

ORDINANCE NO. 190

AN ORDINANCE AUTHORIZING THE SALE AND USE OF FIREWORKS WITHIN THE CITY LIMITS OF GARFIELD, ARKANSAS, ESTABLISHING REGULATIONS THEREFORE AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS THEREOF.

WHEREAS, the City Council of the City of Garfield, Arkansas has determined that it is in the best interest of the City of Garfield, to restrict and/or control the selling of, distribution, or dissemination of the product commonly known as Fireworks, with the city limits of Garfield, Arkansas;

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

SECTION 1: DEFINITIONS:

Fireworks: All articles of fireworks classified as Interstate Commerce Commission Class C common fireworks only and shall include those items described in A.C.A 20-22-708

Person: Any corporation, association, co-partnership, limited liability company, trust or any other form of business entity or on (1) or more individuals.

SECTION 2: EXPLOSIVES:

Except as otherwise provided by Arkansas law and this ordinance, it shall be unlawful for any person to use, detonate, ignite, cause to be ignited, or assist in the ignition, detonation, or use of explosives within the City of Garfield.

SECTION 3: USE OF FIREWORKS:

It shall be unlawful to use fireworks within the city except as set out in the following:

- A. Fireworks may be discharged on private property as follows:
 - 1.) Daily beginning July 1st through July 7th from noon till midnight
 - 2.) From noon December 31st to 1:00am January 1st.It shall be unlawful to discharge fireworks on private property without the property owner's consent.
- B. It shall be unlawful to use fireworks on any city street or city property.
- C. It shall be unlawful to use fireworks if the Benton County is under a burn ban.
- D. The Mayor shall be authorized to declare an emergency and prohibit all use of fireworks upon a determination that such use would create a fire hazard.

- E. All persons using fireworks within the city shall promptly collect and remove any and all litter and debris resulting from such use.
- F. All persons using fireworks within the city shall comply with all applicable provisions of the Arkansas Fire Prevention Code.

SECTION 4: PUBLIC DISPLAY:

- A. Any person holding a valid permit for use of special fireworks for public display issued by the Director of the Department of Arkansas State Police may use special fireworks within the city. Such use shall be in accordance with the rules and regulations promulgated by the Director of the Department of Arkansas State Police.
- B. Any person desiring to conduct a public display of special fireworks shall submit the appropriate permit for review of the proposed display to the Mayor no later than May 31st, to be presented to the City Council at the June City Council Meeting,

SECTION 5: SALE OF FIREWORKS:

It shall be unlawful to sell fireworks within the city except as set out in the following:

- A. Fireworks may be sold from June 20th to July 10th and December 10th to January 5th.
- B. It shall be unlawful to sell fireworks on any city street or city property without the consent of the city.
- C. All persons selling fireworks within the city shall comply with all applicable provisions of the Arkansas Fire Prevention Code.
- D. All permittees selling fireworks within the city shall have in place a general commercial liability insurance policy with coverage no less than one million dollars (\$1,000,000.00).
- E. All Structures used for the sale of fireworks shall be placed no less than 500 feet apart from each other.
- F. All firework structures shall have two visible exits with exit signs above them.
- G. All firework structures shall have two (2) 2-A Fire Extinguisher accessible and inspected.
- H. All Structures shall be Twenty-Five Feet (25') from buildings and parked cars.
- I. No Smoking signs shall be posted.
- J. All workers selling, stocking, or handling any fireworks shall be of the age of sixteen (16) and above.
- K. All grass should be closely trimmed. Trash and any other combustible materials shall always be removed from the firework structure area daily. Trash service is the permit holder's responsibility. (The City has a franchise agreement with CARDS, LLC. No other entity can come into the City.)

- L. All permits issued whether state, county, or local shall be posted visibly
- M. All structures used for the sale of fireworks must comply with all applicable provisions of the Arkansas Fire Prevention Code.

SECTION 6: PERMIT FOR SALE OF FIREWORKS:

Any person shall be authorized to sell firework within the city limits of Garfield, Arkansas upon the following terms:

- A. Any person desiring to engage in the sale of fireworks must hold a valid license issued by the Director of the Department of Arkansas State Police.
- B. Any person desiring to engage in the sale of fireworks must hold an Arkansas state retail license.
- C. An application for a city permit for the sale of fireworks must be made prior to any structures being erected for the sale of fireworks.
- D. Line items A and B must be in hand at time of application for a city permit.
- E. A fee of Three-Hundred Fifty Dollars (\$350) shall be paid at the time of application for a city permit to sell fireworks.
- F. Said fee shall be paid for each location a person desires to sell fireworks within the city limits of Garfield, Arkansas.
- G. Application for a city permit can be made with the city Recorder/Treasurer.

SECTION 7: SIGNS:

The permittee shall be entitled to install one (1) freestanding sign, made of rigid materials, not to exceed thirty-two (32) square feet in size for each permitted location. All signs shall conform to all city codes and regulations. (Ord. 177)

SECTION 8: PENALTIES:

Any sale of fireworks without possession of said permit shall be in violation of this Ordinance. Each day for which any violation continues shall be deemed as a separate offense and punished accordingly.

Whoever violates any provision of this ordinance shall be guilty of a misdemeanor and may be punished by a fine of no less than One-Hundred Dollars (\$100), no more than Five Hundred Dollars (\$500) for each offense. Plus, any legal fees that may occur for each violation.

SECTION 9: REPEALING LANGUAGE:

Any ordinances or parts of ordinance in conflict herewith are hereby repealed.

SECTION 10: SEVERABILITY:

If any section, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by a decision of the court, such decision shall not affect the validity of the remaining portions of this ordinance.

Passed and approved this 13th day of October, 2020.

APPROVED: Gary Blackburn
Gary Blackburn, Mayor

ATTEST: Teresa Vining
Teresa Vining, Recorder-Treasurer