

IC 22-11-14.5

Chapter 14.5. Indoor Pyrotechnics

IC 22-11-14.5-1

"Indoor pyrotechnics" defined

Sec. 1. As used in this chapter, "indoor pyrotechnics" means controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume (as provided in National Fire Protection Association Standard 1126 (2001 edition)). The term does not include the following novelties and trick noisemakers:

- (1) Snakes or glow worms.
- (2) Smoke devices.
- (3) Wire sparklers that do not contain magnesium and that contain less than one hundred (100) grams of composition per item.
- (4) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-2

Repealed

(As added by P.L.25-2004, SEC.3. Repealed by P.L.187-2006, SEC.18.)

IC 22-11-14.5-3

Rules

Sec. 3. The fire prevention and building safety commission shall adopt rules under IC 4-22-2 to implement a statewide code concerning displays of indoor pyrotechnics. The rules:

- (1) must require that a certificate of insurance be issued that provides general liability coverage of at least five hundred thousand dollars (\$500,000) for the injury or death of any number of persons in any one (1) occurrence and five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence by an intended display of indoor pyrotechnics arising from any acts of the operator of the display or the operator's agents, employees, or subcontractors;
- (2) must require the person intending to present the display to give, at least twenty four (24) hours before the time of the display, written notice of the intended display to the chief of the responding fire department of the location proposed for the display of the indoor pyrotechnics and to include with the written notice a certification from the person intending to display the indoor pyrotechnics that the display will be made in

accordance with:

- (A) the rules adopted under this section; and
- (B) any ordinance or resolution adopted under section 4 of this chapter;
- (3) must include and adopt NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169;
- (4) must be amended to adopt any subsequent edition of NFPA Standard 1126, including addenda, within eighteen (18) months after the effective date of the subsequent edition; and
- (5) may provide for amendments to NFPA Standard 1126 as a condition of the adoption under subdivisions (3) and (4).

As added by P.L.25-2004, SEC.3. Amended by P.L.1-2006, SEC.348; P.L.101-2006, SEC.30.

IC 22-11-14.5-4

Adoption of ordinance or resolution

Sec. 4. A city, town, or county may adopt an ordinance or a township may adopt a resolution that:

- (1) establishes requirements for displays of indoor pyrotechnics more stringent or detailed than the requirements established under this chapter; or
- (2) bans the display of indoor pyrotechnics.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-5

Precedence of rules

Sec. 5. Except as provided in section 4 of this chapter, the rules adopted under section 3 of this chapter take precedence over:

- (1) an ordinance adopted by a city, town, or county; or
- (2) a resolution adopted by a township;

that covers the same subject matter as the commission's rules concerning indoor pyrotechnics.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-6

Violations; Class C infraction

Sec. 6. A person who violates a rule adopted under this chapter commits a Class C infraction.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-7

Violations; property; Class C infraction

Sec. 7. A person who knowingly allows an individual to commit a violation of a rule adopted under this chapter commits a Class C infraction if the violation is committed on property under the person's control.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-8**Separate offenses**

Sec. 8. Each day that an infraction under this chapter occurs constitutes a separate infraction.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-9**Violations; Class A misdemeanor**

Sec. 9. A person who causes serious bodily injury to a person as a result of a reckless violation of a rule adopted under this chapter commits a Class A misdemeanor.

As added by P.L.25-2004, SEC.3.

IC 22-11-14.5-10**Violations; Level 6 felony**

Sec. 10. A person who causes serious bodily injury to a person as a result of a knowing or an intentional violation of a rule adopted under this chapter commits a Level 6 felony.

As added by P.L.25-2004, SEC.3. Amended by P.L.158-2013, SEC.256.

IC 22-11-14.5-11**Violations; death; Level 6 felony**

Sec. 11. A person who causes the death of a person as a result of a reckless violation of a rule adopted under this chapter commits a Level 6 felony.

As added by P.L.25-2004, SEC.3. Amended by P.L.158-2013, SEC.257.

IC 22-11-14.5-12**Violations; death; Level 5 felony**

Sec. 12. A person who causes the death of a person as a result of a knowing or an intentional violation of a rule adopted under this chapter commits a Level 5 felony.

As added by P.L.25-2004, SEC.3. Amended by P.L.158-2013, SEC.258.