

ORDINANCE NO. 2009--7

AN ORDINANCE TO REGULATE THE USE OF FIREWORKS

WHEREAS, Indiana Code §22-11-14 governs the use generally of fireworks in the State of Indiana; and,

WHEREAS, Indiana Code §22-11-14-10.5 authorizes local governments to regulate the day and hours when fireworks may be used, ignited or discharged and the locations where such fireworks may be used, ignited or discharged; and,

WHEREAS, the Common Council of the Town of Owensville deems it appropriate for the protection of the public health and safety to reasonably regulate fireworks within the Town.

NOW, THEREFORE, be it ordained by the Common Council of the Town of Owensville as follows:

**ARTICLE 1
SCOPE**

This Ordinance shall regulate the use, ignition or discharge of fireworks within the Town of Owensville.

**ARTICLE 2
DEFINITIONS**

(A) **CONSUMER FIREWORK.** A small firework that is designated primarily to produce visible or audible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designated to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling and expelling charges consisting of a mixture of charcoal sulfur, and potassium nitrate are not considered to be designed to produce an audible effect. Consumer Fireworks include:

(1) aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells;
(2) ground audible devices, which include, but are not limited to, firecrackers, salutes, and chasers; and,

(3) firework devices containing combinations of the effects described in numbers 1 and 2.

(4) Consumer Fireworks do not include the following fireworks as referenced in Indiana Code §22-11-14-8(a): dipped sticks or wire sparklers. However, the total pyrotechnic composition may not exceed One hundred (100) grams per item: and, devices containing chlorate or perchlorate salts may not exceed five (5) grams per item, Cylindrical fountains, Cone fountains, Illuminating torches, Wheels,

b) c) d) e) f) g) h) i) j) Ground spinners, Flitter sparklers, Snakes or glow worms, Smoke devices, Trick noisemakers that include party poppers, booby traps, snappers trick matches, cigarette loads and auto burglar alarms.

(B) FIREWORK. Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of both common fireworks and special fireworks, including Consumer Fireworks. The following items are excluded from the definition of fireworks:

- (1) Model rockets.
- (2) Toy pistol caps.
- (3) Emergency signal flares.
- (4) Matches.
- (5) Fixed ammunition for firearms.
- (6) Ammunition components intended for use in firearms, muzzle loading cannon, or small arms.
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
- (8) Indoor pyrotechnics special effects material.
- (9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

ARTICLE 3 PROHIBITIONS

(A) No person within the Town of Owensville may use, ignite or discharge or permit to be used, ignited or discharged any type of Consumer Fireworks on any other day or time other than the following:

- (1) June 29, June 30, July 1, July 2, July 3, July 5, July 7, July 8, July 9, between the hours of 5:00 p.m. to two hours after sunset;
- (2) Day before Memorial Day, Memorial Day, July 4, day before Labor Day, and Labor Day between the hours of 10:00 a.m. and 12:00 midnight; and
- (3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(B) No person may use, ignite or discharge or permit to be used, ignited or discharged any Consumer Fireworks within the Town of Owensville in or on any:

- (1) park
- (2) playground
- (3) school property
- (4) Church property; or
- (5) parking lot

without the express written consent of the owner.

(C) No person may use, ignite or discharge or permit to be used, ignited or discharged any Consumer Fireworks within the Town of Owensville upon any public street, alley or sidewalk, without the prior consent of the Town of Owensville.

(D) No person within the Town of Owensville may use, ignite or discharge or permit to be used, ignited or discharged, any Fireworks other than Consumer Fireworks except in accordance with Indiana Code §22-11-14-2.

**ARTICLE 4
PENALTY**

Violation of this Ordinance shall result in a fine in the amount of One Hundred Dollars (\$100.00).

**ARTICLE 5
EFFECTIVE DATE**

This Ordinance shall be effective upon publication as required by law.

PASSED AND ADOPTED by the Council of the Town of Owensville, Indiana, this _____ day of _____, 2009.

COUNCIL OF THE TOWN OF
OWENSVILLE, INDIANA

DALE HENRY, President

BERNARD THOMPSON, Member

CLYDE SCOTT, Member

ATTEST:

KRISTY YORK, Clerk-Treasurer