

Ordinance 2024-03

AN ORDINANCE TO REGULATE THE USE OF FIREWORKS

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

WHEREAS, Indiana Code Section 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 Town Council of the Town of Francisco, Indiana deems it appropriate for the protection of the public health and safety to reasonably regulate fireworks, within the town limits of the Town of Francisco, Indiana.

Now, Therefore, be it ordained by the Town Council of the Town of Francisco, Indiana as follows:

Article 1: Scope:

This Ordinance shall regulate the use, ignition, or discharge of fireworks within the town limits of the Town of Francisco, Indiana.

Article 2: Definition:

(A) **Consumer Fireworks:** 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 16CFR 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 explosive “composition”(a word being defined as: the nature of something’s ingredients or constituents; the way in which a whole or mixture is made up.) 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 number 1 and 2;
- (4) Consumer Fireworks do not include the following fireworks as referenced in Indiana Code Section 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, Ground spinners, flitter sparklers, Snakes or glow works, Smoke devices, Trick noisemakers that include party poppers, booby traps, snappers trick matches, cigarette loads and load burglar alarms.

(B) Fireworks: Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of both consumer 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, any device banned by the federal government.

Article 3: **Prohibitions:**

(A) No person within the Town limits of the Town of Francisco, Indiana may use, ignite or discharge or permit to be used, ignited or discharge any type of consumer fireworks on any other day or time other the following:

1. June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, July 9 Between the hours of 5:00 P.M. to 11:00 PM;
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 midnights, and;
3. Between the hours of 10:00A.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 limits of the Town of Francisco, Indiana:

1. Park;

2. Playgrounds;
3. School property;
4. Church property; or
5. Parking lot
6. On any Public Street

Without Express written consent of the owner(s).

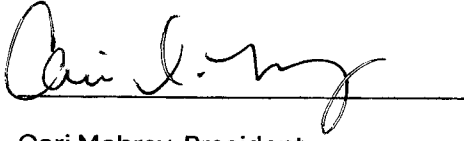
- (C) No person may use, ignite or discharge or permit to be used, ignited or discharged any consumer fireworks within the town limits of the Town of Francisco, Indiana upon any public street, alley or sidewalk without prior consent of the Town Council.
- (D) No person within the town limits of the Town of Francisco, Indiana 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 Section 22-11-14-2.

Article 4: Penalties:


- (A) A citation for a violation shall be issued to the responsible party. The responsible party shall be defined as: the person shown to have exclusive possession of the property. If no responsible party is present on the premises, the responsible party is deemed to be the property owner(s) as determined by the records of the Gibson County Assessor.
- (B) The first violation of this ordinance will result in a verbal warning with a copy of said ordinance to be served by the town marshals department;
- (C) The next and subsequent violations of said ordinance will result in a monetary fine in the amount of One Hundred Dollars (\$100.00) per occurrence;
- (D) Any person issued a citation for violation of any provision of Ordinance 2024-03 shall make payment through the Town of Francisco, Indiana town hall, to the clerk or deputy clerk. Failure to make payment within (30) days of issue of a citation for violation of any provision of Ordinance 2024-03 shall result in the assessment of a late fee of Fifty dollars (\$50).

Passed and Adopted by the Town Council of the Town of Francisco, Indiana on this day _____, of September 2024.

Francisco Town Council:

A handwritten signature in cursive script, appearing to read "Cari Mabrey", written over a horizontal line.

Cari Mabrey, President

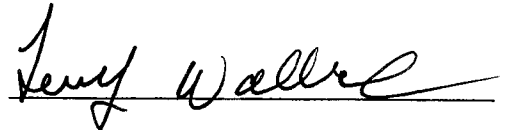
A handwritten signature in cursive script, appearing to read "Harold Everett", written over a horizontal line.

Harold Everett, Council Member

Attest:

A handwritten signature in cursive script, appearing to read "Melissa Pond", written over a horizontal line.

Melissa Pond, Clerk/Treasurer

A handwritten signature in cursive script, appearing to read "Terry Wallace", written over a horizontal line.

Terry Wallace, Council Member