

ORDINANCE NO. 2011-O-13

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY, PROHIBITING THE STORAGE OR SALE OF ANY FIREWORKS IN ANY RESIDENTIAL ZONE WITH THE CITY LIMITS AND FURTHER PROHIBITING SUCH SALES FROM ANYTHING OTHER THAN A PERMANENT STRUCTURE.

WHEREAS, The City of Independence has deemed it to be in the best interest of its citizenry not to allow the storage or sale of any fireworks in any of its residential zones, and

WHEREAS, The City has further deemed it to be in the best interest of its citizenry to prohibit the sale of any fireworks from anything other than a permanent structure.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTUCKY AS FOLLOWS:

Section I

The storage or sale of any fireworks is hereby prohibited in any residential zone with the City of Independence, unless such storage or sale existed prior to this ordinance, in which case it may continue as a non-conforming use.

Further, the storage or sale of any fireworks with the City of Independence shall be prohibited from anything other than a permanent structure, in any commercial or business zones.

Section II

Because of the obvious danger that fireworks pose to persons and property, any violation of this Ordinance shall be appropriately documented by any enforcement officer or police officer and require the immediate removal of any fireworks from the location where the violation occurs by the offender. Any repeat violations or failure by the offender to immediately remove the fireworks from the location, or if the offender moves to any other location within the city, shall cause fireworks to be confiscated and disposed of by the City.

Section III – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section IV – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section V – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section VI – Publication

This ordinance shall be published in summary pursuant to KRS 83A.060 (9).

Christian J. Moriconi, Mayor

ATTEST:

Patricia H. Taney, City Clerk

First Reading: May 2, 2011

Second Reading: June 6, 2011

Ayes: 6

Nays: 0

Publication Date: _____