

ORDINANCE NO. 2013-4

**AN ORDINANCE REGULATING THE
USE OF CONSUMER FIREWORKS**

WHEREAS: Unrestricted use of consumer fireworks constitutes a danger to the public health, safety and welfare, and

WHEREAS: Unrestricted use of consumer fireworks may cause injuries to members of the public, and

WHEREAS: Unrestricted use of consumer fireworks disturbs the peaceful use and enjoyment of property by Elberfeld residents, and

WHEREAS: The Indiana state legislature has provided that a municipality may adopt an ordinance concerning the use of consumer fireworks within its corporate limits, and

WHEREAS: The Town desires to limit and regulate the use of consumer fireworks within its corporate limits

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The Elberfeld Code of Ordinances is amended by section 2 of this Ordinance to add a new chapter, REGULATION OF CONSUMER FIREWORKS.

Section 2: REGULATION OF CONSUMER FIREWORKS

(A) For purposes of this ordinance "consumer fireworks" shall mean consumer fireworks as defined by Indiana Code Section 22-11-14-1.

(B) Days and Hours of Use

- (1) Consumer fireworks may not be used, ignited or discharged within the corporate limits of the Town of Elberfeld except during the following times:
 - (a) Between the hours of 5:00 p.m. and two hours after sunset on June 29, 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 twelve midnight on July 4; and
 - (c) Between the hours of 10:00 a.m. on December 31st and 1:00 a.m. on January 1st.

(C) The Elberfeld Town Marshal and the Elberfeld Fire Chief are authorized to enforce the provisions of this Ordinance.

(D) The use, ignition or discharge of consumer fireworks other than during the above permitted dates and time periods shall constitute a violation of this Ordinance and shall be subject to a fine up to of \$2500.00 with each use, ignition or discharge being deemed a separate offence.

(E) In the event the person who violates this Ordinance refuses to pay the costs set out in Section (D), the Town of Elberfeld may initiate legal action for collection of this debt, including attorney fees.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the Town Council of the Town of Elberfeld, Indiana, this 17th day of June, 2013.

TOWN COUNCIL OF THE
TOWN OF ELBERFELD



President



Member

Member

ATTEST:



Mandy Kirsch, Clerk-Treasurer