

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

Tuesday, March 13, 2018

8:00 PM

Curtis Hall

AGENDA

1. Receipt of the Planning Commission Meeting Minutes for February 26, 2018 (see attached).
2. Report of the Building Inspector for February, 2018 (see attached).
3. Old Business
 - A. Consider a recommendation to the Board of Commissioners to adopt an Ordinance amending Chapter 295, Zoning, to include provisions governing the sales of Consumer Fireworks within the Township (see attached).
 - B. Consider a recommendation to the Board of Commissioners to adopt an Ordinance amending Chapter 205, Peace and Good Order, to regulate permissible hours for the use of Consumer Fireworks within Cheltenham Township (see attached).
 - C. Consider a recommendation to the Board of Commissioners to adopt 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 (see attached).
 - D. Consider a recommendation to the Board of Commissioners to adopt 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 (see attached).
 - E. Consider a recommendation 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).
4. New Business
5. Citizen's Forum
6. Adjournment



Bryan T. Havir
Township Manager

Planning Commission Minutes

Dated February 26, 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 Conly, Thomas Cross, Tom DiBenedetto and Carl Freedman. Also present were Henry Sekawungu, Director of Planning and Zoning, Robert Habgood, Assistant to the Planning & Zoning Department and Brian Olszak, Montgomery County Planning Commission.

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

1. Acceptance of minutes of the Planning Commission meeting dated Monday, February 26, 2018.

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

2. Review of Proposed Ordinance Amending Chapter 295 entitled “Zoning” to “Regulate the Sales Locations of Consumer Fireworks”.

Mr. Habgood provided background on the proposed Ordinance. Mr. Sekawungu reported that the language used in the proposed Ordinance was taken from the State Statute legislating the sales of consumer fireworks.

Discussion followed with respect to location, type of fireworks to be sold, temporary sales structures and security for temporary structures. Mr. Harold Lichtman questioned why temporary structures were still being permitted under the proposed Ordinance. Discussion followed regarding the State law and restrictions in place for temporary structures.

Mr. Freedman made a motion to recommend approval. Mr. Conly seconded, and the motion passed unanimously.

3. Review of Zoning Hearing Board Agenda for March 12, 2018.

a. Appeal #18-3586 for Liberty Public Health for a Proposed Group Home at 1608 Chattin Road, Laverock, PA 19038

Mr. Habgood summarized the request for zoning relief by Liberty Public Health for the premises known as 1608 Chattin Road, Laverock, PA 19038 requesting Special Exception from Section 295-301., definition of family, to allow for three (3) unrelated individuals, with intellectual disabilities, to occupy the single-family detached dwelling with around the clock staffing by nine (9) employees, at this property located in the R-1 Residential Zoning District.

Garis Pierre Eddington, owner of the property and President for Liberty Public Health provided additional background on his business, the proposed use, and the individuals who would be selected to reside in the dwelling.

Discussion ensued with respect to the following:

- Staffing by the nine (9) employees and house manager.
- Education and training for staff.
- Activities for the individuals residing in the dwelling.
- Possible issues with the individuals residing in the dwelling.
- Program not for substance abuse, just for individuals who cannot care for themselves.

Many residents from Chattin Road were present and voiced their concerns as follows:

- Traffic and noise increase on Chattin Road due to visitors.
- Parking issues on Chattin Road.
- Concerns regarding a decline in property values.
- Safety of the neighborhood.
- Concerns that applicant has not been honest with the neighbors, as a prior resident.

Commissioner Zygmund-Felt inquired as to the financial structure of Liberty Public Health. Mr. Eddington stated that it is government funded and is a for-profit organization. Mr. Eddington also advised that Liberty Public Health would be paying taxes.

Mr. Freedman motioned to recommend approval. Mr. DiBenedetto seconded and the motion passed unanimously.

b. Appeal #18-3587 Jennifer Wolfe for Old Navy at 2401 W. Cheltenham Ave. (Greenleaf at Cheltenham).

Mr. Habgood summarized the requested zoning relief by Jennifer Wolfe representing Old Navy, for the premises known as 2401 W Cheltenham Avenue, Wyncote, PA 19095 (Greenleaf at Cheltenham) to allow for the installation of a new parallel wall sign and increase in size for temporary signage located in the C-1 Commercial Zoning District.

Ms. Wolfe provided additional background on the proposed relief. She stated that the request is to allow for the parallel wall sign to be just the lettering for Old Navy and not to include the architectural ornamental fins that already exist. Ms. Wolfe also advised that they were requesting for an increase in the allowable size for temporary signs, from the permitted 20 sq. ft. to 100 sq. ft.

Discussion ensued with respect to the sign area, the architectural ornamental fins and the distance of the building from the street.

Tom DiBenedetto motioned to recommend approval. Mr. Freedman seconded and the motion passed unanimously.

c. Appeal #18-3588 Yong Choi for 7320 Old York Road (More Shopping Center).

Mr. Habgood summarized the request for zoning relief by Yong Choi for the premises known as 7320 Old York Road, Elkins Park, PA 19027 for Zoning Relief in order to construct an approximately 35,000 sq. ft. addition with two level parking deck above the addition to convert part of the interior of the existing first floor into a parking area and for an increase in the allowable signage on the property located in the C-2 Commercial Zoning District.

Harold Lichtman, AIA, representing the applicant advised that this appeal was the same appeal but with fewer requested variances than was granted on July 15, 2015. Mr. Lichtman advised that due to economic reasons the project did not proceed, leading to the relief previously granted by the Zoning Hearing Board expiring.

Mr. Lichtman presented revised plans that showed the elevation of the façade which was previously approved and stated that he was trying to make it more pedestrian-friendly along Old York Road.

Discussion ensued with respect to the following:

- Total number of existing and proposed parking spaces.
- Pedestrian access to the building.
- Proposed use of the first floor of the addition.
- The location of the loading dock and trash bins.
- Signage for the building.

Darlene Melton was present and recommended that this appeal should be reviewed by the La Mott Board of Historical and Architectural Review (BHAR), before the Planning Commission. Discussion followed with respect to when projects get reviewed by the BHAR's and the Zoning Code which indicates that BHAR reviews occur at either land development and/or permit submittal.

Ms. Melton also advised that the neighbor notification for the pending appeal indicated that the Planning Commission meeting was to be held at Curtis Hall, not the Township Administration Boardroom and requested that the Appeal be continued.

A resident from Willow Avenue raised concerns about the noisy trash pickup trucks due to the current location of the trash area across from her property, and also about the traffic that cuts through from Cheltenham Avenue to Willow Avenue.

Mr. Lichtman advised that the trash containers would be relocated to the area of the loading dock and that the area where traffic cuts through was not on this property.

Mr. DiBenedetto motioned to recommend approval. Mr. Freedman seconded and the motion passed unanimously.

4. Old Business – None.

5. New Business – Jenkintown Borough Comprehensive Plan.

Mr. Olzak discussed the proposed comprehensive plan prepared by Jenkintown Borough and the use of open space in Cheltenham. The Commission discussed the plan and came to the conclusion that there was nothing controversial about the proposed plan.

Mr. Cross motioned to recommend no action and the motion passed unanimously.

7. **Adjournment** – Mr. DiBenedetto motioned to adjourn the meeting at 9:52 p.m., seconded by Mr. Conley.



Bryan Havir
Township Manager
Submitted by: Patty Gee

PLANNING COMMISSION SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>	<u>APPEAL NO</u>
Jennifer Wuffe	39-B Hazel street Porterdale, GA 30114	18-3587
Garis Eddingson	1608 Chattin Rd	18-3586
DIANA GOLDSLACK	1625 Chattin Rd	18-3586
Carol Whitaker	1624 Chattin Rd	18-3586
MORT Wolmpert	1617 Chattin Rd	18-3586
LARENNE MERTON	1829 CHELSEA RD LAMONT PA 19027	18-3588
Sullivan Kelly	1609 Chattin Rd	18-3586
CLAREYETTER	1325 WILLOW AVE	18-3586
William Biddle	1640 Chattin Rd	18-3586

Report of Building Inspector

February 2018

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

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

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	60	15,382	769,100
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	3	8,670	433,500
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	1	5,035	251,750
FENCE	6	288	288
FEBRUARY, 2018	70	29,375	1,454,638
FEBRUARY, 2017	33	123,969	6,192,450
YEAR-TO-DATE 2018	134	78,727	3,918,171
TOTAL 2017	816	392,994	19,826,144
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HEATING & AIR CONDITIONING			
FEBRUARY, 2018	6	2,491	24,550
FEBRUARY, 2017	5	3,120	156,000
YEAR-TO-DATE 2018	16	8,172	308,600
TOTAL 2017	117	44,923	2,246,150
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ELECTRICAL			
FEBRUARY, 2018	2	5,773	288,650
FEBRUARY, 2017	3	13,790	689,500
YEAR-TO-DATE 2018	10	12,359	617,950
TOTAL 2017	102	55,860	2,448,550
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PLUMBING			
FEBRUARY, 2018	7	1,829	91,450
FEBRUARY, 2017	7	11,875	593,750
YEAR-TO-DATE 2018	14	6,029	301,450
TOTAL 2017	125	31,602	2,096,100
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FOG PERMITS			
FEBRUARY, 2018	19	6,000	6,000
FEBRUARY, 2017	4	1,000	1,000
YEAR-TO-DATE 2018	22	6,750	6,750
TOTAL 2017	83	25,250	25,250

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

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

GRADING PERMITS

FEBRUARY, 2018	0	0	0
FEBRUARY, 2017	0	0	0
YEAR-TO-DATE 2018	0	0	0
TOTAL 2017	12	3,000	3,000



Henry Sekawungu
Director - Planning and Zoning

Old Business

Ordinances and Resolutions Regarding Consumer and Display Fireworks

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

**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

“Display Fireworks”

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM 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**

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 ~~40~~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.

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 maximum permit length 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 (not including those retail sales uses accessory to an existing permitted retail sales use in a permanent location in the Township):

- [a] Tents under 400 square feet: \$250 per tent, for a maximum of 20 consecutive days.
- [b] Tents over 400 square feet: \$400, for a maximum of 20 consecutive 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 per event: \$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