

TOWN OF PLAINFIELD

ORDINANCE NO. 19-2007

**AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE USE OF
FIREWORKS IN THE TOWN OF PLAINFIELD**

WHEREAS, The Town is charged with the responsibility of providing for the public health, safety and welfare of its citizens; and

WHEREAS, the Town has determined that it is in the best interest of the Town to adopt rules and regulations for the use of fireworks in the Town; and

WHEREAS, the General Assembly of the State of Indiana has recognized that municipalities should be authorized to adopt rules and regulations for the use of fireworks within the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF PLAINFIELD, HENDRICKS COUNTY, STATE OF INDIANA,
AS FOLLOWS:**

SECTION 1: DEFINITIONS. The definitions as found at Indiana Code §22-11-14-1 and attached hereto as Exhibit A are incorporated in this Ordinance as if fully set forth herein and are the definitions to be used by the Town for all purposes relating to this Ordinance regarding rules and regulations for fireworks.

SECTION 2: LIMITATIONS OF THE USE OF FIREWORKS. The use of fireworks within the town limits of the Town of Plainfield shall be limited to the following hours and days:

- (a) Between the hours of 5:00 p.m. and the 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 Memorial Day, July 4 and Labor Day; and
- (c) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

Fireworks shall be used by Town citizens and their guests only on property owned or leased by the citizen and fireworks shall not be used on public property of the Town unless approved in advance by the Town.

The term "use" as used in this section and in the Ordinance means the days and hours when and the places where consumer fireworks may be used, ignited or discharged.

SECTION 3: PENALTIES. Any person, firm or corporation violating this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

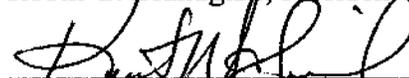
SECTION 4: SEVERABILITY. The provisions of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force from and after passage and adoption by the Town Council of the Town of Plainfield, Hendricks County, Indiana and publication, if any, required by law.

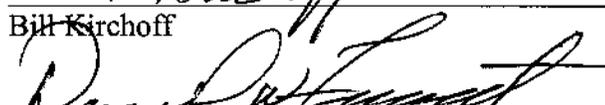
THIS ORDINANCE IS HEREBY PASSED AND ADOPTED by the Plainfield Town Council this 13th day of August 2007.

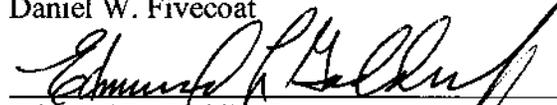
TOWN COUNCIL, TOWN OF PLAINFIELD
HENDRICKS COUNTY, STATE OF INDIANA


Robin G. Brandgard, President

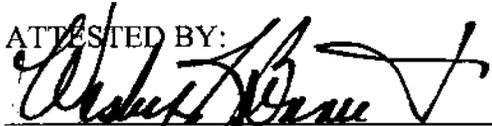

Kent McPhail


Bill Kirchoff


Daniel W. Fivecoat


Edmund L. Gaddie, Jr.

ATTESTED BY:


Wesley R. Bennett, Clerk-Treasurer
Town of Plainfield, Hendricks County
State of Indiana

PUBLISHED:

~~Hendricks County Flyer~~
~~Hendricks County Flyer~~

AUG 16 2007

AUG 23 2007

22-1144-1 Definitions

“Auto burglar alarm” means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

“Booby trap” means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

“Chaser” means a device, containing fifty (50) milligrams or less of explosive composition; that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

“Cigarette load” means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

“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 the items referenced in section 8(a) of this chapter.

“Cone fountain” means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition and which produces the same effect as a cylindrical fountain.

EXHIBIT A

“Cylindrical fountain” means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

“Dipped stick” or “wire sparkler” means a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of consumer fireworks.

“Distributor” means a person who sells fireworks to wholesalers and retailers for resale.

“Explosive composition” means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

“Firecracker” or “salute” is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

“Firework” means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, items referenced in section 8(a) of this chapter, and special 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 cannons, or small arms.
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.

(8) Indoor pyrotechnics special effects material.

Page 3

(9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

“Flitter sparkler” means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube,

“Ground spinner” means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

“Helicopter” or “aerial spinner” is a spinning device:

(1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;

(2) to which some type of propeller or blade device is attached; and

(3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

“Illuminating torch” means a cylindrical tube that:

(1) contains up to one hundred (100) grams of pyrotechnic composition;

(2) produces, upon ignition, a colored fire; and

(3) is either a spike, base, or handle type device.

“Importer” means:

(1) a person who imports fireworks from a foreign country; or

(2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

“Indoor pyrotechnics special effects material” means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (2001 edition)).

“Interstate wholesaler” means a person who is engaged in interstate commerce selling fireworks.

“Manufacturer” means a person engaged in the manufacture of fireworks.

“Mine” or “shell” means a device that:

(1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;

(2) contains up to forty (40) grams of pyrotechnic composition; and

(3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

“Missile-type rocket” means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

“Municipality” has the meaning set forth in IC 36-1-2-11.

“Party popper” means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

“Person” means an individual, an association, an organization, a limited liability company, or a corporation.

“Pyrotechnic composition” means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

“Responding fire department” means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision.

“Retail sales stand” means a temporary business site or location where goods are to be sold.

“Retailer” means a person who purchases fireworks for resale to consumers.

“Roman candle” means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

“Sky rocket” means a device that:

(1) consists of a tube that contains pyrotechnic composition;

(2) contains a stick for guidance and stability; and

(3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

“Smoke device” means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

“Snake” or “glow worm” means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

“Snapper” means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

“Special discharge location” means a location designated for the discharge of consumer fireworks by individuals in accordance with rules adopted under section 3.5 of this chapter.

“Special fireworks” means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as consumer fireworks.

“Trick match” means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

“Trick noisemaker” means an item that produces a small report intended to surprise the user.

“Wheel” means a pyrotechnic device that:

(1) is attached to a post or tree by means of a nail or string;

(2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and

(3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

“Wholesaler” means a person who purchases fireworks for resale to retailers.