ORDINANCE G-2015-28 INTRODUCTION BY: STEPHANIE BRINKERHOFF-RILEY
COMMITTEE: A.S.D.

AN ORDINANCE AMENDING SECTION 9.10.020 FIREWORKS

WHEREAS, the Common Council of the City of Evansville, Indiana, finds it desirable to amend Chapter 9.10.020 Fireworks to reduce the number of days and times that the use of consumer fireworks is permissible.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the city of Evansville, Indiana, that Section 9.10.020 of the Evansville Municipal Code is hereby amended by inserting the bold words underlined and deleting the bold words stricken through as follows:

9.10.020 Fireworks.

(A) Consumer fireworks may be used within the corporate limits of the City of Evansville only under the provisions of this section.
(1) For the purposes of this section, the term "consumer fireworks" 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 50 milligrams or less of explosive composition, and aerial devices containing 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:
(a) Include:
(i) Aerial devices, which include sky rockets, missile-type rockets, helicopter or aerial spinners, roman candles, mines, and shells;
(ii) Ground audible devices, which include firecrackers, salutes, and chasers; and
(iii) Firework devices containing combinations of the effects described in subsections (A)(1)(a)(i) and (ii) of this section; and
(b) Do not include the following items:
(i) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed 100 grams per item. Devices containing chlorate or perchlorate salts may not exceed five grams in total composition per item.
(ii) Cylindrical fountains.
(iii) Cone fountains.
(iv) Illuminating torches.

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(iv) Illuminating torches.
(v) Wheels.
(vi) Ground spinners.
(vii) Flitter sparklers.
(viii) Snakes or glow worms.
(ix) Trick noisemakers, which include:
A. Party poppers.
B. Booby traps.
C. Snappers.
D. Trick matches.
(x) Cigarette loads.
(xi) Auto burglar alarms.
(2) No person shall use, ignite or discharge consumer fireworks within the corporate limits of the City of Evansville except during the following times:
(a) Between the hours of 5:00 p.m. and **two (2) hours after sunset not to exceed 10:30 p.m.** ~~11:30 p.m.~~ on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th, and July 9th; and
(b) Between the hours of 10:00 a.m. and 12:00 midnight on July 4th; and
(c) Between the hours of 10:00 a.m. on December 31st and 1:00 a.m. on January 1st; and
(d) ~~Between the hours of 5:00 p.m. and 11:30 p.m. on Memorial Day, the day before Memorial Day, Labor Day, and the day before Labor Day; and~~
(e) ~~Between the hours of 5:00 p.m. and 11:30 p.m. on Veterans Day, and the day before Veterans Day.~~
(f) If in any calendar year the City bans fireworks for the periods described in subsections (A)(2)(a) and (b) of this section (June 29th through July 9th), then in that calendar year only citizens may discharge consumer fireworks on additional dates **as determined by the City Administration** ~~of two days before Veterans Day and the day after Veterans Day~~ between the hours of 5:00 p.m. and **two (2) hours after sunset not to exceed 10:30 p.m.** ~~11:00 p.m.; and on December 30th of that calendar year and January 1st of the following calendar year, between the hours of 5:00 p.m. and 11:00 p.m.~~
(3) No person may use, ignite, or discharge consumer fireworks on any public street or in any public park or public area within the corporate limits of the City of Evansville at any time.
(4) 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.
(5) Any person who sells or offers to sell consumer fireworks within the City shall post a clear and conspicuous notice of the restrictions in this section, specifically the dates and times set forth in subsections (A)(2) and (3) of this section at or near each entrance to their business.
(6) This section shall not apply to supervised public fireworks displays which are in compliance with IC 22-11-4-1 et seq. and have been properly permitted and approved.

(B) No person shall conduct a fireworks display unless that person has obtained a permit from the State Fire Marshal pursuant to IC 22-11-14-2. Before applying to the State Fire Marshal for a permit, the applicant must show proof of insurance in the amount of not less than $100,000 for damages caused to a person or persons, and not less than $100,000 for damage to property. The applicant must also obtain a license for the display from the Chief of the Fire Department. The Chief of the Fire Department may issue a license for a fireworks display only upon finding that the applicant is qualified to conduct the display; and the display will not be hazardous to persons or property. [Ord. G-2012-14 § 1, passed 8-15-2012; Ord. G-2010-24 § 1, passed 11-10-10; Ord. G-2010-18 § 1, passed 7-2-10; Ord. G-2007-9, passed 8-28-07. 1962 Code, Art. 2, Ch. 6, § 2; 1982 Code § 131.02; 1983 Code § 13.131.02.]

EFFECTIVE DATE.

This ordinance shall be in full force and effect following its passage by the Common Council and signing by the Mayor.

Passed by the Common Council of Evansville, Indiana, on this 28 day of September, 2015, and on said day signed by the President of the Common Council and attested by the City Clerk.

H. Dan Adams MD

Dr. H. Dan Adams, President of the Common Council,
City of Evansville, Indiana

ATTEST: Laura Windhorst

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 29 day of September, 2015, at 2 o'clock P.m. for his consideration and action thereon.

Laura Windhorst

Laura Windhorst, City Clerk

City of Evansville, Indiana

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 1st day of October, 2015, at 3:00 o'clock p.m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana