

## **CHAPTER 93: FIRE PREVENTION; FIREWORKS**

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### ***GENERAL REGULATIONS***

#### **93.01 BURNING RESTRICTED**

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, within the corporate limits of the town any waste, garbage or rubbish, except when contained in a container or incinerator of a minimum capacity of 55 gallons. If the container or incinerator is larger than 55 gallon capacity, it shall have a stack of sufficient height and capacity to effectually carry off the smoke and noxious odors arising from the container or incinerator in a manner as will not be offensive to or injurious to the health and comfort of, the inhabitants or any portion of the inhabitants of the town. Burning shall be allowed only between the hours of 7:00 a.m. to 12:00 a.m.

(>97 Code, ' 6-75) (Ord. 12-11-69, passed 12-10-69) Penalty, see ' 10.99

#### **93.02 BURNING ON STREETS AND ALLEYS PROHIBITED.**

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, any combustible substance on any paved street or alley within the corporate limits of the town, the wearing surface of which paved street or alley consists of any material other than brick.

(>97 Code, ' 6-76) (Ord. 12-11-69, passed 12-10-69) Penalty, see ' 10.99

#### **93.03 EXTINGUISHING FIRES.**

It shall be unlawful for any person, firm or corporation in possession, as owner or tenant, of any real estate within the corporate limits of the town, knowingly to suffer or permit any fire to be kindled or to continue to burn on the real estate or on any street or alley abutting thereon in violation of " 93.01 or 93.02 without making a reasonable effort to extinguish the fire.

(>97 Code, ' 6-77) (Ord. 12-11-69, passed 12-10-69) Penalty, see ' 10.99

## ***FIREWORK REGULATIONS***

### **93.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EXPLOSIVE.*** Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion or that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

***FIREWORKS.*** Any combustible or explosive composition, or any substance or combination of substances or articles prepared for the explosion, deflagration or detonation and shall include toy pistols, toy canes or long toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman Candles, Daygobombs or other fireworks of like construction and any fireworks containing any explosives or flammable substance or any tablets or other device containing any explosive substance.

***FIREWORKS*** does not include fixed ammunition for firearms, ammunition components intended for use in firearms, muzzle loading cannons and small arms, any shells and cartridges intended therefor, or primers therefor and shall not include gold star producing sparklers on wires which contain in the manufacturing no magnesium, chlorate or perchlorate, sparklers in paper tubes, sparkling devices which do not contain magnesium and trick noisemakers containing less than .025 of a grain of explosive mixture, toy snakes which contain no mercury in the manufacturing, toy smoke devices consisting of small paper or composition tubes or containers containing a small charge of slow burning smoke producing powder, toy pistols, toy canes, long toy guns or other devices in which paper caps, manufactured in accordance with United States Interstate Commerce Commission regulations regulating the packing and shipping of toy paper caps, are used and toy pistol paper caps which are manufactured as provided herein, the sale and use of which shall be permitted at all times.

(>97 Code, ' 6-48)

### **93.21 FIREWORKS DISPLAY; CERTIFICATE OF INSURANCE.**

(A) Supervised public fireworks displays are permitted subject to the provisions of I.C. 22-11-14-2.

(B) The governing body of the municipality shall require a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than \$10,000 and to property in an amount of not less than \$10,000, by reason of the licensed display and arising from any acts of the licensee, his or her agents, employees or subcontractors. However, the governing body of the municipality may in its discretion require additional amounts of insurance coverage not to exceed \$100,000 for damages caused to a person or persons or \$100,000 for damage to property.

(>97 Code, ' 6-49)

### **93.22 STORAGE OF EXPLOSIVES**

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the legislative body.

(>97 Code, ' 6-50) Penalty, see ' 10.99

### **93.23 BLASTING PERMIT**

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation and receiving a permit to blast from the executive or other proper administrative officer. The executive or other proper administrative officer before granting the permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.

(>97 Code, ' 6-51)

### **93.24 STORAGE OF FLAMMABLES.**

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

(>97 Code, ' 6-52)

### **93.25 FIREPROOFING CERTAIN BUILDINGS.**

(A) All business blocks and buildings for business purposes erected, moved to or constructed on Vistula Street and all intersecting streets for one block from Vistula Street and

Division Street from the bridge south to the Lake Shore and Michigan Southern Railway shall be constructed of brick, brick veneer, stone, steel or other fireproof material.

(B) No wooden buildings shall be moved to or on any of the streets and blocks in division (A) of this section for business purposes.

(C) All persons wishing to erect, construct or move any building on the streets and blocks in division (A) of this section shall be required to obtain a permit from the Town Council before any work shall be done toward the erection or moving of any buildings on the streets or blocks.

(>97 Code, ' 6-53)

### **93.26 CONSUMER FIREWORKS.**

No person shall fire any type of firecracker or other type of fireworks within the town limits except for between the hours of 5:00 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; between the hours of 10:00 a.m. and 12:00 midnight on July 4; and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(Ord. 7-19-07, passed 7-19-07)

### **93.99 PENALTY.**

The penalty for violation of ' 93.26 shall be a fine of \$200 for the first-time offense and \$500 for the second or subsequent offenses during the same calendar year.

(Ord. 7-19-07, passed 7-19-07)