

ORDINANCE NO. 1495

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

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

**WHEREAS**, Indiana Code 22-11-14-10.5 as new section 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 Butler, 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 Butler 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.

3. **ENFORCEMENT**

The Butler 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 City Court.

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 Common Council of the City of Butler, Indiana, on the 21<sup>st</sup> day of July, 2008.

Ron Walters  
Ron Walters

Eric Johnson  
Eric Johnson

Ken Olin  
Ken Olin

Susan Moore  
Susan Moore

Tammy Davis  
Tammy Davis

Presented to me this 21<sup>st</sup> day of July, 2008, at 8:20 o'clock A.M./P.M., and I hereby approved this Ordinance this 21<sup>st</sup> day of July, 2008.

Floyd "Butch" Coburn  
Floyd "Butch" Coburn, Mayor  
City of Butler Indiana

ATTEST:

Angela M. Eck  
Angela M. Eck, Clerk-Treasurer