

ORDINANCE NO. 918

AN ORDINANCE AMENDING ORDINANCE NO. 260 MAKING IT UNLAWFUL TO SELL, USE OR EXPLODE FIREWORKS WITHIN THE CITY LIMITS OF DEQUEEN, ARKANSAS, AND PROVIDING FOR THE PUNISHMENT FOR THE VIOLATION THEREOF AND FOR OTHER PURPOSES

WHEREAS, the City Council of DeQueen, Arkansas has determined that the sale, use and explosion of fireworks within the City limits is a dangerous activity that should be regulated for the health and safety of its citizens; and,

WHEREAS, the previous ordinance No 260 dated November 6, 1945, needs updating to assure compliance with current state and federal laws and the current state of affairs within the city:

BE IT, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEQUEEN, ARKANSAS, that:

Section 1. That the term “fireworks” shall be defined as any firecrackers, sky rockets, bottle rockets, sparklers, roman candles, or any other explosive device used for amusement purposes, or any other device or composition used to obtain visible or audible pyrotechnic display or affect and considered consumer fireworks as defined under federal law (27C.F.R. Sec. 555.11).

Section 2. No person shall offer for sale, expose for sale, sell at retail, or keep with intent to sell at retail, any fireworks within the City of DeQueen, Arkansas.

Section 3. No person shall shoot or explode any fireworks within the City of DeQueen, Arkansas except that fireworks not prohibited under Arkansas Code Annotated Sec. 20-22-701, et seq., may be shot or exploded on the dates of July 3, July 4, July 5, and December 31 of each year, between the hours of 11:00 a.m. and midnight with the exception of any aerial fireworks device attached to a stick commonly referred to as “bottle rockets” or any similar device, regardless of its name, that may be propelled through the air by its own power and except for public display by a pyrotechnic company approved by the Mayor and City Fire Chief City of DeQueen.

Section 4. No fireworks shall be used or exploded on private property without the property owner’s consent.

Section 5. With the exception of fireworks used or exploded by the city for purposes of a public display, no fireworks shall be used or discharged on any city owned property.

Section 6. The fire chief shall permit the use of fireworks for a public display when all provisions

of NFPA 1123 are met and after all necessary permits have been issued. If any such permit is issued, any such display shall be handled by a competent operator approved by the fire chief, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person. No such permit shall be authorized except between the hours of 11:00 a.m. and 11:00 p.m. on July 1 through July 4 of any year.

Section 7. The Mayor or his designee shall be authorized to suspend the discharge of fireworks permitted under this ordinance if in the opinion of the fire chief, the suspension of the discharge of fireworks is necessary to maintain public safety.

Section 8. Persons possessing or using fireworks in violation of this section shall be punished by a fine not to exceed \$200.00 and/or public service not to exceed ten days. Any law enforcement officer or the City Code Compliance Officer is authorized to issued citations for violations of this ordinance. In addition, a law enforcement or code compliance officer is authorized to seize all fireworks from persons violating the terms of this section.

PASSED AND APPROVED THIS 17th DAY OF OCTOBER, 2006.

APPROVED: _____
Billy Ray McKelvy, Mayor

ATTEST: _____
Donna Jones, City Clerk/Treasurer

CLERK'S CERTIFICATE

I, DONNA JONES, City Clerk/Treasurer of the City of DeQueen, Sevier County, Arkansas, the duly elected and serving custodian of the official records of the City, hereby certify that the above and foregoing Ordinance No. 918, was passed and adopted by the City Council of the Cit of DeQueen, Arkansas, on the 17th day of October, 2006, in regular session assembled, at which meeting a quorum, as required by law, was present and voting thereon.

WITNESS my hand and the Seal of the City of DeQueen, Arkansas, this 17th day of October, 2006.

DONNA JONES,
City Clerk/Treasurer

(Seal)

