

FIREWORKS

§ 92.60 USE, DISCHARGE OR IGNITION PROHIBITED.

(A) The use, discharge or ignition of consumer fireworks by any person or other entity is prohibited in the city except during the following periods (all local time):

(1) Between the hours of 5:00 p.m. and two hours after sunset on June 25, June 26, June 27, June 28, June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, July 9, July 10, July 11, July 12 and July 13;

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

(3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1;

(4) Between the hours of 10:00 a.m. and 12:00 midnight on the Saturday, Sunday and Monday of Memorial Day Weekend;

(5) Between the hours of 10:00 a.m. and 12:00 midnight on the Saturday, Sunday and Monday of Labor Day Weekend.

(B) For purposes of this subchapter, ***CONSUMER FIREWORK*** shall have the same definition of "Consumer Firework" as set forth in I.C. 22-11-14-1, as currently in effect, or as from time to time hereafter adopted or amended. For purposes of clarity in reading and implementing this subchapter, the definition of "Consumer Firework" under I.C. 22-11-14-1, as currently in force and effect, is herewith set forth in division (C) below, though changes or amendments to such definition as set forth with I.C. 22-11-14-1 shall supersede the definition herein reproduced.

(C) Consumer firework means a small firework that is designated 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 device designed to produce an audible effect, such as whistling device, 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.

(1) Consumer fireworks 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 divisions (a) and (b) above.

(2) Consumer fireworks do not include:

(a) Dipped sticks or wire sparklers. However, totally 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;

(b) Cylindrical fountains;

(c) Cone fountains;

(d) Illuminating torches;

(e) Wheels;

(f) Ground spinners;

(g) Flitter sparklers;

(h) Snakes or glow works;

(i) Smoke devices; and

(j) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms.

(D) The use, discharge or ignition of all other fireworks, as ***FIREWORK(S)*** is defined with I.C. 22-11-14-1, is governed by applicable Indiana law, to include I.C. 22-11-14-1 et seq., and not by this subchapter.

(Ord. 1472, passed 10-21-13)

§ 92.61 PERMITS.

Notwithstanding § 92.60, the use, discharge or ignition of consumer fireworks may be permitted with the written approval of the Board of Public Works and Safety on real estate owned by the governmental entity. The approval shall specify the real estate upon which the use, discharge or ignition will be permitted and the date(s) and time(s) on which the use, discharge or ignition will be permitted which may not exceed 72 hours.

(Ord. 1472, passed 10-21-13)

§ 92.62 ENFORCEMENT; PENALTY.

This subchapter shall be enforced consistent with the standards of applicable Indiana law and the City of Nappanee Code, as the code may be amended from time to time hereafter. Any person or other entity violating the provisions of this subchapter may be fined up to \$500 for each such violations, and be responsible for all applicable court costs.

(Ord. 1472, passed 10-21-13)

Parks and Recreation

§ 97.18 EXPLOSIVES, WEAPONS, AND MISSILES PROHIBITED.

(A) No person shall bring into or have in his or her possession in any park or park street any firearms, slingshots, firecrackers, torpedoes, fireworks, or other missile propelling instruments or

explosives.

(B) Shooting or propulsion of any missile, pellet, shot, arrow, dart, or other thing by means of any firearm, compressed air or gas propulsion device, bow, slingshot, or propelling device of any kind, nature, or description, into, upon, across, through, or against any lands, the air above same, or the waters, or any ways, walks, buildings, structures, swimming pools, or the interior of any structures, shelters, buildings, or facilities, owned or under the control, operation, supervision, or management of the Board, is prohibited, unless done under a permit granted by the Board within a regularly conducted event authorized by or conducted by the Board.

(`83 Code, § 5-6) Penalty, see § 10.99