

Town of Michiana Shores, Indiana

ORDINANCE #2014 - 02

**AN ORDINANCE REGULATING THE USE OF FIREWORKS
WITHIN THE TOWN OF MICHIANA SHORES, INDIANA**

WHEREAS, the Town of Michiana Shores is concerned with the health, safety, and general welfare of its citizens; and,

WHEREAS, the use of fireworks, although an activity enjoyed by some of the town's residents, can result in injury as well as create a public nuisance; and,

WHEREAS, the storage and use of fireworks, if not done properly can result in substantial harm to the health, safety and general welfare of our citizens; and,

WHEREAS, the Town, by adoption of this ordinance, desires to balance the interests of its citizens, who wish to legally store and use fireworks, with the health, safety, and general welfare needs of its many citizens, who are concerned with their storage and use;

NOW THEREFORE, be it Ordained by the Town Council of the Town of Michiana Shores, Indiana, as follows:

SECTION 1: "Consumer Fireworks" allowed as defined in IC 22-11-14-1, as amended. Only types of 1.4G fireworks (bottle rockets, Roman candles, firecrackers), and "Sec. 8(a)" fireworks (sparklers, ground spinners, cone fountains, wheels, cylindrical fountains) are permitted.

SECTION 2: No "Special Fireworks" (1.3G fireworks), for which a permit from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives is required are allowed.

SECTION 3: Except as provided below, it is unlawful for any person to ignite, shoot off, release, discharge, use or cause to be discharged any fireworks within the limits of the Town of Michiana Shores, or allow another to ignite, shoot off, release, discharge, use or cause to be discharged any fireworks on property owned or leased by them within the limits of the Town of Michiana Shores. Notwithstanding the preceding prohibition, use of consumer fireworks shall be allowed as follows:

Code 22-11-14-10.5(c)(3) as amended:

- 1) Between 5:00 pm and 2 hours after sunset from June 29 to July 3;

- 2) 10:00 am to midnight on July 4;
- 3) Between 5:00 pm and 2 hours after sunset from July 5 to July 9; and
- 4) 10:00 am on December 31 to 1:00 am on January 1.

Should Indiana Code 22-11-14-10.5(c)(3) be amended to either expand or limit the number of days and/or hours that a municipality cannot limit the use of consumer fireworks, such change shall be incorporated by reference, without the need to amend this ordinance.

SECTION 4:

- A. Use or discharge of consumer fireworks can cause serious annoyance to citizens by loud, frequent, or habitual noise and is declared to be a public nuisance. Except as noted in Section 3, it is unlawful for any person to conduct such activities.
- B. The use of consumer fireworks in an unsafe manner or in a way that results in the littering of public and/or private property is also considered a public nuisance.
- C. It shall be illegal to use consumer fireworks on public property or to use consumer fireworks in such a manner that it is reasonably likely that remnants of the consumer fireworks will land on, litter, or otherwise end up on public or private property, unless the private property owner has consented and such act does not violate any other provision of this ordinance.

SECTION 5: It shall be unlawful for anyone under the age of 18 ("minor") to ignite, shoot off, release, discharge, use or cause to be discharged any consumer fireworks within the limits of the Town of Michiana Shores without the direct supervision of the minor's parent, guardian or other adult person having the care, custody, and control of the minor.

SECTION 6: Any person shall be liable for damage to person or property caused by the use of consumer fireworks and shall also be liable for costs of fire service by a responding fire department or other emergency services necessitated by the use or discharge of fireworks.

SECTION 7: Any violation of the provisions of this ordinance shall be subject to a One Hundred Dollar (\$100.00) fine for the first occurrence; a Two Hundred and Fifty Dollar (\$250.00) fine for a second occurrence; either of which may be paid to the Clerk-Treasurer as the Town's Ordinance Violation Clerk; and a Two Thousand Five Hundred Dollar (\$2,500.00) fine for a third occurrence.

SECTION 8: It is not the intent or purpose of this ordinance to conflict with or otherwise contravene the lawful sale or possession of fireworks within the State of Indiana. Any provision that does such shall be deemed void; however, such shall not affect the remainder of the ordinance.

ALL OF WHICH IS ORDAINED, ADOPTED AND ENACTED on this 13th day of the month of MAY, 2014 A.D., by a majority vote of the Town Council of the Town of Michiana Shores, La Porte County, Indiana.