

**ORDINANCE NO. 2015-08**

**TOWN COUNCIL OF THE TOWN OF NEW WHITELAND, INDIANA  
AN ORDINANCE REGULATING THE USE OF CONSUMER FIREWORKS**

**WHEREAS**, pursuant to Indiana Code Section 22-11-14-10.5 a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality;

**WHEREAS**, pursuant to Indiana Code Section 22-11-14-1 "consumer firework" means 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 fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (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 fireworks:

(1) include:

- (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 clauses (A) and (B); and

(2) do not include:

- (1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition 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, which include:
  - (A) Party poppers.
  - (B) Booby traps.
  - (C) Snappers.
  - (D) Trick matches.
  - (E) Cigarette loads.
  - (F) Auto burglar alarms.

**WHEREAS**, an ordinance adopted under Indiana Code Section 22-11-14-10.5:

- (1) may limit the use of consumer fireworks in a municipality;
- (2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and
- (3) may not limit the use of consumer fireworks:
  - (A) 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;
  - (B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
  - (C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1;

**WHEREAS**, the Town Council for the Town of New Whiteland, Indiana (the "Council"), in the interest of public safety and to minimize the adverse effects of unregulated consumer fireworks, has decided to regulate the use of consumer fireworks within the corporate limits of New Whiteland.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW WHITELAND, INDIANA, AS FOLLOWS:**

**SECTION 1.** The definitions of Indiana Code Section 22-11-14-1 are hereby incorporated, by reference, into and made a part of this Ordinance.

**SECTION 2.** Consumer fireworks, as defined by Indiana Code Section 22-11-14-1, are strictly prohibited and may not be used, ignited, or discharged anywhere within the corporate limits of New Whiteland, Indiana except:

(A) 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;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

Section 3. Any person violating this Ordinance shall be fined as follows:

For the first offense, Fifty and 00/100 Dollars (\$50.00);

For the second offense, One Hundred and 00/100 Dollars (\$100.00);

For the third and all subsequent offenses, Five Hundred and 00/100 Dollars (\$500.00).

This Ordinance shall be effective upon passage and publication as required. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Introduced and adopted on first reading by the Town Council of the Town of New Whiteland on the 4th day of August, 2015.

Passed and adopted on second and final reading by the Town Council of the Town of New Whiteland on the 18th day of August, 2015.

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John Perrin, President of the Town Council

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Maribeth Alspach, Clerk-Treasurer