

# TOWN OF FORTVILLE

## ORDINANCE NO. 2018-6C

### AN ORDINANCE OF THE TOWN OF FORTVILLE GOVERNING THE USE OF FIREWORKS

- A. The Town Council of the Town of Fortville (“Council” and “Town,” respectively) is empowered with police powers to enhance the public’s health, safety, and welfare in the Town.
- B. The Council believes that it is in the best interests of the public’s health, safety, and welfare to establish an ordinance to regulate the use of fireworks within the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. A new Title XI, Chapter 98 is hereby added to the Code as follows:

#### CHAPTER 99: FIREWORKS

Section

- 99.01 Definition of consumer firework
- 99.02 Use of consumer fireworks within the town
- 99.03 Supervised public displays
- 99.04 Enforcement
- 99.99 Penalty

#### § 99.01 DEFINITION OF CONSUMER FIREWORK.

For purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### ***CONSUMER FIREWORK.***

(1) A small firework that is designed primarily to produce visible 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 designed to produce an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. ***CONSUMER FIREWORK*** includes but may not be limited to the following:

- (a) Aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;
- (b) Ground audible devices, which include firecrackers, salutes, and chasers; and

- (c) Firework devices containing combinations of the effects described in divisions (1)(a) and (b) above.

(2) The following items are specifically excluded from the definition of **CONSUMER FIREWORK**:

- (a) Model rockets;
- (b) Toy pistol caps;
- (c) Emergency signal flares;
- (d) Matches;
- (e) Fixed ammunition for firearms;
- (f) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms;
- (g) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms;
- (h) Indoor pyrotechnics special effects material; or
- (i) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

(3) In addition, the following items are excluded from the definition of **CONSUMER FIREWORKS** but are and shall continue to be subject to applicable permitting requirements and state statutes governing fireworks:

- (a) Dipped sticks or wire sparklers;
- (b) Cylindrical fountains;
- (c) Cone fountains;
- (d) Illuminating torches;
- (e) Wheels;
- (f) Ground spinners;
- (g) Flitter sparklers;
- (h) Snakes or glow worms;
- (i) Smoke devices; and
- (j) Trick noisemakers, which include:
  - 1. Party poppers;
  - 2. Booby traps;
  - 3. Snappers;
  - 4. Trick matches;
  - 5. Cigarette loads; and
  - 6. Auto burglar alarms.

#### § 99.02 USE OF CONSUMER FIREWORKS WITHIN THE TOWN.

It shall be unlawful to use or display or permit to be used or displayed within Fortville' municipal boundaries any type of consumer firework on any day or time other than the following:

- (A) Between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
- (B) Between the hours of 10:00 a.m. and 12:00 midnight on July 4;

- (C) Between the hours of 5:00 p.m and 11:00 p.m. beginning on the Friday before Memorial Day and continuing through Memorial Day;
- (D) Between the hours of 5:00 p.m and 11:00 p.m. beginning on the Friday before Labor Day and continuing through Labor Day; and
- (E) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

**§ 99.03 SUPERVISED PUBLIC DISPLAYS.**

This chapter shall not apply to supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals, all of which are and shall continue to be subject to applicable permitting requirements and state statutes.

**§ 99.04 ENFORCEMENT.**

The Fortville Metropolitan Police Department shall be charged with enforcing the provisions of this chapter.

**§ 99.99 PENALTY.**

Any person, firm or corporation who violates this chapter shall be subject to a fine of \$150 for the first offense and \$250 for each subsequent offense. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

SECTION 2. Any Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

SECTION 3. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 4. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

[Signature Page Follows]

Introduced and filed on the 18<sup>th</sup> day of June, 2018.

Duly ordained and passed this 2<sup>nd</sup> day of July, 2018 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

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Michael Frischkorn, President

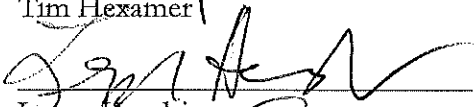
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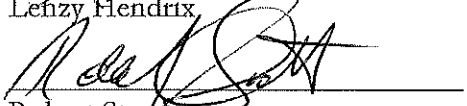
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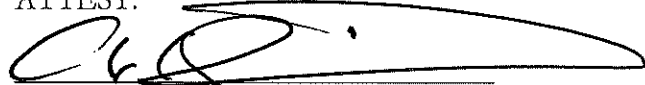
  
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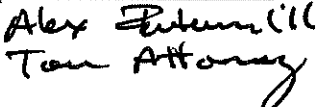
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Robert Sterrett

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ATTEST:

  
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Melissa Glazier  
Clerk-Treasurer

  
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Alex Fintemill  
Town Attorney