

**ORDINANCE NO. 2020-14**

**AN ORDINANCE AMENDING CHAPTER 98 OF THE TOWN OF  
EDINBURGH'S CODE REGARDING FIREWORKS**

WHEREAS, Indiana Code 36-1-3-6, and IC 36-8-2-8 gives the legislative body of the Town of Edinburgh ("Town") the power to regulate the generation of sound into the air within the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN  
COUNCIL, AS FOLLOWS:**

**I. SECTION 1. PRIOR ORDINANCE**

- a. That the Edinburgh Town Council ("Council") adopted Ordinance 2012-14 on the 13<sup>th</sup> day of November, 2012 ("2012 Ordinance") which provided the regulations of noise within the Town which said provisions were contained in Chapter 98 of the Edinburgh Town Code ("Code").

**II. SECTION 2. AMENDMENTS TO CODE**

- a. That the Council hereby amends Chapter 98 of the Code as follows:
  - i. Section 98.05 is hereby created with the title of "Regulation of Fireworks" and provides for the following:
    - 1. (A) For purposes of this ordinance, the term Firework(s) shall have the same definition as the term "Consumer Firework" as defined by Indiana Code 22-11-14-1.
    - 2. (B) Pursuant to Indiana Code 22-11-14-10.5(c); fireworks can only be used within the Town municipal limits on the following days:
      - a. (A) between the hours of 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;
      - b. between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
      - c. between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

3. (C) Any owner who violates any provision of this chapter shall be subject to the following monetary penalties, in addition reasonable attorney's fees incurred by the city in the prosecution of the violation:
  - a. For the first offense: a fine of twenty-five dollars (\$25.00);
  - b. For the second offense: a fine of fifty dollars (\$50.00);
  - c. For the subsequent offenses: a fine of one hundred dollars (\$100.00).
4. (D) A violation of this chapter constitutes a public nuisance and may be the subject of an enforcement action against same to enjoin future violations and abate continuing violations. Additionally, all other available legal remedies may be sought by the city to enforce this chapter.

**III. SECTION 4. PUBLIC NOTICE**

- a. In accordance with Indiana Code 36-5-2-10(b) and Indiana Code 5-3-1-2(h), this ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Edinburgh Town Council.

**IV. SECTION 5. PUBLIC BENEFIT**

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

**V. SECTION 6. REPEALER**

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**VI. SECTION 7. SEVERABILITY**

- a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

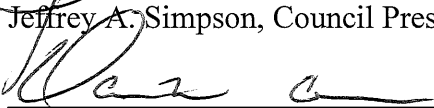
**VII. SECTION 8. EFFECTIVE DATE**

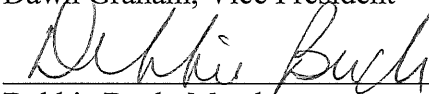
- a. This ordinance shall be in full force and effect from and after its passage,  
approval and publication according to law.

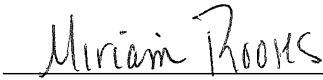
ADOPTED this 13<sup>th</sup> day of July, 2020.

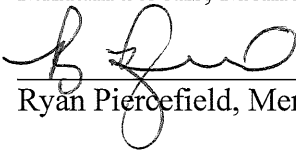
**EDINBURGH TOWN COUNCIL**

  
\_\_\_\_\_  
Jeffrey A. Simpson, Council President

  
\_\_\_\_\_  
Dawn Graham, Vice President

  
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Debbie Buck, Member

  
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Miriam Rooks, Member

  
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Ryan Piercefield, Member

ATTEST:

  
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Scott Finley, Clerk-Treasurer