas Cross, Carl Freedman, Hannah Mazzacaro and Bill Winneberger. Also present were Robert Habgood, Assistant to the Planning & Zoning Director and Brian Olszak, Montgomery County Planning Commission.

Mr. Cross called the meeting to order at 7:30 p.m. A quorum was present.

1. Reorganization with election for Chair and Vice Chair.

Mr. Winneberger nominated Mr. Cross for Chair. Ms. Mazzacaro seconded, and the motion passed unanimously. Ms. Mazzacaro nominated Mr. Winneberger for Vice-Chair. Mr. Cross seconded, and the motion passed unanimously. Mr. Cross thanked Ms. Mazzacaro for her service as Vice-Chair of the Planning Commission for the year 2017.

2. Acceptance of minutes of the Planning Commission meeting dated December 27, 2017.

Mr. Winneburner motioned to accept the meeting minutes. Mr. Cross seconded, and the motion passed unanimously.

3. CTDA#17-04, Lot Consolidation of 1829 and 1831 Cheltenham Avenue, Elkins Park, PA 19027, into a single lot.

Mr. Habgood reported that the Township received a written request dated January 22, 2018 from the applicant to have their project continued to the Planning Commission's February meeting. The Planning Commission unanimously motioned to accept the continuance to the February meeting.

4. 1333 Cheltenham Avenue, Elkins Park, PA 19027, Sewage Planning Module Modification.

Mr. Habgood provided background on the building with multiple uses including restaurants and that in 2014 a request for an additional ten (10) EDUs was submitted and granted.

Harold Lichtman, AIA, was present for the building owner and provided additional background on the request. Mr. Lichtman advised that the existing restaurant wanted to increase its seating and during review of the water bills, it was determined that the existing building uses were already exceeding the allowable EDU allocation by 1,504 GPD (5.73 EDUs). He also shared that a determination had been made that the karaoke use located in the basement did not appear to have been included in the 2014 request for EDUs.

Discussion followed with respect to the amendment to the Sewage Facilities Planning Module as submitted, involving review by the Planning agencies and the County Health Department.

Mr. Winneburner made a motion to recommend approval of the amended Module. Mr. Freedman seconded, and the motion passed unanimously.

5. **Old Business** – None.
6. **New Business** – **Review of the 2017 Planning Commission Annual Summary Report.**

Mr. Habgood provided a general overview and update of the Summary Report of the Planning Commission's activities for 2017 (see attached). Mr. Olszak added that this Report is required by the Pennsylvania Municipality's Planning Code.

The Commission recommended that the 2017 Planning Commission Annual Summary Report of its activities be forwarded to the Board of Commissioners for review and acceptance.

7. **Adjournment** – Mr. Cross motioned to adjourn the meeting at 7:43 p.m., seconded by Mr. Winneberger.



Bryan Havir
Township Manager

Submitted by: Patty Gee

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Daniel B. Norris, *President*
Ann L. Rappoport, *Vice President*
Irv Brockington
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J. Andrew Sharkey
Mitchell Zygmund-Felt

Township Manager
Bryan T. Havir



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215-887-1000
FAX: 215-887-1561
www.cheltenhamtownship.org

TO: Cheltenham Township Planning Commission

FROM: Henry Sekawungu, Director, Planning and Zoning / HS

RE: 2017 Planning Commission Annual Summary Report

DATE: January 22, 2018

Per Section 207. Conduct of Business, of the Pennsylvania Municipal Planning Code, the Commission shall keep a full record of its business and shall annually make a written report of its activities to the governing body.

Below please find a summary report of activities accomplished in 2017.

Subdivision and Land Development

A total of five (5) projects were reviewed and recommended for approval, and one (1) project is still pending listed as follows.

Reviewed Projects:

- CTDA 16-02 Arcadia University – Land Development for an addition to Spruance Hall.
- CTDA 16-03 Arcadia University – Land Development for the construction of a new auxiliary gym.
- CTDA 16-06 1403 Cheltenham Avenue – Land Development for the demolition of an existing service station and construction of a new Dunkin Donuts with drive through service.
- CTDA 17-02 7600-7604 Woodlawn Avenue – Minor Subdivision for lot line adjustment between two existing parcels.
- CTDA 17-06 101 Limekiln Pike – Wavier of Land Development for the construction of an addition to the existing building with renovations to the parking area and planting of landscaping.

Pending Projects:

- CTDA 17-03 Westminster Theological Seminary – Land Development for the construction of one (1) educational and four (4) dormitory buildings along with expansion of the existing library and parking area.

Zoning Hearing Board

A total of twenty one (21) Zoning Hearing Board appeals, listed below, were reviewed:

- 17-3565 – 923 Melrose Avenue, for accessory structures encroaching into setbacks. (A)
- 17-3566 – 133 Johns Road, for parking of Class 3 Commercial/Construction vehicles. (W)
- 17-3567 – 8254 Old York Road, for parallel wall and monument signs. (A)
- 17-3568 – 265 Harrison Avenue, for solid 6' high fence in front yard of corner lot. (A)
- 17-3569 – Westminster Theological Seminary, for construction of a new educational and dormitory buildings and expansion of the library and parking area. (A)
- 17-3570 – 203 Central Avenue, for increase driveway width. (A)
- 17-3571 – 8003 Old York Road, for a new Medical Marijuana Dispensary use. (A)
- 17-3572 – 1006 Dell Lane, for a second cooking facility. (D)
- 17-3573 – 2401 Cheltenham Avenue, for signage for Five Below. (A)
- 17-3574 – 328 Gribbel Road, for patio roof to encroach into setback. (A)
- 17-3575 – 140 S Easton Road, for a new Medical Marijuana Dispensary use. (W)
- 17-3576 – 7827 Old York Road, for multi-tenant office use with one (1) apartment and parking for vans and mini-bus. (A)
- 17-3577 – Arcadia University, for accessory press box encroachment into setback. (A)
- 17-3578 – 213 Buttonwood Way, for accessory structures encroaching into setbacks. (A)
- 17-3579 – S Easton Road, for a proposed medical office use. (W)
- 17-3580 – 7704 Lafayette Avenue, for the construction of an In-law suite addition with a separate cooking facility. (A)
- 17-3581 – 1108 Arboretum Road, for parking Class 3 Commercial/Construction vehicles. (D)
- 17-3582 – 1 Central Avenue, for modification of ZHB Decision 3070 to allow for up to a maximum of 114 children in place of 40 children for a Day Care use. (C)
- 17-3583 – 7770 Montgomery Avenue, for construction of new Duplex. (C)
- 17-3584 – 1329 Cheltenham Avenue, for lesser off-street parking spaces. (C)
- 17-3585 – Arcadia University, for Physical Therapy Clinic/Office use in a residential building (Oak Summit). (C)

Key

- * (A) Approved
- * (D) Denied
- * (W) Withdrawn
- * (C) Continued

Resolution/Ordinances

A total of six (6) Resolution/Ordinances listed were reviewed, and recommended for approval as follows:

- Amendment to the Comprehensive Plan to Incorporate the March 23, 2013 Sustainability Plan. **Adopted May 17, 2017**
- Wireless Support and Communication Facility. **Adopted June 21, 2017**
- Tobacco Stores Ordinance. **Adopted June 21, 2017**
- Revision to Definition of Family. **Adopted June 21, 2017**
- Ordinance for Medical Marijuana Dispensaries. **Adopted October 18, 2017**
- New Comprehensive Zoning Ordinance. **Adopted November 15, 2017**

RJH/rjh

cc: Bryan Havir, Township Manager
Robert J Habgood, Assistant to the Planning & Zoning Director

2017 Planning Commission

Annual Summary Report

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Daniel B. Norris, *President*
Ann L. Rappoport, *Vice President*
Irv Brockington
Baron B. Holland
Brad M. Pransky
J. Andrew Sharkey
Mitchell Zygmund-Felt

Township Manager

Bryan T. Havir



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215-887-1000
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TO: Cheltenham Township Planning Commission

FROM: Henry Sekawungu, Director, Planning and Zoning /HS

RE: 2017 Planning Commission Annual Summary Report

DATE: January 22, 2018

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- * (A) **Approved**
- * (D) **Denied**
- * (W) **Withdrawn**
- * (C) **Continued**

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RJH/rjh

cc: Bryan Havir, Township Manager
Robert J Habgood, Assistant to the Planning & Zoning Director

Report of the Building Inspector

For January, 2018

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR JANUARY, 2018

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	54	10,300	515,000
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	8	38,969	1,948,450
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	2	83	83
JANUARY, 2018	64	49,352	2,463,533
JANUARY, 2017	52	23,655	1,164,816
YEAR-TO-DATE 2018	64	49,352	2,463,533
TOTAL 2017	816	392,994	19,826,144

HEATING & AIR CONDITIONING

JANUARY, 2018	10	5,681	284,050
JANUARY, 2017	16	6,869	343,450
YEAR-TO-DATE 2018	10	5,681	284,050
TOTAL 2017	117	44,923	2,246,150

ELECTRICAL

JANUARY, 2018	8	6,586	329,300
JANUARY, 2017	18	7,839	391,950
YEAR-TO-DATE 2018	8	6,586	329,300
TOTAL 2017	102	55,860	2,448,550

PLUMBING

JANUARY, 2018	7	4,200	210,000
JANUARY, 2017	16	2,020	101,000
YEAR-TO-DATE 2018	7	4,200	210,000
TOTAL 2017	125	31,602	2,096,100

FOG PERMITS

JANUARY, 2018	3	750	750
JANUARY, 2017	2	1,250	1,250
YEAR-TO-DATE 2018	3	750	750
TOTAL 2017	83	25,250	25,250

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT FOR THE BUILDING INSPECTOR FOR JANUARY, 2018**

GRADING PERMITS

JANUARY, 2018	0	0	0
JANUARY, 2017	1	400	400
YEAR-TO-DATE 2018	0	0	0
TOTAL 2017	12	3,000	3,000



Henry Sekawungu
Director - Planning and Zoning

New Business

Ordinances, Resolution and Policy

Regarding Consumer and Display Fireworks

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Daniel B. Norris, *President*
Ann L. Rappoport, *Vice President*
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Township Manager

Bryan T. Havir



Administration Building

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MEMORANDUM

TO: Building & Zoning Committee

FROM: Bryan T. Havir, Township Manager *BTH*
Alyson Elliott, Assistant Township Manager *AEL*

RE: Ordinances, Resolution and Policy Regarding Consumer and Display Fireworks

DATE: February 2, 2018

Attached to this memorandum are the following four (4) ordinances, resolution and draft administrative policy designed to regulate the use and sale of consumer and display fireworks in Cheltenham Township in accordance with Act 43, Article XXIV, of the State's recently adopted Fireworks Legislation for the Committee's consideration:

1. Amendment to Chapter 205: Peace and Good Order, establishing provisions to regulate the permissible hours for the use of consumer fireworks within the Township.
2. Amendment to Chapter 251: Peddling, Soliciting and Transient Sales, amending
3. Amendment to Chapter 295: Zoning, to regulate the sales locations of consumer fireworks
4. Establishment of Chapter 194: Display Fireworks, regulating the possession and use of display fireworks
5. Amending Chapter A300: Fees, adding fees for the issuance of a display fireworks permit and amending fees for temporary tent permits and transient vendor permits
6. A policy outlining requirements for the issuance of a display fireworks permit on Township-owned property

Action Requested: Recommendation to the Board of Commissioners to authorize advertisement of the Board's intention to consider adoption of the ordinances at its March 21, 2018 meeting and recommend adoption of the Fee Resolution and Administrative Policy at the same meeting.

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ___-18

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 205,
PEACE AND GOOD ORDER, OF THE CHELTENHAM
TOWNSHIP CODE OF ORDINANCES ESTABLISHING
PROVISIONS WHICH REGULATE THE PERMISSABLE
HOURS FOR THE USE OF CONSUMER FIREWORKS
WITHIN CHELTENHAM TOWNSHIP**

WHEREAS, the Pennsylvania General Assembly enacted Act 43 of 2017 on or about October 30, 2017 regulating, among other things, the sale of consumer fireworks, as defined in that Act, to the public within Pennsylvania; and

WHEREAS, the use of consumer fireworks is likely to arise within Cheltenham Township subsequent to the enactment of Act 43; and

WHEREAS, Cheltenham Township, as a Township of the First Class, is authorized to regulate the safety of persons and property within the Township, and to make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, convenience and comfort of the Township and its inhabitants and make and adopt all such ordinances as may be deemed expedient or necessary for the maintenance of peace, good government and welfare of the Township; and

WHEREAS, the Township is authorized to define and prohibit disorderly practices within the limits of the Township; and

WHEREAS, the Township is responsible for insuring that fire and emergency medical services are provided within the Township by the means and to the extent determined by the Township.

NOW, THEREFORE, the Cheltenham Township Board of Commissioners hereby amends Chapter 205 of the Cheltenham Township Code, entitled "Peace and Good Order", to add the following regulations (underlined text is added text):

SECTION I. Amendment to the Code.

Section 205-10 – **Definitions.**

A. As used in this Article, the following term shall have the meanings indicated:

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 (The American Pyrotechnics Association’s Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 Edition, or any subsequent edition) or any successor standard, the sale, possession and use of which are permitted throughout the Commonwealth.

The term does not include devices such as “ground and hand-held sparkling devices,” “novelties” or “toy caps” identified in APA 87-1 or any successor standard, the sale, possession and use of which are permitted at all times throughout the Commonwealth.

...**Disorderly Conduct**

A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

...E. Uses consumer fireworks within Cheltenham Township between the hours of 10:00 p.m. and 8:00 a.m., prevailing time; provided, however, that consumer fireworks may be used within Cheltenham Township on December 31 between 11:45 p.m. and 12:15 a.m. on January 1, prevailing time.

SECTION II. Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township, Montgomery County or the Commonwealth of

Pennsylvania, or be a defense to any citation issued by the Township or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

SECTION IV. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. Repealer.

All ordinances, or parts of ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

SECTION VI. Effective Date.

This Ordinance shall take effect and be in force from and after its enactment as permitted by law.

ENACTED AND ORDAINED, this 21st day of March, 2018.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Daniel B. Norris, President

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ___-18

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 251,
PEDDLING, SOLICITING AND TRANSIENT SALES, OF
THE CHELTENHAM TOWNSHIP CODE OF
ORDINANCES TO EXTEND THE LENGTH OF TIME A
TRANSIENT SALES PERMIT IS VALID**

WHEREAS, the Pennsylvania General Assembly enacted Act 43 of 2017 on or about October 30, 2017 regulating, among other things, the sale of consumer fireworks, as defined in the Act, to the public within Pennsylvania; and

WHEREAS, the sale of consumer fireworks is likely to arise within Cheltenham Township subsequent to the enactment of Act 43; and

WHEREAS, Cheltenham Township seeks to amend its Peddling, Soliciting and Transient Sales Ordinance to comply with the provisions of Act 43; and

WHEREAS, Cheltenham Township, as a Township of the First Class, is authorized to regulate the safety of persons and property within the Township, and to make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, convenience and comfort of the Township and its inhabitants and make and adopt all such ordinances as may be deemed expedient or necessary for the maintenance of peace, good government and welfare of the Township.

NOW, THEREFORE, the Cheltenham Township Board of Commissioners hereby amends Chapter 251 of the Cheltenham Township Code, entitled "Peddling, Soliciting and Transient Sales," to amend the following regulations (~~crossed~~ out text is to be removed and underlined text is to be added):

SECTION I. Amendment to the Code.

Amend §251-3.D(3). to read as follows:

Transient sales permits shall be valid for no longer than ~~10~~20 days, unless otherwise approved by the Township Manager.

SECTION II. Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township, Montgomery County or the Commonwealth of Pennsylvania, or be a defense to any citation issued by the Township or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

SECTION IV. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

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All ordinances, or parts of ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

SECTION VI. Effective Date.

This Ordinance shall take effect and be in force from and after its enactment as permitted by law.

ENACTED AND ORDAINED, this 21st day of March, 2018.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Daniel B. Norris, President

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ___-18

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 295,
ZONING, OF THE CHELTENHAM TOWNSHIP CODE OF
ORDINANCES TO REGULATE THE SALES LOCATIONS
OF CONSUMER FIREWORKS**

WHEREAS, the Pennsylvania General Assembly enacted Act 43 of 2017 on or about October 30, 2017 regulating, among other things, the sale of consumer fireworks, as defined in Article XXIV of the Act, to the general public within Pennsylvania; and

WHEREAS, the use of consumer fireworks are likely to appear within Cheltenham Township following the enactment of Act 43; and

WHEREAS, Cheltenham Township, as a Township of the First Class, is authorized to regulate the safety of persons and property within the Township, and to make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, convenience and comfort of the Township and its inhabitants and make and adopt all such ordinances as may be deemed expedient or necessary for the maintenance of peace, good government and welfare of the Township.

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. Amendment to the Code.

The Codified Ordinances of Cheltenham Township, Chapter 295, Zoning, are amended to add the following new language (underlined text is added text):

Section 295-301. Definitions

...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 Title 16 of

the Code of Federal Regulations (relating to commercial practices) or any successor regulation and complies with the provisions for “Consumer Fireworks” as defined in APA 87-1 (The American Pyrotechnics Association’s Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 Edition, or any subsequent edition) or any successor standard, the sale, possession and use of which are permitted throughout the Commonwealth.

- (2) The term does not include devices such 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 are permitted at all times throughout the Commonwealth.
- (3) The term does not include display fireworks, used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation, as further defined by Act 43 of 2017 (P.L. 670, No. 43).

... TEMPORARY STRUCTURE FOR SALE OF CONSUMER FIREWORKS

A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of twenty (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 National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic articles, 2006 Edition, or any subsequent edition). The term shall not include a facility that is not licensed to sell consumer fireworks under Article XXIV, Act 43 of 2017 (P.L. 670, No. 43).

SECTION II. Amendment to the Code.

The Codified Ordinances of Cheltenham Township, Chapter 295, Zoning, Article IV, Section 295-405 entitled “Categories of Permitted Uses” is amended to add the following new language:

...C. Industrial Uses.

...23. Use C-23: Sales Locations of Consumer Fireworks: Except as otherwise authorized in Act 43 of 2017 and below, consumer fireworks shall be sold only from facilities that are licensed by the Pennsylvania 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 at the facility as required by the primary fire department.

Notwithstanding Paragraphs 23.(1)-(7) above, a temporary structure licensed by the Pennsylvania Department of Agriculture to sell consumer fireworks may be the sales location of consumer fireworks if the temporary structure meets all of the following requirements:

- (1) If 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 (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).
- (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 (see above) as it relates to retail sales of consumer fireworks and temporary structures.
- (5) The temporary structure is located one of the following distances from a permanent facility licensed to sell consumer fireworks under the former Act of May 15, 1939 (P.L. 134, No. 65), referred to as the Fireworks Law, at the time of the effective date of Act 43 of 2017 (P.L. 670, No. 43):
 - i. prior to January 1, 2023, at least five (5) miles.
 - ii. beginning January 1, 2023, at least two (2) 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 is insured by 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. For the purposes of this provision, an outdoor storage unit is defined as a consumer fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124 (see above).

Notwithstanding the foregoing, the sale of consumer fireworks from a 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 III. Amendment to the Code.

The Codified Ordinances of Cheltenham Township, Chapter 295, Zoning, Article XVI, entitled "LI LIGHT INDUSTRIAL DISTRICTS" is amended to add the following new language:

Section 295-1601. Permitted Uses.

...A. A building may be erected or used and a lot may be used or occupied for any of the following purposes, subject to the guidelines herein:

- ...35. Use C23 Sales Locations for Consumer Fireworks.

SECTION IV. Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION V. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township, Montgomery County or the Commonwealth of

Pennsylvania, or be a defense to any citation issued by the Township or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

SECTION VI. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. Repealer.

All ordinances, or parts of ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

SECTION VIII. Effective Date.

This Ordinance shall take effect and be in force from and after its enactment as permitted by law.

ENACTED AND ORDAINED, this 21st day of March, 2018.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Daniel B. Norris, President

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ___-18

“Display Fireworks”

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA ESTABLISHING CHAPTER 194, DISPLAY FIREWORKS, OF THE CHELTENHAM TOWNSHIP CODE OF ORDINANCES REGULATING THE ISSUANCE OF A PERMIT FOR THE POSSESSION AND USE OF DISPLAY FIREWORKS, INCORPORATING THE DEFINITION OF DISPLAY FIREWORKS FROM ACT 43 OF 2017 AND ESTABLISHING PERMIT FEES AND PROVIDING FOR CIVIL PENALTIES FOR VIOLATIONS OF NEW CHAPTER 194

WHEREAS, the Pennsylvania General Assembly enacted Act 43 of 2017 on or about October 30, 2017 regulating, among other things, the issuance of a permit from a municipality for the possession and use by a person of display fireworks; and

WHEREAS, Cheltenham Township, as a Township of the First Class, is authorized to regulate the safety of persons and property within the Township, and to make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, convenience and comfort of the Township and its inhabitants and make and adopt all such ordinances as may be deemed expedient or necessary for the maintenance of peace, good government and welfare of the Township.

NOW, THEREFORE, the Cheltenham Township Board of Commissioners hereby enacts new Chapter 194 of the Cheltenham Township Code, entitled “Display Fireworks”, to establish the following regulations (underlined text is added text):

SECTION I. Amendment to the Code.

Section 194-1. Definitions

A. The following words, terms and phrases, when used in this Chapter, shall have the following meanings ascribed to them:

“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 2 grams 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 UNO333, UNO334 or UNO 335 under 49 Code of Federal Regulations 172.101 (relating to purpose and use of hazardous materials table).

Section 194-2. Permit or License Required

From and after the passage of this Chapter, it shall be unlawful to possess or use display fireworks within Cheltenham Township without obtaining a permit from Cheltenham Township to do so.

Section 194-3. Permit Issuance

Permits shall be issued by the Township Fire Marshal, or his or her designee, upon application therefore setting forth the identity of the professional pyrotechnician, the identity of the surety providing the bond referred to in Section 194-4 below, and the time and place of the display covered by the permit or for any other purpose authorized by Act 43 of 2017 or its successor law.

Section 194-4. Bond

At the time of application to the Township Fire Marshal, or his or her designee, the applicant shall submit a bond deemed adequate by the Township in a sum not less than \$50,000.00 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, employee or subcontractor of the permittee.

Section 194-5. Request for Extension

If, because of unfavorable weather, a 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 Township Fire Marshal, or his or her designee. 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 (1) week after the date originally designated in the permit. Upon receiving the request for an extension, the Township Fire Marshal, or his or her designee, if he/she 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 (1) week after the date originally designated in the permit. 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 on the date originally designated in the permit.

Section 194-6. Violations and Civil Penalties

Any person, firm, association or corporation who or which shall violate or fail to comply with any of the provisions of this Chapter shall, upon being found liable in a civil proceeding before a magisterial district judge, shall pay a civil penalty of not more than one thousand dollars (\$1,000.00) and costs of prosecution. Each separate day that a violation occurs shall be deemed a separate violation.

SECTION II. Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent

jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township, Montgomery County or the Commonwealth of Pennsylvania, or be a defense to any citation issued by the Township or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

SECTION IV. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. Repealer.

All ordinances, or parts of ordinances, of the Township which shall be inconsistent with this Ordinance shall be, and the same expressly are, repealed.

SECTION VI. Effective Date.

This Ordinance shall take effect and be in force from and after its enactment as permitted by law.

ENACTED AND ORDAINED, this 21st day of March, 2018.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Daniel B. Norris, President

**CHELtenham TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. ___-18

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA, AMENDING CHAPTER A300,
THE CHELTENHAM TOWNSHIP FEE SCHEDULE,
RELATED TO TEMPORARY TENT PERMIT FEES;
PEDDLER, SOLICITOR AND TRANSIENT VENDOR
PERMIT FEES; AND DISPLAY FIREWORKS PERMIT
FEES**

WHEREAS, Cheltenham Township has adopted an ordinance establishing a new Chapter 194 in the Code of Ordinances of Cheltenham Township regulating permits for display fireworks as authorized by Article XXIV of Act 43 of 2017; and

WHEREAS, Cheltenham Township desires to amend the fees for temporary tent permits for commercial uses to extend the period from 10 to 20 days and to provide a graded fee based on the size of the tent; and

WHEREAS, Cheltenham Township desires to amend the fee for transient vendor permits to extend the maximum permit length from 10 days to 20 days; and

WHEREAS, Cheltenham Township has the right to fix fees pursuant to Chapter A300 of the Cheltenham Township Code.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Cheltenham Township that the Board hereby amends Chapter A300, Fees, of the Cheltenham Township Code, effective March 31, 2018, as follows:

I. Amend §A300-4.A.(2)(b)[3] to replace existing language in its entirety with the following:

Temporary tents or structures to be used for commercial purposes in commercial areas:

- [a] Tents under 400 square feet: \$50, for a maximum of 20 days.
- [b] Tents over 400 square feet: \$100, for a maximum of 20 days.
- [c] Permits for signs affixed to temporary tents or structures used for commercial purposes in commercial areas shall require a fee of \$25 per sign.

II. Amend §A300-8 to replace existing language in its entirety with the following:

Display Fireworks Permit Fee.

A. Pursuant to Chapter 194 of the Code of Cheltenham Township, Display Fireworks, the following fee is hereby established:

- (1) Permit fee for application for display fireworks: \$300.00

III. Amend §A300-18 to replace existing language in its entirety with the following:

Peddlers, solicitors and transient vendors.

A. Fees for commercial peddling/soliciting shall be as follows:

- (1) One day: \$25 per person.
- (2) One week (seven days): \$100 per person.
- (3) One-day parade: \$150.

A. Fees for transient sales vendors: \$100 per vendor per day for a maximum of 20 days.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this **21st** day of **March, A.D., 2018**, in the year of the Township of Cheltenham the one hundred nineteenth.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Daniel B. Norris, President



POLICY REGARDING THE USE OF DISPLAY FIREWORKS ON LANDS OWNED BY CHELTENHAM TOWNSHIP

Display Fireworks may be set off on the following Cheltenham Township park lands, grounds, and facilities or by other publically owned land by the Township or School District by qualified professional pyrotechnicians in accordance with the provisions of Chapter 194: Display Fireworks, of the Cheltenham Township Code of Ordinances and Act 43 of 2017:

- Curtis Arboretum in association with Township-sponsored events or events associated with the rental of Curtis Hall.
- Any other location of publically owned lands.

The following requirements must be met prior to receiving permission to set off display fireworks in Township-owned facilities:

- Submission of a special event permit application meeting the requirements of Chapter 194: Display Fireworks, of the Cheltenham Township Code
- Proof of Insurance in the following amounts, listing Cheltenham Township as additional insured:

<u>Type of Policy</u>	<u>Limits of Liability</u>
Standard Workers Compensation	Statutory
Employee Liability	\$500,000
General Liability — Combined Single Limit (Bodily Injury & Property Damage)	\$1,000,000 ea. occurrence, \$2,000,000 in aggregate
Automobile Liability (Bodily Injury, Death & Property Damage)	\$1,000,000 ea. occurrence
Professional Liability	\$1,000,000 ea. occurrence

- Execution of an agreement holding Cheltenham Township harmless
- Notification of all properties located within a one-mile radius of the requested facility or event revenue.

Adopted: _____