

ORDINANCE NO. **BG2011 – 36**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15
(BUSINESS AND GENERAL REGULATIONS),
SUBCHAPTER 15-5 (STORAGE, SALE AND USE
OF FIREWORKS) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO LIMIT THE
MONTHS DURING WHICH CONSUMER
FIREWORKS MAY BE DISCHARGED IN THE
CITY

WHEREAS, the 2011 Kentucky General Assembly enacted House Bill 333 expanding the type of fireworks permitted to be sold and used within the Commonwealth; and,

WHEREAS, House Bill 333 specifically authorized local governments to enact ordinances regulating the sale and use of fireworks; and,

WHEREAS, the Board of Commissioners of the City of Bowling Green adopted amendments to Chapter 15 of the Code of Ordinances as set forth in Ordinance No. BG2011-21 to regulate the sale and use of fireworks, but the Board of Commissioners now wishes to reexamine the adopted regulations in the following weeks, particularly as it applies to the days and times during which consumer fireworks may be discharged in the City; and,

WHEREAS, until that reexamination can take place, it is in the best interests of the City to amend Subchapter 15-5 to limit the months during which consumer fireworks may be discharged in the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations), Subchapter 15-5 9 (Storage, Sale and Use of Fireworks) is hereby amended to read as follows:

15-5 STORAGE, SALE AND USE OF FIREWORKS.

...

15-5.04 Sale and Use of Fireworks.

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...

i. Persons may use, ignite, fire or explode those fireworks authorized by KRS Chapter 227 and this Subchapter in the City. Fireworks, including consumer fireworks, may only be used between the hours of 10:00 a.m. and 12:30 a.m., but may not be used, ignited, exploded or discharged during the months of August, September and October of any year. Fireworks, including consumer fireworks, as defined in KRS 227.703 (2), (3) and (4) may only be used by individuals at least eighteen (18) years of age and shall not be ignited within two hundred (200) feet of any structure, vehicle or any other person. Fireworks, including consumer fireworks, shall not be ignited or discharged from a motor vehicle and shall not be ignited or discharged on property of another without the consent of the owner or occupant or on public property.

...

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.


3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on August 2, 2011, and given final reading on August 16, 2011, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

(Ordinance No. BG2011 - 36)

ADOPTED: August 16, 2011

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Brian "Slim" Nash, Commissioner: late filed 08/02/2011, 7:00 p.m.