

ORDINANCE NO. 2013-14

AN ORDINANCE REGULATING THE DAYS AND HOURS WHEN CONSUMER FIREWORKS MAY BE USED, IGNITED OR DISCHARGED

WHEREAS, the citizens of Garrett have asked for reasonable use of fireworks in and around neighborhoods and populated places; and

WHEREAS, Indiana Code 22-11-14-10.5 allows municipalities to adopt a Fireworks Use Ordinance regulating when consumer fireworks may be used, ignited or discharged within the corporate limits of the municipality which is a change from prior and current state law; and

WHEREAS, this ordinance allows the limited use of consumer fireworks while respecting the safety and quality of life for the residents of the City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Garrett, Indiana, as follows:

1. DEFINITIONS:

Consumer Fireworks: A small firework that is designed 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 designed 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:

- A Aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells;
- B Ground audible devices, which include, but are not limited to, firecrackers, salutes and chasers; and
- C Firework devices containing combinations of the effects described in subparagraphs (A) and (B) above.
- D Consumer Fireworks do not include the following fireworks as referenced in IC 22-11-4-8(a)
 - 1 Dipped sticks or wire sparklers. However, the total pyrotechnic composition may not exceed One hundred (100) grams per item; and, devices containing chlorate or per chlorate salts may not exceed five (5) grams per item,
 - 2 Cylindrical fountains,
 - 3 Cone fountains,
 - 4 Illuminating torches,
 - 5 Wheels,
 - 6 Ground spinners,
 - 7 Flitter sparklers,
 - 8 Snakes or glow worms,
 - 9 Smoke devices,
 - 10 Trick noisemakers that include party poppers, booby traps, snappers, trick matches, cigarette loads and auto burglar alarms.

2. USE OF CONSUMER FIREWORKS

No person within the corporate boundaries of the City of Garrett shall use, ignite or discharge or permit to be used, ignited or discharged any type of consumer fireworks on any day or time other than the following:

- A. July 2, July 3, July 5, July 6, and July 7 between the hours of 5:00 p.m. and 11:00 p.m.;
 - B. July 4 between the hours of 10:00 a.m. and midnight;
 - C. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1;
 - D. Between the hours of 10:00 a.m. and 11:00 p.m. on January 1.
 - E. Between the hours of 10:00 a.m. and 11:00 p.m. on the day comprising the Heritage Days Celebration in the City of Garrett.
3. **ENFORCEMENT**
The Garrett Police Department shall be charged with enforcing the provisions of this ordinance
4. **PENALTY**
Any person, firm or corporation violating the terms of this ordinance commits a Class C infraction and shall be fined in an amount of \$100.00 for each violation. Violations of this ordinance shall be prosecuted through the Ordinance Violations Bureau.
5. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED by the City Council of the City of Garrett, Indiana, on the 17 day of September, 2013.

Brenda Wigginton
Brenda Wigginton

Todd Sattison
Todd Sattison

Amanda Charles
Amanda Charles

Brad Stump
Brad Stump

Tim Vogel
Tim Vogel

Presented to me this 17 day of Sept, 2013, at 7:09 o'clock A.M./P.M., and I hereby approved this Ordinance this 17 day of Sept, 2013.

Tonya Hoeffel
Tonya Hoeffel, Mayor
City of Garrett, Indiana

ATTEST:
Marci L. Conkle
Marci L. Conkle, Clerk-Treasurer

J Daniel Brinkerhoff, on behalf of Clerk-Treasurer