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CH30 30 .10 - Establishing Days and Hours of Use of Fireworks

AN ORDINANCE OF THE TOWN OF LAPEL, INDIANA ESTABLISHING DAYS AND HOURS OF USE OF FIREWORKS WITHIN THE TOWN OF LAPEL.

WHEREAS, Indiana Code I.C. [22-11-14](#) pertains to the regulation of fireworks; and,

WHEREAS, I.C. [22-11-14-10.5](#) allows a county or municipality to regulate the "use" of consumer fireworks in the unincorporated areas of a county or within the corporate limits of a municipality through the adoption of an ordinance; and,

WHEREAS, the term "use" is defined in I.C. [22-11-14-10.5\(a\)](#) to mean when consumer fireworks may be used, ignited or discharged; and,

WHEREAS, I.C. [22-11-14-10.5\(c\)](#) allows a county or municipality to limit the use of consumer fireworks by an ordinance, which said ordinance may not be more lenient than a rule adopted by a state agency concerning the use of fireworks and the county or municipality is prohibited from limiting the use of consumer fireworks during specified time periods as set forth in I.C. [22-11-14-10.5\(c\)\(3\)](#); and,

WHEREAS, the term "consumer fireworks" is defined in I.C. [22-11-14-1](#); and,

WHEREAS, the Town of Lapel ("Town" or "Lapel") desires to establish operating hours for the use of consumer fireworks within the Town.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: Recitals: The recitals stated herein are hereby incorporated by reference.

Section 2: Operating Hours: The use of consumer fireworks, as defined in I.C. [22-11-14-1](#), in the Town of Lapel is hereby allowed only during the following dates and times as set forth below:

- a. Between the hours of 5:00pm and two (2) hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th and July 9th;
- b. Between the hours of 10:00am and 12:00 midnight on July 4th; and
- c. Between the hours of 10:00am on December 31st and 1:00am on January 1st.

Section 3: Locations: Pursuant to I.C. 22-11-14-6(b), "A person who ignites, discharges, or uses consumer fireworks at a site other than: (1) a special discharge location; (2) the property of the person; or (3) the property of another who has given permission to use the consumer fireworks; commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgement that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor." I.C. [22-11-14-6\(b\)](#).

The public right of way or street is not considered a special discharge location and thus the igniting, discharging, or use of consumer fireworks in the public right of way or street is strictly prohibited.

Section 4: Penalties for Violations: Any person who violates this Ordinance will be fined not more than \$500.00 for each day a violation occurs or continues.

Section 5: Conflict with State Law: No provision of this Ordinance is intended to conflict with or supersede state law.

Section 6: Severability/Validity: If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining provisions shall be considered valid.

Section 7: Effective Date: This Ordinance shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as required by law.