

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG,
INDIANA AMENDING TITLE IX CHAPTER 92, SECTIONS 92.060, 92.061, 92.062,
92.063 AND CHAPTER 93, SECTION 93.52 OF THE BROWNSBURG TOWN CODE**

WHEREAS, the Fire Marshall for the Brownsburg Fire Territory and the Assistant Town Manager of the Town Brownsburg, Hendricks County, Indiana (the "Town") have been working together to update certain sections of the Brownsburg Town Code regarding pyrotechnics in preparation for the upcoming 4th of July holiday celebration;

WHEREAS, based on their findings, the Fire Marshall and Assistant Manager desire to make a recommendation to the Town Council to amend the sections of the Brownsburg Town Code relating to Pyrotechnics in order to update and make the Brownsburg Town Code consistent with Indiana Code;

WHEREAS, the Town Council desires that Title IX, Chapter 92, Sections 92.060, 92.061, 92.062 and 92.063 and Title IX, Chapter 93, Section 93.52 be amended and replaced to read as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BROWNSBURG, INDIANA, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Sections 92.060, 92.061, 92.062, 92.063 of Chapter 92 of Title IX of the Brownsburg Town Code are hereby amended and replaced and shall read as follows:

Chapter 92: Fire Prevention

• **§ 92.060 POSSESSION; PERMIT REQUIRED.**

(A) *Possession; of pyrotechnics, display permit required.*

(1) No person, other than a federally licensed pyrotechnician, shall have, keep, store, use, manufacture, sell, handle or transport any pyrotechnics classified as special fireworks as defined by IC 22-11-14; provided, however, nothing in this subchapter shall be held to apply to the possession or use of signaling devices for current daily consumption by law enforcement, public safety, railroads, vessels and others requiring them.

(B) *Permitting of operator of pyrotechnic displays.*

(1) No person shall give or operate a pyrotechnic display of special fireworks without first obtaining a permit from the State Fire Marshal.

• **§ 92.061 INSURANCE REQUIRED; TERMS.**

(A) It is unlawful for any person or persons to conduct a public display of fireworks within the Town without first obtaining a certificate of insurance with coverage amounts that meet the maximum allowable amounts as set forth in IC 22-11-14-3.

- **§92.062 USE OF FIREWORKS**

The Town recognizes the difference between ‘Fireworks’, ‘Consumer Fireworks’ and “Special Fireworks” as defined by IC 22-11-14-1.

- (A) Fireworks identified in IC 22-11-14-8(a) may be used within the corporate limits of the Town of Brownsburg consistent with this section or outside the quiet hours set forth in 93.51 (B).
- (B) Consumer Fireworks as defined by IC 22-11-14 may be used within the corporate limits of the Town of Brownsburg ONLY under the provisions of this section.
- (C) No person shall use, ignite or discharge consumer fireworks within the corporate limits of the Town of Brownsburg except during the following times as allowed by Indiana State Law: IC 22-11-14-4:
 - 1. Between the hours of 5:00 p.m. and two (2) 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;
 - 2. Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
 - 3. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.
- (D) Residents are permitted to use, ignite, or discharge consumer fireworks on their own property or with the permission of the property owner during the permitted times set forth in 92.62 (C). The fireworks must land on the property from which they were used, ignited, or discharged or upon the property from which permission was obtained. No person may use, ignite, or discharge consumer fireworks in a manner which causes them to land upon property owned or occupied by another person from which permission was not obtained.
- (E) Spectators, spectator parking areas, dwellings, buildings or structures shall not be located within the display site of consumer fireworks.
- (F) No person may use, ignite, or discharge fireworks of any kind on any PUBLIC STREET.
- (G) No person may use, ignite, or discharge consumer fireworks or fireworks in any PUBLIC PARK or PUBLIC AREA or Town of Brownsburg owned property.

Exceptions:

- 1. A Town sponsored public display approved by the Town of Brownsburg
 - 2. Dipped sticks or wire sparklers
- (H) The following fireworks are not permitted at any time in a Public Park or Town of Brownsburg Property or area:
 - 1. Cylindrical fountains
 - 2. Cone fountains.
 - 3. Illuminating torches
 - 4. Wheels.
 - 5. Ground spinners.
 - 6. Snakes or glow worms.
 - 7. Smoke devices.
 - 8. Trick noisemakers, which include: Party poppers, Booby traps, Snappers, Trick matches, Cigarette loads or Auto burglar alarms
 - (I) No person may ignite or discharge consumer fireworks in an apartment complex.

(J) "Special Fireworks" as defined by IC 22-11-14 or "Display fireworks" as defined by 27 CFR 555.11 shall be not be used or stored without a permit from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. Any person who stores "special fireworks" shall notify the Brownsburg Fire Territory. Such notification shall be made orally before the end of the day on which storage of the special fireworks commenced and in writing within 48 hours from the time such storage commenced in accordance to 27 CFR Subpart K 555.201.

Section 3. Sections 93.52 of Chapter 93 of Title IX of the Brownsburg Town Code is hereby amended and shall read as follows:

• **§ 93.52 EXEMPTIONS.**

Noise associated with common agricultural practices during planting and/or harvesting seasons (e.g. grain bin dryers, equipment and activities associated with planting and/or harvesting, and the like) or use of fireworks or consumer fireworks during the time permitted in Section 92.062(C).

Section 4. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section 5. This Ordinance is hereby passed by the Town Council for the Town of Brownsburg, Indiana this 23rd day of June, 2016.

BROWNSBURG TOWN COUNCIL

By:

Ashley Bacsu, President

ATTEST:

Ann Hathaway - Clerk-Treasurer

