

ORDINANCE NO. 118

AN ORDINANCE REPLACING ORDINANCE NO. 50, AN ORDINANCE AUTHORIZING THE SALE AND USE OF FIREWORKS IN THE INCORPORATED TOWN OF BETHEL HEIGHTS, ARKANSAS, ESTABLISHING REGULATIONS THEREFORE AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS THEREFORE AND DECLARING AN EMERGENCY.

WHEREAS, The Town Council of the City of Bethel Heights has determined that it is in the best interest of the City of Bethel Heights to replace Ordinance No. 50, to restrict and or control the selling of, distributing, or dissemination of the product commonly know as Fireworks within the Town of Bethel Heights, Arkansas;

NOW, THEREFORE, Be it ordained by the Town Council of the City of Bethel Heights, Arkansas.

SECTION 1: It shall hereafter be lawful for any person to offer fireworks for sale at retail or wholesale within the corporate limits of the City of Bethel Heights, under the terms and regulations set out herein.

SECTION 2: Fireworks shall be defined as any explosive devise using gunpowder, including but not limited to the following items: firecrackers, sparklers, fountains, bottle rockets, cherry bombs and any other exploding fireworks.

SECTION 3: It shall be unlawful for any person, firm, corporation or other business, entity, or individuals to use fireworks within the City at any time, except on the dates of June 30th through July 6th.

SECTION 4: It shall be unlawful for any person to use fireworks within the City except on the persons own property; provided public displays pursuant to Chapter 20 Sections 2001-2006 Rules and Regulations for the Arkansas Fire Prevention Code (1999 Addition) shall be permitted.

SECTION 5: The Mayor or Fire Marshal shall be authorized to declare an emergency and prohibit all use of fireworks upon a determination that such use would create a fire hazard in dry conditions.

SECTION 6: SALE: Any person, individual, firm, Corporation or other Business entity shall be authorized to sell fireworks at wholesale or retail within the Corporate limits of the City of Bethel Heights, Arkansas, upon the following terms and conditions;

- (1) Said entity shall make application to the Mayor or authorized personnel for the issuance of a permit to sell said fireworks, prior to the beginning of the authorized period for sale of fireworks as defined in Arkansas Statues. A person may pick up a permit application at the City Hall in Bethel Heights. Said permit shall not be issued unless the person buying has an Arkansas Permit to sell Fireworks issued and approved by the Arkansas State Police under Arkansas Law.
- (2) For each application, the person seeking such permit shall pay to the City of Bethel Heights a fee in the amount of Five Hundred Dollars (\$500.00) payable prior to the issuance of said permit. Said application fee shall be payable for each location that a person desires to have fireworks. It is not intended by this Ordinance that this application process shall apply to each stand set up by an individual, person, Firm, Corporation or entity unless said person,

Firm, Corporation or entity desires to sell fireworks at Two or more distinct physical locations within the Corporate limits of the City. Upon compliance with the conditions hereinabove, the Mayor or authorized personnel shall issue said permit and the sale of fireworks will be authorized.

- (3) All fireworks stands shall have a five (5) pound ABC Fire Extinguisher.
- (4) All workers selling, stocking or handling any fireworks shall be of the age of sixteen (16) and above.
- (5) All grass shall be closely trimmed. Trash and any other combustible materials shall be removed from the firework stand area at all times.

SECTION 7: Any sale, whether wholesale or retail without possession of said permit, which shall be prominently displayed at the sale location, shall be a violation of this Ordinance. Each day for which any violation of this Ordinance continues shall be deemed as a separate offense and punished accordingly.

SECTION 8: PENALTIES. Whoever violates any provision of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine of not less than Ten Dollars (\$10.00), not more than Five Hundred Dollars (\$500.00) for the first offense, not less than Ten Dollars (\$10.00), not more than Two Hundred Fifty Dollars (\$250.00) for each offense each day, plus Court cost for each violation.

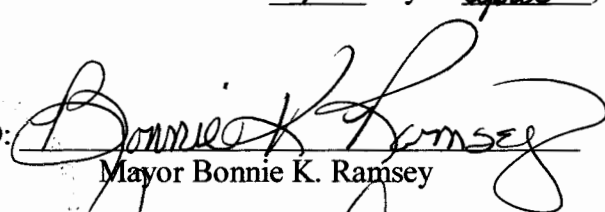
SECTION 9: SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 10: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are herein repealed. Specifically it is intended by this section to repeal Ordinance No. 31 and amendments thereto previously passed by the City Council.

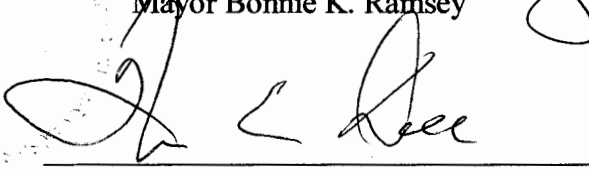
SECTION 11: That this Ordinance is necessary to preserve the public peace, health, safety, and welfare of the citizens of Bethel Heights, and because of such an emergency is declared to exist and this Ordinance shall be in full force and effect from the time of its passage and approval.

PASSED AND APPROVED this 19th day of April, 2001.

APPROVED:


Mayor Bonnie K. Ramsey

ATTEST:


Clerk/ Recorder/Treasurer