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GIBSON COUNTY, INDIANA  
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**ORDINANCE NO. 2020 - 05**

**AN ORDINANCE TO REGULATE THE USE OF FIREWORK**

**WHEREAS**, Indiana Code Section 22-11-14 governs the use generally of fireworks in the State of Indiana; and,

**WHEREAS**, Indiana Code Section 22-11-14-10.5 authorizes local governments to regulate the day and hours when fireworks may be used, ignited or discharged and the locations where such fireworks may be used, ignited or discharged; and,

**WHEREAS**, the Gibson County Commissioners of Gibson County, Indiana deems it appropriate for the protection of the public health and safety to reasonably regulate fireworks within the County..

**NOW, THEREFORE**, be it ordained by the Gibson County Commissioners of Gibson County, Indiana as follows:

**ARTICLE 1  
SCOPE**

This Ordinance shall regulate the use, ignition or discharge of fireworks within the County of Gibson.

**ARTICLE 2  
DEFINITIONS**

**(A) CONSUMER FIREWORK.** A small firework that is designated 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 16CFR 1507. The term also includes some small devices designated 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:

- (1) aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells;
- (2) ground audible devices, which include, but are not limited to firecrackers, salutes, and chasers; and,

(3) firework devices containing combinations of the effects described in numbers 1 and 2;

(4) Consumer Fireworks do not include the following fireworks as referenced in Indiana Code Section 22-11-14-8 (a); dipped sticks or wire sparklers. However, the total pyrotechnic composition may not exceed One Hundred (100) grams per item; and, devices containing chlorate or perchlorate salts may not exceed five (5) grams per item. Cylindrical fountains, Cone fountains, Illuminating torches, Wheels (b)(c)(d)(e)(f)(g)(h)(i)(j) Ground spinners, flitter sparklers, Snakes or glow worms, Smoke devices, Trick noisemakers that include party poppers, booby traps, snappers trick matches, cigarette loads and load burglar alarms.

(B) **FIREWORK.** Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of both common fireworks and special fireworks, including Consumer 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 cannon, or small arms;
- (7) Shells, cartridges and primers for use in firearms, muzzle loading cannons, or small arms;
- (8) Indoor pyrotechnics special effects material;
- (9) M-80S, cherry bombs, silver salutes, any device banned by the federal government.

### **ARTICLE 3 PROHIBITIONS**

(A) No person within the County of Gibson, Indiana may use, ignite or discharge or permit to be used, ignited or discharged 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 7, July 8, July 9 between the

hours of 5:00 P.M. to two (2) hours after sunset;

(2) Day before Memorial Day, Memorial day, July 4, day before Labor Day, and Labor Day between the hours of 10:00 A.M. and 12:00 midnights, and

(3) Between the hours of 10:00 A.M. on December 31 and 1:00 A.M. on January 1.

(B) No person may use, ignite or discharge or permit to be used, ignited or discharged any Consumer Fireworks within the County of Gibson, Indiana:

- (1) park;
- (2) playgrounds;
- (3) school property;
- (4) church property; or
- (5) parking lot

without the express written consent of the owner.

(C) No person may use, ignite or discharge or permit to be used, ignited or discharged any Consumer Fireworks within Gibson County, Indiana upon any public street, alley or sidewalk, without the prior consent of the Gibson County Commisisoners.

(D) No person within Gibson County, Indiana may use, ignite or discharge or permit to be used, ignited or discharged, any Fireworks other than Consumer Fireworks except in accordance with Indiana Code Section 22-11-14-2.

#### **ARTICLE 4 PENALTY**

Violation of this Ordinance shall result in a fine in the amount of One Hundred Dollars (\$100.00).

#### **ARTICLE 5 EFFECTIVE DATE**

This Ordinance shall be effective upon publication as required by law.

PASSED AND ADOPTED by the Gibson County Commissioners this 16<sup>th</sup> day of June, 2020.

GIBSON COUNTY COMMISSIONERS

Gerald Bledsoe  
GERALD BLEDSOE, PRESIDENT

Mary Key  
MARY KEY, COMMISSIONER

Stephen S. Bottoms  
STEPHEN BOTTOMS, COMMISSIONER

ATTEST: (SEAL)

Sherris Smith  
SHERRI SMITH, AUDITOR



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.

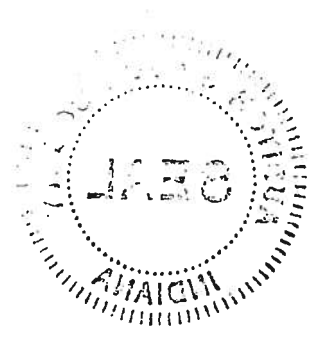
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