

# ORDINANCE 2013-1

AN ORDINANCE ADDRESSING THE USE AND SALE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF POTTSVILLE, ARKANSAS, AND PROVIDING PENALTY FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the city of Pottsville has an interest in the protection of persons and property located within the city limits of the city of Pottsville; and, whereas, fireworks pose a potential risk to persons and property within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS:

**SECTION 1.** *Sale of Fireworks.* Fireworks may be sold in commercially zoned areas only. Fireworks sales shall be from June 28<sup>th</sup> to July 10<sup>th</sup> at midnight. All federal, state and local fire and safety codes, laws and regulations will be strictly complied with in relation to sales. In particular, only Class C fireworks are allowed to be sold within the city limits of Pottsville, as defined in A.C.A. 20-22-708. It shall be a violation of this Ordinance to sell fireworks during a city or county burn ban.

**SECTION 2.** Discharge of fireworks will be prohibited within the city limits of Pottsville during a county or city burn ban. The discharge of fireworks will only be allowed during the following periods:

- 1). The 28<sup>th</sup> day of June to the 10<sup>th</sup> day of July. The starting times allowed for the discharge of fireworks shall be at 8:00 a.m. until 10:00 p.m. on all these nights, except for July 4<sup>th</sup> in which fireworks can be discharged from 8:00 a.m. to 12:00 midnight;

- 2). December 31<sup>st</sup> thru January 1<sup>st</sup> of each year between the hours of 10:00 a.m. and midnight;

3). Fireworks for public display will be required to have on their premises a copy of the State Police Fireworks Display Form completed and signed by the fire chief and the police chief of the city of Pottsville.

The Mayor, Fire Chief and Chief of Police shall determine when conditions are acceptable for the discharge of fireworks on these dates. In the event those persons determine conditions are such that discharge of fireworks would create a hazardous situation, the Mayor will take all reasonable efforts to notify the residents of the city that all discharge of fireworks shall be prohibited.

**SECTION 3. Fireworks - Definition.** For the purpose of this Ordinance, the definition of fireworks is that which the Arkansas Code has defined in A.C.A. 20-22-708 under Class C fireworks.

**SECTION 4. Prohibiting Making Fireworks.** No person, firm or corporation shall make or store fireworks in the city limits of Pottsville, nor shall they make any fireworks, gunpowder or explosives in any home or on any property located within the city of Pottsville, subject to the storage permit provisions located later in this Ordinance.

**SECTION 5. Limitations.** It shall be unlawful for retailers to sell any fireworks to children under 12 years of age or to any person known to be intoxicated or acting irresponsible. Pursuant to A.C.A. 20-22-713 it shall also be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, public school or within 200 feet of where fireworks are stored, sold or offered for sale. The discharging of fireworks on the property of another individual without that person's permission, or allowing a fireworks projectile, such as a bottle rocket, to travel on to the property of another without the owner's permission, or a public street, shall be a violation of this Ordinance.

No person shall ignite or discharge any permissible articles of fireworks within, or throw the fireworks from, a motor vehicle while therein, nor shall any person place or throw any ignited article

of fireworks into or at a motor vehicle or at or near any person or group of people.

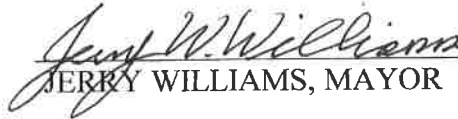
**SECTION 6. Storage.** For the purpose of this Ordinance "storage" shall be defined as the keeping of fireworks not in the regular course of business of selling fireworks during the allowable time frame in this Ordinance. It is the intent of this Ordinance to protect the welfare of the citizens of Pottsville and to not allow anyone to keep fireworks stored in anticipation of sale for time frame outside the time for sale located in this Ordinance, subject to Section 9 of this Ordinance.

**SECTION 7. Penalty.** Any person violating this Ordinance shall be fined not less than \$50.00 for the first offense, 2<sup>nd</sup> offense will be \$150.00 and the confiscation of all fireworks. Fines can be no more than \$500.00 for each offense and a separate offense shall be deemed committed on each date during or on which a violation occurs of continues.

**SECTION 8.** This Ordinance shall replace Ordinance 2004-4 previously passed by the City of Pottsville and all other Ordinances dealing with fireworks.

**SECTION 9.** Storage permits can be approved by the fire chief or fire marshal and the mayor. The permit shall set out the specific storage times and locations. An example of this storage permit is attached hereto and becomes a part of this Ordinance upon its passage.

PASSED AND APPROVED THIS 22 DAY OF April, 2013.

  
JERRY WILLIAMS, MAYOR

ATTEST:

  
City Clerk