

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

**ORDINANCE CONCERNING THE REGULATING DISCHARGE OF
FIREARMS, THROWING OBJECTS, DISCHARGE OF CONSUMER
FIREWORKS WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop an Ordinance which forbids the discharge of firearms, throwing of objects and regulates the discharge of consumer fireworks within the corporate limits of the Town of Greenville;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

DISCHARGE OF FIREARMS PROHIBITED:

(A) It is unlawful for any person to shoot, fire, or discharge any firearms of any description, guns, air guns, air pistols, or other mechanical devices which shoot or throw shot, bullets, stones, or other missiles within the Town of Greenville, except that this section shall not prohibit any police of the law from discharging a firearm in performance of such officer's official duty, nor apply to any citizen when lawfully defending such citizen's person or property from physical injury, or a firing range that has been inspected by the Town Marshal and approved by the Greenville Town Council by a vote.

(B) It is unlawful for any person, except those persons above excluded, by any means to explode, set off, or discharge any firearm shell, shot, or cartridge within the Town of Greenville.

(C) Whoever violates any provision of this ordinance section shall be fined a penalty not to exceed one thousand dollars {\$1000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**USE OR DISCHARGE OF CONSUMER FIREWORKS PROHIBITED EXCEPT ON
CERTAIN DATES AND TIMES**

(A) Firework. The term "firework" shall be defined as provided in IC 22-11-14-1, as amended.

(B) Consumer Firework. The term "consumer firework" shall be defined as provided in IC 22-11-14-1, as amended.

(C) Use or Discharge of Consumer Fireworks Prohibited Except on Certain Dates and Times. Consumer fireworks may only be used or discharged within the Town of Greenville, Indiana on the following dates and times, as provided in IC 22-11-14-10.5:

Floyd County Recorder
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JNM Date 04/30/2009 Time 11:09:51
1 20090426 Page 1 of 3

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

(1) Between the hours of five p.m. and two 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;

(2) Between the hours of ten am. and twelve midnight on July 4; and

(3) Between the hours of ten a.m. on December 31 and one a.m. on January 1.

(D)Enforcement. The Greenville Town Marshal, or his or her designee, is responsible for the interpretation and civil enforcement of this chapter.

(E)Seizure and Forfeiture of Consumer Fireworks from the Greenville Town Marshal Department may seize and dispose of consumer fireworks that are used in violation of this chapter.

(F) Penalty. In addition to the seizure and disposition of consumer fireworks that are used in violation of this chapter, whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

THROWING OBJECTS:

Throwing Missiles:

It is unlawful for any person to throw or cast any stone, ball, hunting arrow, or other missile within the Town of Greenville whereby life or property may be endangered.

Sling Shots:

It is unlawful to throw, propel or shoot any stone, material, or missile of any kind or description by means of aid of what is commonly known as a sling shot.

Penalty:

Whoever violates any provision of this title for which no other penalty is otherwise specifically provided shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

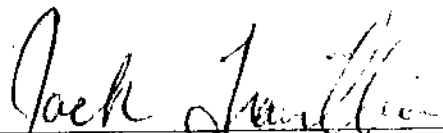
**TOWN OF GREENVILLE
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ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 27th
DAY OF APRIL, 2009.


PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA



TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

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
NAME 

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-010

IC 22-11-14-1 Definitions

Sec. 1. As used in this chapter

"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.

"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.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-010

"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.
- (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.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-010

"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 1C 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.
- (4) "Wholesaler" means a person who purchases fireworks for resale to retailers.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

IC 22-11-14-10.5

"Use" defined; adoption of ordinance by county or municipality concerning use of consumer fireworks

Sec. 10.5. (a) As used in this section, the term "use" means the ability of a county or municipality to regulate the days and hours when consumer fireworks may be used, ignited, or discharged.

(b) Notwithstanding any other provision of this chapter:

(1) a county may adopt an ordinance concerning the use of consumer fireworks hi the unincorporated areas of the county; and

(2) a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality.

(c) An ordinance adopted under this section:

(1) may limit the use of consumer fireworks hi the county or municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of consumer fireworks:

(A) between the hours of 5:00 p.m. and 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 July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.