

ORDINANCE NO. 17-11

AN ORDINANCE REPEALING ORDINANCE NO. 12-09 AND REGULATING THE USE, POSSESSION AND SALE OF FIREWORKS AND OTHER EXPLOSIVES WITHIN THE CITY OF GRAVETTE, ARKANSAS AND SETTING A PENALTY THEREFORE AND DECLARING AN EMERGENCY

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

Section 1: That Ordinance No. 12-09 and all other Ordinances in conflict with this Ordinance are hereby repealed.

Section 2: That except as otherwise provided in this Ordinance it shall be unlawful for any person to sell, possess, or engage in shooting firecrackers, torpedoes, sky rockets or to discharge any other explosives in the city.

Section 3: That consumer fireworks may be discharged on private property three days before and three days after the Celebration of the Independence Day by the City of Gravette or on the fourth of July should it be more than three days before or after the scheduled celebration between the hours of 12:00 p.m. (Noon) and 12:00 a.m. (Midnight). Fireworks may also be used on New Year's Eve between the hours of 12:00 p.m. (Noon) and 12:00 a.m. (Midnight). However, the fire chief shall have the authority to prohibit the use of fireworks on such dates based on fire conditions.

Section 4: That organized firework displays may be conducted pursuant to a city permit issued by the fire chief upon application and payment of \$100.00.

Section 5: That the display and/or consumer use of fireworks may be prohibited by the fire chief at any time based on fire conditions.

Section 6: That no person shall sell or distribute any firecrackers, sky rockets, bottle rockets, sparklers, roman candles, or any other explosive used for amusement purposes, or any other device or composition used to obtain visible or audible pyrotechnic display, all commonly known as fireworks, except as specifically set out herein.

(A) Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined under federal law and regulations (27 C.F.R. § 555.11) may be sold between June 14th and July 5th of each year, subject to the provisions set out herein. Any person desiring to sell fireworks must obtain a permit. The fee for each permit shall be \$200 (regular) and \$100 (non-profit 501(c)3) per location. Before a permit to sell fireworks is issued, the person applying for the permit must show proof that such location will be insured by a licensed insurance company for \$1,000,000.00 premises liability. A vendor must contact the Gravette Fire Department and arrange for an inspection to ensure compliance with this Code and any other applicable fire code requirements, prior to the sale of fireworks.

(B) Fireworks stands shall not be located within 250 feet of a fuel dispensing facility and must be set back at least 50 feet from the nearest portion of the street or highway.

(C) Fireworks shall not be sold to a person less than sixteen (16) years of age.

Section 7: Violation of this Ordinance shall constitute a misdemeanor and upon conviction there shall be a fine imposed not to exceed \$500.00.

Section 8: That this Ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such, an emergency is declared to exist, and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED THIS 27th DAY OF April, 2017.

APPROVED:



ATTEST:



CITY CLERK

STATE OF ARKANSAS

CITY OF GRAVETTE *clerk*

clerk
CERTIFICATE OF RECORDER

I, Mike VonRee, Recorder of the City of Gravette, Benton County, Arkansas

In and for the City of the State aforesaid, do hereby certify that this

instrument of writing is a true and complete copy, and the same appears of

record of Fireworks Ord.

being on file in my said office. I have here unto set my hand this 27th

day of April, 2017

Mike VonRee, Recorder
City of

By

