

1st Reading 7/3/07
referred to committee 6/5/07
2nd Reading 8/7/07 as amended _____

Original Received 5/29/07
Amended Version Received 6/22/07
Clerk-Treasurer's Office
Auburn, Indiana

ORDINANCE NO. 2007-07

**AMENDED
AN ORDINANCE AMENDING CHAPTER 130.02 and 130.99(B) OF THE CITY OF
AUBURN MUNICIPAL CODE REGARDING THE REGULATION OF
FIREWORKS**

SUMMARY

This ordinance amends chapter 130.02 and 130.99(B) of the City of Auburn Municipal Code regarding the regulation of Fireworks within the City of Auburn, Indiana.

_____ Recorder's Office	<u>X</u> Publish Public Hearing
_____ Auditor's Office	<u>8/7/07@6:00pm</u>
_____ Clerk's Office	<u>X</u> Publish O/R after adoption
_____ Other	<u>8/15/07</u>
_____ <u>X</u> Clerk-Treasurer	
_____ <u>X</u> City Code	

ORDINANCE NO. 2007-07

**AMENDED
AN ORDINANCE AMENDING CHAPTER 130.02 and 130.99(B) OF THE CITY OF
AUBURN MUNICIPAL CODE REGARDING THE REGULATION OF
FIREWORKS**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,
INDIANA:**

Section 1.

That Section 130.02 of the Auburn Municipal Code is hereby amended to read as follows:

A) DEFINITIONS:

1) 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 clauses (a) and (b).

2) **FIREWORK.** 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. The following items are excluded from the definition of fireworks:

- a) Model rockets.
- b) Toy pistol caps.
- c) Emergency signal flares.
- d) Matches.
- e) Fixed ammunition for firearms.
- f) Ammunition components intended for use in firearms, muzzle loading cannon, or small arms.
- g) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
- h) Indoor pyrotechnics special effects material.
- i) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

B) CONSUMER USE OF FIREWORKS. No person within the corporate boundaries of the City shall use or display or permit to be used or displayed any type of consumer fireworks on any other day or time other than the following:

- 1) June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, July 9, between the hours of 5:00 p.m. to two hours after sunset;
- 2) **Labor Day and the Sunday before Labor Day from 10:00 a.m. until two (2) hours after sunset;**
- 3) July 4 between the hours of 10:00 a.m. and 12:00 midnight;
- 4) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; and
- 5) No other date or time is permitted for consumer use of fireworks.

Section II.

That Section 130.99 (B) of the Auburn Municipal Code is hereby amended to read as follows:

The Auburn Fire Department and the Auburn Police Department shall be charged with enforcing the provisions of this Section 130.02 (Fireworks Regulations). Any person who violates any of the provisions of Section 130.02 (Fireworks Regulations) shall be

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fined in the amount of **\$100.00** per occurrence. This money shall be placed in the City's general fund.

Section III.

This ordinance shall be codified in the form that appears in Exhibit "A". The ordinance upon passage and publication shall be inserted into the City of Auburn Municipal Web-based Internet Code. The Clerk of the City shall maintain the original copy of said Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the Mayor, and proper publication in a newspaper of daily circulation within DeKalb County, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this _____ day of _____, 2007.

JAMES FINCHUM, Councilmember

ATTEST:

Patricia Miller
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this _____ day of _____, 2007.

PATRICIA MILLER
Clerk-Treasurer

APPROVED AND SIGNED by me this _____ day of _____, 2007.

NORMAN E. YODER, Mayor

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VOTING:

AYE

NAY

David Painter

Richard Ring

Marilyn Gearhart

Stan Greenlee

Michael Walter

James Finchum

Greg Kenner

Exhibit "A" codified version

Codification to replace the current Section 130.02 and 130.99 of the Auburn Municipal Code

OFFENSES RELATING TO PUBLIC PEACE

CHAPTER 130: OFFENSES RELATING TO PUBLIC PEACE

130.02 FIREWORKS REGULATIONS

A) DEFINITIONS:

1) 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:

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- 3) July 4 between the hours of 10:00 a.m. and 12:00 midnight;
- 4) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; and
- 5) No other date or time is permitted for consumer use of fireworks.

(Insert new section B into the Penalty section)

130.99 PENALTY

B) The Auburn Fire Department and the Auburn Police Department shall be charged with enforcing the provisions of this Section 130.02 (Fireworks Regulations). Any person who violates any of the provisions of Section 130.02 (Fireworks Regulations) shall be fined in the amount of **\$100.00** per occurrence.