

ORDINANCE NUMBER 205

NEW SEWICKLEY TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA

AN ORDINANCE PROHIBITING THE MANUFACTURE, MIXING, OR  
USE OF BINARY EXPLOSIVES SUCH AS TANNERITE AND  
PROVIDING PENALTIES FOR VIOLATIONS.

**WHEREAS**, under the provisions of the Second Class Township Code, 53 Pa C.S.A. 65101, et seq., Section 1527 and Section 1534, the Township may adopt ordinances to secure the safety of persons and property within the Township and to that end may prohibit the manufacture, creation by mixing, or use of explosives and other dangerous articles; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the health, safety and welfare of the Township residents that the manufacture, mixing, or use of binary explosives, such as Tannerite, be prohibited.

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of New Sewickley Township, Beaver County, Pennsylvania, as follows:

**Section 1: Title.**

This Ordinance shall be known and may be cited as the "New Sewickley Township Binary Explosives Ordinance."

**Section 2: Definition.**

"Binary Explosives" are any chemical compounds or mechanical mixtures that contain oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion. This includes 1) the product sold as "Tannerite," 2) any other products sold in two or more components that are advertised and sold together with instructions on how to combine the components to create an explosive, or 3) any other products sold separately and then combined to create an explosive.

**Section 3: Prohibition**

The manufacture of explosives, the creation of explosives by mixing two or more independent components, and the use of Binary Explosives shall be and here is prohibited within the Township of New Sewickley.

#### **Section 4: Violations and Penalties.**

In the event of a violation of this Ordinance, the Township may commence an action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure where the fine may not exceed \$1,000 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses. Each act in violation of this Ordinance shall constitute a separate offense.

#### **Section 5: Severability.**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

#### **Section 6: Effective Date.**

This Ordinance shall take effect and be in force five (5) days after adoption.

**ORDAINED AND ENACTED** into law this 5th day of July 2016, by the Board of Supervisors of New Sewickley Township, Beaver County, Pennsylvania, in lawful session duly assembled.

ATTEST:

NEW SEWICKLEY TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

  
Chairman, Board of Supervisors