

## ORDINANCE 2020-02 (AMENDED)

### AN ORDINANCE RESTRICTING THE USE OF FIREWORKS IN THE TOWN OF RUSSIAVILLE

WHEREAS, the Town Council of the Town of Russiaville, Indiana has determined to restrict the use of fireworks which create excessive noise and disturbances within the Town. This ordinance is designed to encourage the safety and courteous use of consumer fireworks in the Town of Russiaville.

AND WHEREAS the Town Council of the Town of Russiaville deems it necessary to restrict fireworks usage and displays in a more restrictive manner than provided for by Indiana Code: 22-11-14, et seq

NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF RUSSIAVILLE, INDIANA

#### **SECTION I - RESTRICTIONS ON USE AND TYPE OF FIREWORKS**

The use of fireworks, consumer or commercial, which produce bangs, pops or whistles in excess of normal fire burning or sparks within the Town limits of the Town of Russiaville shall be limited to and restricted to the following dates:

- (A) **(NEW YEAR'S EVE)** December 31st between the hours of 10:00 A.M. till 1:00 A.M. on January 1st.
- (B) **(NEW YEAR'S DAY)** Between the hours of 2:00 P.M. till 10:00 P.M. on January 1st.
- (C) **(MEMORIAL DAY)** Between the hours of 10:00 A.M till 12:00 A.M. **(MIDNIGHT)**
- (D) **(ONLY OTHER DAYS ALLOWED)** On June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th and July 9th Between the hours of 5:00 P.M. and 2 hours after sunset.
- (E) **(INDEPENDENCE DAY)** July 4th Between the hours of 10:00 A.M. till 12:00 A.M. **(MIDNIGHT)**.
- (F) **(LABOR DAY)** Between the hours of 10:00 A.M. till 12:00 A.M. **(MIDNIGHT)**.
- (G) The Town Council may authorize additional days and times if requested in writing and approved by the Town Council.

Nothing in this ordinance shall prohibit the local Fire Chief, State Fire Marshal, the Town Marshal, or any duly authorized law enforcement official from further restricting, or prohibiting, the use of fireworks during the aforementioned periods of time for any weather related or public safety reasons.

## **SECTION II - RESTRICTIONS ON LOCATIONS FOR USE OF FIREWORKS**

Consumer fireworks may be used, ignited, or discharged during the permitted times set forth above only on the users' own property, with the permission of the property owner, or at special discharge locations designated by the State Fire Marshal, Russiaville Fire Chief or the Russiaville Town Council. No person may use, ignite, or discharge fireworks on any public street, public sidewalk, alleys, parks, public right of ways or on any Town property without written permission of the State fire Marshal, Russiaville Fire Chief or the Russiaville Town Council. Users shall be responsible for all debris resulting from the discharge of consumer fireworks. It is a violation of this Ordinance if fireworks land upon property owned or occupied by another person from which permission was not obtained, or upon public streets or Town property, and which fireworks and/or all related debris is not removed by the user within twenty-four (24) hours of such use or discharge. Notwithstanding the foregoing, nothing in this ordinance shall be interpreted to grant permission to any person to discharge, place, or land debris on property occupied or owned by another, and the twenty-four (24) hour removal period required by this ordinance shall not relieve any such user of any applicable civil liability, including but not limited to a cause of action for trespass or nuisance.

## **Section III - PENALTIES FOR VIOLATIONS**

Any person and /or property owner who violates the provisions of this ordinance may be issued a Citation by the Town Marshal or any duly authorize law enforcement official punishable by fines as follows:

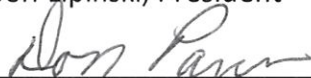
- (1) First offense: maybe a warning or \$50.00
- (2) Second offense: \$100.00
- (3) Third offense: \$200.00

After the third offence the penalties shall double thereafter. The aforementioned fine shall be payable and deposited in the General Fund of the Town of Russiaville. Each day or continued violation (even if on the same day) constitutes a separate and additional offense. Any person issued a citation for a violation of this ordinance may appeal the issuance of the citation by providing written notice to the Clerk-Treasurer office not later than thirty (30) days after the issuance date of the citation. The Clerk-Treasurer shall notify the Town Council and place the request for an appeal on the agenda of next Town Council meeting where the Town Council, by majority vote, shall determine the validity of the citation after presentation of relevant evidence.

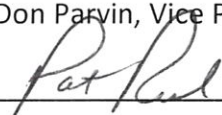
PASSED AND ADOPTED by the Town Council of the Town of Russiaville,  
Howard County, Indiana, this 17<sup>th</sup> day of August, 2020



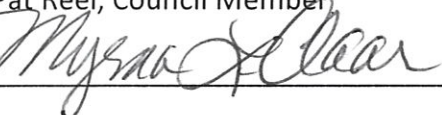
Jeff Lipinski, President



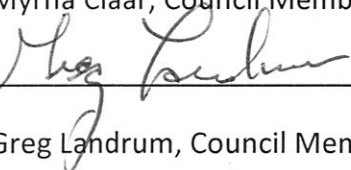
Don Parvin, Vice President



Pat Reel, Council Member

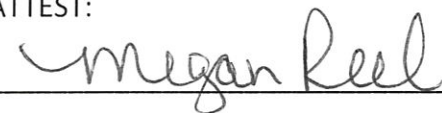


Myrna Claar, Council Member



Greg Landrum, Council Member

ATTEST:



Megan Reel, Clerk-Treasurer