

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	March 5, 2025	Meeting Date:	March 17, 2025
Contact Information:			
Requested by:	Joanna Tennell, Senior Planner		
On Behalf of Organization or Individual:			
		City of Franklin	
Telephone:	317-736-3631		
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Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2025-02: An Ordinance Repealing and Replacing Ordinance No. 2013-04: Sale and Use of Fireworks (Public Hearing & Official Action)			
List Supporting Documentation Provided:			
1. Ordinance 2025-02			
2.			
3.			
4.			
Who will present the request?			
Name:	Lynn Gray & Joanna Tennell	Telephone:	(317) 736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

ORDINANCE NO. 2025-02
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA
AN ORDINANCE REPEALING AND REPLACING
ORDINANCE NO. 2013-04: SALE AND USE OF FIREWORKS

WHEREAS, The City of Franklin through its Common Council legislates Ordinances pertaining to the health, safety and general welfare of the citizens of the City of Franklin, including sale and use of fireworks;

WHEREAS, there is a need to clarify the language related to the sale and use of fireworks to allow the city and its residents better application and understanding of the regulations and to comply with regulations set forth in IC 22-11-14;

WHEREAS, it is necessary for the City to clarify the enforcement of regulations related to sale and use of fireworks and to set certain fines for purposes of placing the general public on notice of the penalties for violation;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1. Incorporation of Statutory Codes.** The City of Franklin does hereby incorporate by reference, IC 22-11-14 as if fully set forth herein, which includes all definitions outlined in IC 22-11-14-1, including but not limited to:
 - a. Consumer fireworks
 - b. Firework
 - c. Person
 - d. Special discharge location
 - e. Special fireworks

- 2. Additional Definitions.**
 - a. "Novelty fireworks" shall mean the following listed fireworks which are not subject to regulations related to consumer fireworks (per IC 22-11-14-1, the definition of consumer fireworks explicitly excludes the following items from being classified as consumer fireworks):
 1. Dipped stick or wire sparklers. However total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
 2. Cylindrical fountains
 3. Cone fountains
 4. Illuminating torches
 5. Wheels
 6. Ground spinners
 7. Flitter sparklers
 8. Snakes or glow worms
 9. Smoke devices

10. Trick noisemakers, which include:

- a. Party poppers
- b. Booby traps
- c. Snappers
- d. Trick matches
- e. Cigarette loads
- f. Auto burglar alarms

3. Retail Sale of Fireworks.

- a. Retail sellers of fireworks shall be required to comply with all retail sales permit requirements and regulations of IC 22-11-14 and all requirements of the State Fire Marshal, including but not limited to the age limitations of the sale of fireworks.
- b. In accordance with those limitations, a person shall not sell at retail, offer for sale at retail, or deliver novelty fireworks (as defined above), consumer fireworks, or special fireworks to a person less than 18 years of age.

4. Use of Fireworks.

- a. Fireworks are permitted to be used by a person at least eighteen (18) years of age or under the supervision of a person at least eighteen (18) years of age, only during permitted hours as listed below, and either:
 1. on the private property of the person;
 2. on the private property of another person who has given permission to use the consumer fireworks; or
 3. at a special discharge location (permit required).
- b. Fireworks are prohibited to be used from any portion of the public right-of-way or publicly owned property without the written consent of the entity in which has jurisdiction, including but not limited to, properties owned and governed by the City of Franklin, Park Board, Redevelopment Commission, Johnson County, school corporation, etc.

Written consent shall include the name of the person granted permission, the address or detailed description of the exact location, and dates in which consent has been granted and shall be available onsite during the use of fireworks. This written consent must be presented to a responding officer immediately upon request. Failure to provide the required written consent is a violation and shall be enforced consistent with the provisions of this Ordinance.

5. Permitted Hours.

- a. Novelty fireworks: Any day of the year between the hours of 10:00 a.m. and 10:00 p.m. in addition to consumer fireworks permitted hours listed below.
- b. Consumer fireworks:
 1. Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29-30, July 1-3, and July 5-9.
 2. Between the hours of 10:00 a.m. and midnight (12:00 a.m.) on July 4.
 3. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

- c. Special fireworks and public displays:
 - 1. Consistent with the hours as outlined in the permit issued by the fire prevention and building safety commission and/or Board of Works.

6. Public Display & Special Discharge Location Permits.

- a. All special discharge locations and public displays shall be required to comply with permit requirements of IC 22-11-14-2 and IC 22-11-14-3.5 and the insurance requirements below.
- b. A Special Discharge Location Permit must be approved by the Board of Works and contain the following information to be valid:
 - 1. Name, address and phone number of the person or company doing the production or display;
 - 2. Name and qualifications of the individual or operator doing the production or display;
 - 3. Contact name, address and phone for whom the production or display is being performed;
 - 4. A detailed location where the display shall take place;
 - 5. Date and time of the display;
 - 6. Estimated number of fireworks or pyrotechnical devices to be used and length of show; and
 - 7. Copy of valid certificate of insurance meeting the insurance requirements below.

7. Required Insurance.

- a. In the event a permit is obtained, the permittee or other user must first obtain and provide a copy of a certificate of insurance naming the City of Franklin, Indiana as an additional insured for the payment of all damages which may be caused either to a person or persons in an amount of One Million Dollars (\$1,000,000.00) for damages caused to a person or persons, and One Million Dollars (\$1,000,000.00) for damage to property.
- b. A copy of a valid certificate of insurance conditioned for damages and/or injury to persons or property for said event in the amount of not less than \$1,000,000 shall be attached to and submitted with each application for and shall become part of the permit.

8. Enforcement and Violations.

- a. A violation of this ordinance is enforceable by the Franklin Police Department.
- b. If the responding officer determines that a violation exists, the officer has the discretion in determining whether to issue the person a violation of IC 22-11-14 or a municipal code violation, subject to the penalties listed below.

9. Penalties.

- a. A violation of IC 22-11-14 shall be issued consistent with IC 22-11-14-6 and any other applicable law.
- b. Any person that has been issued a municipal code violation of this ordinance is subject to the following fines which may be collected in a civil action, along with all costs and expenses involved in the case, including, but not limited to, mediation costs, short-term and long-

term mitigation of damages, restoration, restitution, and reasonable attorneys' fees and court costs:

1. For the first offense - a fine of Fifty Dollars (\$50.00).
2. For the second offense - a fine of One-Hundred Dollars (\$100.00).
3. For each subsequent offense - a fine of Five-Hundred Dollars (\$500.00).

10. Construction of Clause Headings: The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

11. Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance, specifically Ordinance 2013-04, are of no further force or effect, and are now repealed in their entirety.

12. Severability of Provisions. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

13. Duration and Effective Date. The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) thirty (30) days after the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-14.

Introduced and filed on the _____ Day of _____, 2025

DULY PASSED on this _____ day of _____, 2025, by the common Council of the City of

Franklin, Johnson County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Kenneth Austin

Kenneth Austin

Anne McGuinness

Anne McGuinness

Irene Nalley

Irene Nalley

Jennifer Price

Jennifer Price

Josh Prine

Josh Prine

Todd Shuck

Todd Shuck

Shawn Taylor

Shawn Taylor

Attest:

Jan Jones, Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana code § 36-4-6-15 and 16, this ____ day of _____, 2025 at _____ o'clock a.m./p.m.

Jan Jones, Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me and [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)1)], this ____ day of _____, 2025 at _____ o'clock a.m./p.m.

Steve Barnett, Mayor

Attest:

Jan Jones, Clerk-Treasurer

Prepared by: Lynnette Gray - Attorney No.: 11567-41
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