

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 THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, the Town Council of the Town of Bethel Heights has determined that it is in the best interest of the Town of Bethel Heights, to restrict and or control the selling of, distribution, or dissemination of the product commonly known as Fireworks within the Town of Bethel Heights, Arkansas;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN 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 Incorporated Town of Bethel Heights, under the terms and regulations set out herein.

SECTION 2: Fireworks shall be defined as any explosive devised 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 Town at any time, except on the dates of July 3rd and 4th.

SECTION 4: It shall be unlawful for any person to use the following fireworks at any time except at public display, pursuant to Section 409.7 of the Rules and Regulations for the Arkansas Fire Prevention Code (1983 addition);

- (1) Skyrockets;
- (2) Firecrackers, or any or other exploding fireworks

SECTION 5: It shall be unlawful for any person to use fireworks within the Town except on the person's own property; provided, public displays pursuant to Section 490.7 of the Rules and Regulations for the Arkansas Fire Prevention Code (1983 Addition) shall be permitted.

SECTION 6: 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 in dry conditions.

FILED FOR RECORD  
At 11:30 o'clock P.M.

MAY 24 1993

SUE HODGES  
Clerk and Recorder  
BENTON COUNTY, ARK.

208 Sunrise  
Bethel Heights Ar 72764

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SECTION 7: 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 Town of Bethel Heights, Arkansas, upon the following terms and conditions;

(1) Said entity shall make application to the Mayor for issuance of a permit to sell said fireworks, one (1) week prior to the beginning of the authorized period for sale of fireworks as defined in Arkansas Statutes. A person may pick up a permit application at the Town Hall in Bethel Heights. Said permit shall not be issued by the Mayor 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 Incorporated Town 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 Town.

(3) Individual fireworks stands shall be placed approximately 500 feet apart from another fireworks stand. Requirements shall be the same for all directions. Upon compliance with the conditions hereinabove, the Mayor shall issue said permit and the sale of fireworks will be authorized.

(4) All firework stands shall have a five (5) pound ABC Fire Extinguisher.

(5) All workers selling, stocking or handling any fireworks shall be of the age of sixteen (16) and above.

(6) All grass should be closely trimmed. Trash and any other combustible materials shall be removed from the firework stand area at all times.

SECTION 8: Any sale, whether wholesale or retail without possession of said permit, which shall 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 9: 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

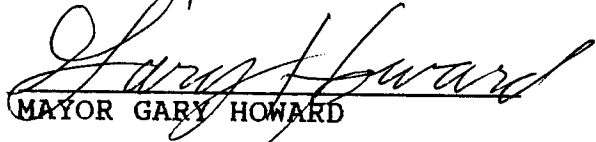
more than Five Hundred Dollars (\$500.00) for the first offense, not less ten Dollars (\$10.00), not more than Two Hundred and Fifty Dollars (\$250.00) for each offense each day. Plus Court cost for each violation.

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 any court, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 11: 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 31 and Amendments thereto previously passed by the Town Council.

SECTION 12: 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 10 day of MAY, 1993.

  
MAYOR GARY HOWARD

ATTEST:

  
RECORDER/TREASURER/CLERK

