

ORDINANCE 2022-06-22

TOWN OF KENTLAND, INDIANA

AN ORDINANCE REPLACING § 91.15 OF THE KENTLAND TOWN CODE
AND REGULATING THE USE OF CONSUMER FIREWORKS IN
THE TOWN OF KENTLAND, NEWTON COUNTY, INDIANA.

WHEREAS, the Town Council of the Town of Kentland, Newton County, Indiana (hereinafter, the "Town Council"), desires to promote safety, peace, and tranquility in the Town of Kentland; and

WHEREAS, the Town Council, has determined that the Kentland Town Code contains an ordinance concerning Fireworks, namely § 91.15, which is outdated and should be replaced; and

WHEREAS, the Town Council has jurisdiction to regulate the use of consumer fireworks within the Town, pursuant to Indiana Code § 22-11-14-10.5; and

WHEREAS, the discharge of consumer fireworks as defined by Indiana Code § 22-11-14-1, adversely impacts the safety, peace, and tranquility of the citizens of the Town of Kentland; and

WHEREAS, the Town Council, upon review of the reports of administrative staff and police department of the Town, and upon review of applicable law, now concurs and agrees that it is appropriate, advisable, and in the best interest of the citizens of the Town, that regulations be established for the usage of consumer fireworks within the Town, consistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Kentland, Newton County, Indiana:

(A) Definition – "Consumer Fireworks". For purposes of this ordinance, "Consumer Fireworks" shall mean consumer fireworks as defined by Indiana Code § 22-11-14-1.

(B) Days and Hours of Use. Consumer Fireworks may not be used, ignited, or discharged within the limits of the Town of Kentland except during the following times:

1. From June 29 to July 3, and again from July 5 to July 9, during the hours of 5:00 p.m. until two hours after sunset (approximately 11:00 p.m.).
2. On the day before Memorial Day, Memorial Day, July 4, the day before Labor Day, and Labor Day, the hours are extended from 10:00 a.m. until midnight.
3. On December 31, the hours are extended from 10:00 a.m. until 1:00 a.m. on January 1.

(C) General Regulations.

1. Use or discharge of fireworks which causes serious annoyance or disturbance to a neighborhood or the residents therein by loud, frequent, or habitual use is declared to be a nuisance. It is unlawful for any person to conduct such activities.
2. It shall be unlawful for the parent, guardian, or other adult person having the care, custody, and control of a minor under the age of 18 years to knowingly permit such minor to fire, shoot off, or discharge any fireworks within the limits of the Town of Kentland.
3. Any person shall be liable for damage to person or property caused by the use or discharge of fireworks, and shall also be liable for costs of fire service by a responding fire department as defined by Indiana Code § 22-11-14-1 or other emergency services necessitated by the use or discharge of fireworks.

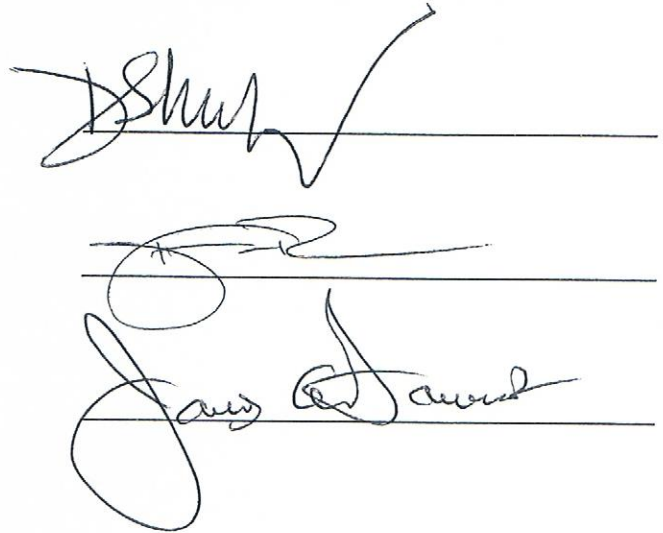
(D) Enforcement, Fines. Any person violating any of the provisions of this ordinance shall be subject to a fine in an amount of Fifty Dollars (\$50.00) for the first violation, payable at the Kentland Town Hall. Any subsequent violation shall subject the violator of a fine of up to Twenty-Five Hundred Dollars (\$2,500.00) per violation. In addition to any fine and court costs, violators shall reimburse the Town of Kentland for the cost of responding emergency services, if any.

(E) Severability. The sections and provisions of this Ordinance are declared to be severable any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

(F) Effective Date. This Ordinance shall become effective and be in full force and effect after its passage and approval by the Town Council, and upon its publication as required by law.

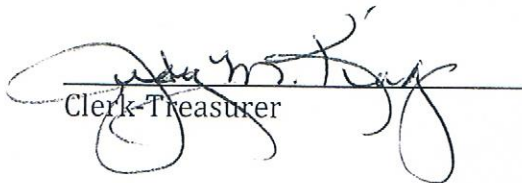
BE IT FURTHER ORDAINED that this Ordinance be in full force and effect after its passage and approval by the Town Council, and upon its publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Kentland, Newton County, Indiana, this 22nd day of June, 2022.



Three handwritten signatures are present on horizontal lines. The top signature is a stylized 'Shur' with a checkmark. The middle signature is a cursive 'R'. The bottom signature is a cursive 'J. David'.

ATTEST:



A handwritten signature, likely 'J. M. King', is written over a horizontal line. Below the line, the text 'Clerk-Treasurer' is printed.