

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Alex R. Whitted and Alan L. Whitted – Whitted Law, LLC (on behalf of the City of Columbus, Indiana)
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: Friday, March 19, 2021
RE: Commission Review of Ordinance No. 06, 2021 – Amending Section 8.12.190 (Consumer Fireworks) of the Municipal Code of the City of Columbus, Indiana

The above referenced ordinance has been received and will be placed on the Commission's meeting agenda of its next scheduled meeting on **Tuesday, April 6, 2021** for review and consideration.

Ordinances containing fire safety or building laws are not effective until approved by an order of the Commission. The Commission has up to four meetings to make a determination on an ordinance. If an order of approval or denial is not issued by the fourth meeting, the ordinance is automatically approved and effective without an order of the Commission.

The Commission may afford an opportunity for public testimony on the ordinance. Therefore, attendance at the Commission's meeting is encouraged, but not required. To find out when and where the Commission meetings will take place, please visit the Commission's webpage at this link: <https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/>. To obtain a copy of the Commission's agenda for any meeting, visit the Commission's webpage and select the "Meeting Materials" link.

A staff review of your ordinance may be completed prior to a decision being made by the Commission. Any staff reviews that are completed will be provided to you as soon as possible, to allow potential issues to be addressed prior to the Commission meeting. Copies of any staff review will also be delivered to the Commission for consideration.

If the Commission does not make a determination at the meeting, you will be notified and your ordinance will be placed on the agenda for the next meeting until such time as a determination is made or the ordinance is deemed approved.

Following a determination of the Commission, an order will be issued in accordance with IC 4-21.5. If for any reason the Commission issues an order of denial of your ordinance, you may adopt a new ordinance, which addresses the Commission's concerns, and resubmit it for approval.

ORDINANCE NO. 06, 2021

**AN ORDINANCE TO
AMEND TITLE 8.12 OF THE COLUMBUS MUNICIPAL CODE
ENTITLED "FIRE PREVENTION REGULATIONS"
TO ENSURE COMPLIANCE WITH INDIANA CODE § 22-11-14-10.5**

WHEREAS, Indiana Code § 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code § 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, It is the desire of the Common Council to update Columbus Municipal Code Section 8.12.190 to ensure compliance with Indiana Code § 22-11-14-10.5(c)(3).

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, THAT:

SECTION 1. CHAPTER 8.12.190 CONSUMER FIREWORKS shall be amended to read as follows:

8.12.190 CONSUMER FIREWORKS.

Pursuant to I.C. 22-11-14-6(d), I.C. 22-11-14-10.5, and this Ordinance, consumer fireworks may only be used in the City of Columbus, Indiana, corporate limits during the days and times listed below:

- a. Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29 through July 3 and July 5 through July 9, however, regardless of what time sunset occurs, no later than 11:00 p.m.;
- b. Between the hours of 10:00 a.m. and midnight on July 4 and December 31; and
- c. Between the hours of 6:00 p.m. and 10:00 p.m. the day before, the day of, and the day after Diwali.


In the event that the hours of use for consumer fireworks listed in I.C. 22-11-14-6(d) or I.C. 22-11-14-10.5(c)(3) conflict with this Ordinance, the state statute shall control.

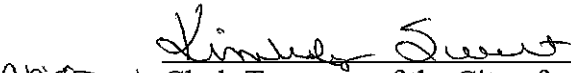
SECTION 2. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Columbus and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Columbus, Bartholomew County, Indiana, upon this 16th day of MARCH, 2021.

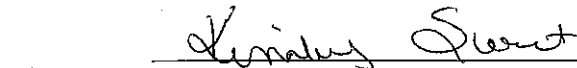
COMMON COUNCIL
CITY OF COUMBUS, INDIANA

ATTEST:

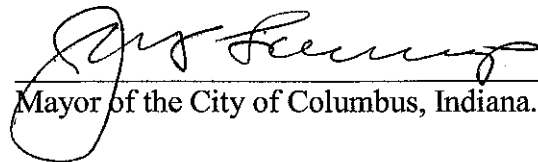

Presiding Officer


Chief Deputy Clerk-Treasurer of the City of
Columbus, Indiana

Presented to me to the Mayor of Columbus, Indiana the 16 day of March,
2021 at 6 o'clock p.m.


Chief Deputy Clerk-Treasurer

Approved and signed by me this 16 day of March, 2021 at 6 o'clock p.m.


Mayor of the City of Columbus, Indiana.