

TOWN OF WOLCOTT, WHITE COUNTY, INDIANA
ORDINANCE NO. 2009-01

**ORDINANCE AMENDING THE WOLCOTT CODE OF ORDINANCES TO
REGULATE THE USE OF CONSUMER FIREWORKS**

WHEREAS, Indiana Code Section 36-1-3-*et seq.*, authorizes the Town of Wolcott, as a municipality, to adopt Ordinances for the purpose of protecting the health, safety and welfare of its residents, and to preserve the peace, order and safety of the Town; and

WHEREAS, Indiana Code Section 22-11-14, *et seq.*, provides that counties and municipalities may adopt ordinances to regulate the time and location for the use, ignition or discharge of fireworks, and that fireworks regulations ordinance may not limit the use of fireworks on certain days during certain times of the year; and

WHEREAS, the Town Council of the Town of Wolcott, White County, Indiana, has determined that use of fireworks within the corporate boundaries of the Town of Wolcott requires unique and special supervision in order to protect and preserve the health, safety and welfare of citizens of the Town of Wolcott; and

WHEREAS, Indiana Code Section 22-11-14, *et seq.*, requires that all municipalities allow a minimum number of certain specific days for the use, ignition or discharge of fireworks, and that the Town Council of the Town of Wolcott has determined to exercise their right as a municipality to limit fireworks in accordance with said Indiana Code Section.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF WOLCOTT, WHITE COUNTY, INDIANA**

CHAPTER 26. REGULATION OF CONSUMER FIREWORKS

Section 26-01. Definition – “Consumer Fireworks”

For purposes of this Chapter, Consumer Fireworks shall mean consumer fireworks as defined by Indiana Code Section 22-11-14-1.

Section 26-02. Use and Discharge of Consumer Fireworks

- A. **Possession by Minors.** Children (under eighteen [18] years of age) shall only possess or use any kind of fireworks when an adult is present.
- B. **Location of Use.** Consumer Fireworks shall exclusively be use on:
 - 1) The user’s property; or
 - 2) The property of someone who has affirmatively consented to the use of fireworks on the property; or

- 3) A location authorized by Special Permit as a special discharge location, that is defined as a place designated for the discharge of consumer fireworks under the policies of the State Fire Marshal in effect until such time as a board or official specifically authorized may so amend.

C. **Time of Use.** Consumer Fireworks may not be used, ignited or discharged with the corporate limits of the Town of Wolcott, except during the following times:

- 1) Between 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9
- 2) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
- 3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1

D. **Exemptions.** The Ordinance shall not be construed to prohibit the use of fireworks by railroads or other transportation agencies, the sale or use of blank cartridges for a show, ceremonial purpose, use by military organizations, and use of indoor pyrotechnics special effects.

Section 26-03 Penalty.

- A. Except as otherwise provided, any person, entity or organization who shall violate any provision of this chapter shall be fined in the amount of \$250.00 per violation to be paid to the Clerk-Treasurer of the Town of Wolcott.
- B. If such person(s), entity or organization shall violate any provisions of this chapter, such violations shall be construed as justiciable offense, and upon conviction or finding of liable, shall be subject to a fine of not less than \$100.00 per violation, nor more than \$2,500.00. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

Section 26 -04. All existing Town Code Sections and Ordinances, or parts thereof in conflict with the provision of this Ordinance, are hereby repealed and declared to be null and void and of no legal effect.

Section 26-05. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

DULY ORDAINED and ADOPTED this 5th day of May, 2009, by the Town Council of the Town of Wolcott, County of White, Indiana, having been passed by a vote of five (5) in favor and none (0) opposed.

**WOLCOTT TOWN COUNCIL
WOLCOTT, WHITE COUNTY, INDIANA**

AYE

NAY

/s/
Marsha L. Mackey, President

Marsha L. Mackey, President

/s/
Jon H. Evans, Vice President

Jon H. Evans, Vice President

/s/
Richard A. Lynn, Member

Richard A. Lynn, Member

/s/
Jerry Pinkerton, Member

Jerry Pinkerton, Member

/s/
Fred A. Young, Member

Fred A. Young, Member

ATTEST:

/s/
Linda S. Bajzatt, IAMC, CMC
Clerk-Treasurer