

04 003540

ORDINANCE NO. 1251

FILED FOR RECORD

2004 MAY -4 A 9:11 8

JEANNIE STEEN, CLERK

AN ORDINANCE REPLACING CHAPTER 7.20
OF THE CITY CODE OF HARRISON, ARKANSAS
REGULATING THE SALE AND USE OF FIREWORKS,
AND DECLARING AN EMERGENCY.”

BY K DC

WHEREAS, Chapter 7.20 entitled “Fireworks” is hereby replaced in its entirety by the following ordinance:

SECTION 7.20.01.

It shall be unlawful for any person to sell or use within the City of Harrison any pyrotechnics, commonly known as “fireworks” except as herein provided.

Permit for retail sales. An annual permit for retail sales of fireworks shall be obtained from the Arkansas State Police. An annual permit for the retail sales of fireworks within the City Limits shall be obtained from the City of Harrison Fire Department Fire Inspection Division, and shall be signed by the City of Harrison Fire Department Chief, and The Fire Inspector. The cost of a retail sales permit from the City of Harrison shall be Fifty Dollars (\$50.00). In order to obtain a retail sales permit, a copy of the Arkansas State Police Retail Sales Permit and a corporate surety bond in the principal sum of One Hundred Thousand Dollars (\$100,000.00) (or a public liability insurance policy for the same amount), shall be provided to the City of Harrison Fire Department Fire Inspection Division. The person purchasing the permit must be at least twenty-one (21) years of age. Failure To comply with the “Safety Requirements for Retail Sales” section of this ordinance, could result in permit revocation.

Permit for public displays. An annual permit for public display of fireworks shall be obtained from the Arkansas State Police. An annual permit for the public display of fireworks shall be obtained from the City of Harrison Fire Department Fire Inspection Division, and shall be signed by the Fire Chief, and the Fire Inspector. The Cost of a public display permit shall be Two Hundred Dollars (\$200.00). In order to obtain a permit for public fireworks display, a copy of the Arkansas State Police permit and a corporate surety bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) shall be provided. A Site plan shall be submitted to the Harrison Fire Department Fire Inspection Division. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area as well as the required separation distances. Failure to comply with the “Safety Requirements for Public Displays” section of this ordinance, could result in permit revocation.

SECTION 7.20.02

Dates of Sales and Use. Fireworks may be sold beginning on June 28th through July 4th of each year. Fireworks may be used or discharged only on July 4th, between the hours of 8:00A.M. and 11:00P.M.

SECTION 7.20.03

Safety Requirements for Retail Sales. All fireworks shall have the fuses protected. Smoking of lighted cigars, pipes or cigarettes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area. "FIREWORKS---NO SMOKING" signs shall be provided and must be visible from all directions inside and outside the retail sales location. The signs shall have letters 4" in height, red in color with contrasting background. Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one sign that reads, " NO FIREWORKS DISCHARGE WITHIN 300 FEET", shall be provided at each entrance. The signs shall have letters 4" in height, red in color with contrasting background. Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products. All retail sales locations shall provide at least one fire extinguisher, minimum of 5lb, or provide a water hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed 75 ft. ALL tent and temporary structures shall be Fire Marshall approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the most current edition of the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure. All temporary and permanent structures for the retail sales of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no parking within 15 feet of where fireworks are sold.

Safety Requirements for Public Displays. All public displays of fireworks, including all requirements for safety, display site selection, fallout areas, and operation of the display, Shall be done in accordance with the current edition of N.F.P.A 1123, *Code for Fireworks Display*, adopted by the City of Harrison.

SECTION 7.20.04

Prohibited Sales. It shall be unlawful to sell or to offer to sell fireworks to children under the age of twelve (12) years old. It shall be unlawful to knowingly sell fireworks to person(s) known to be intoxicated.

SECTION 7.20.05

Unlawful Use. It shall be, at all times, unlawful to discharge fireworks on or in city streets, highways, alleys, public property and/or any public property without the consent of the property owner. It shall be unlawful to discharge fireworks within 600 feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within 300 feet of where fireworks are sold or stored. It shall be unlawful to throw fire works at or from any motor vehicle. It shall be unlawful to throw fireworks at or near any person.

Penalties for Violations. Any person(s) violating the "use of fireworks" provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined a sum not less than Fifty Dollars (\$50.00), or not more than One Hundred-Fifty Dollars (\$150.00) plus any court cost. A second offense within One (1) year shall be fined not less than One Hundred-Fifty Dollars (\$150.00), or not more than Two Hundred-Fifty Dollars (\$250.00), plus court cost. Any person(s) holding a permit for the sale of fireworks that violates any "Sales of Fireworks" provisions of this Ordinance shall be deemed guilty of a misdemeanor and fined not less than Two Hundred-Fifty Dollars (\$250.00), plus court cost, or not more than Five Hundred Dollars (\$500.00), plus court cost, and are subject to permit revocation. Any person(s) holding a permit for the display of fireworks that violate any "Display of fireworks" provisions of this Ordinance or the referenced codes, shall be deemed guilty of a misdemeanor and fined not less than Two Hundred-Fifty Dollars (\$250.00) plus court cost, or not more than Five Hundred Dollars (\$500.00), plus court cost, and are subject to permit revocation.

SECTION 7.20.06

Any person selling, using, or displaying fireworks are subject to any and all state and federal laws and regulations regarding the display, use or selling of fireworks.

EMERGENCY CLAUSE: That the City Council hereby deems that it is in the best interest of the public that this Ordinance be promptly enacted, and an emergency is declared, and this Ordinance shall be in full force and effect after its passage and adoption.

PASSED AND APPROVED THIS 3 DAY OF May 2004.

CITY OF HARRISON, ARKANSAS
BY: 
ROBERT A. REYNOLDS, MAYOR

ATTEST:


JOEL WILLIAMS, CITY CLERK

SPONSORED BY: MARK FOWLER

1ST READING: 04-5-04

2ND READING: 05-3-04

3RD READING: 05-3-04