

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 21-22

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 10 OF THE GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, TO AMEND CERTAIN PROVISIONS OF CONSUMER FIREWORKS REGULATIONS REGARDING DATES OF USE AND ESTABLISHING A SPECIFIC PENALTY FOR VIOLATION

WHEREAS, Ind. Code § 22-11-14-10.5 empowers the City of Greenwood (“City”) to adopt regulations concerning the use of consumer fireworks within its corporate limits subject to certain date and hour limitations expressly provided by state statute;

WHEREAS, the City of Greenwood previously adopted an ordinance to regulate the use of consumer fireworks within its corporate limits in order to limit noise nuisances and to protect the rights of residents to exercise the right of quiet enjoyment of their property;

WHEREAS, it has been determined that the specific dates on which consumer fireworks may be used should be limited to only those required by statute;

WHEREAS, it has further been determined that a specific penalty for violation of the City’s consumer fireworks regulations should be established,

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

Section 1. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 10, Section 6-354, is amended as follows:

A. By repealing the text of subsection (a) (1) in its entirety and replacing it with the following text:

“(1) Between the hours of 5:00 p.m. and 2 hours after sunset on June 29 through July 3, and July 5 through July 9, each year.”

B. By inserting an additional subsection, subsection (c), to read:

“(c) Any person, firm or corporation violating any provision of this Section shall be fined One Hundred Dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.”

Section 2. All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed. This Ordinance shall have no effect upon any other sections of the Greenwood Municipal Code (1993) or ordinances not specifically changed by this Ordinance, except as herein provided, and all other sections of the Greenwood Municipal Code (1993) not inconsistent herewith shall remain the same.

Section 3. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any section, paragraph, sentence, clause, phrase or word shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences or words of this Ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.