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ORDINANCE NO. 1573

ORDINANCE AMENDING ORDINANCE NO. 1515
WHICH PROHIBITS THE MANUFACTURE, SALE, STORAGE,
AND USE OF FIREWORKS WITHIN THE CITY LIMITS, DECLARING
AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, Ordinance No. 1515 was passed by the Russellville City Council on September 14, 1995; and

WHEREAS, that ordinance prohibited the manufacture, sale and storage of fireworks within the City of Russellville, and regulated the discharge and use of fireworks; and

WHEREAS, as a result of pending litigation, the Russellville City Council has determined that there is a need to amend Ordinance No. 1515.

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

SECTION 1: The following paragraph shall be added to Section 1, the definition section of Ordinance No. 1515:

Storage of Fireworks - means the possession, keeping, placement, or maintenance of fireworks in a stall, room, building, trailer, structure, or any other permanent or portable container or facility. It is the intent of the City to prohibit the storage of fireworks by individuals, businesses, and organizations when the fireworks are kept and maintained for the purpose of sale or re-sale.

SECTION 2: The following section shall be added to Ordinance No. 1515, and shall be designated as Section 2(a):

Storage of Fireworks: It shall be unlawful for any business, individual, or organization to store fireworks within the city limits of Russellville for the purpose of sale or re-sale. It shall be presumed that individuals, businesses, or organizations possessing more than 5 pounds of fireworks shall be possessing and storing said items for the purpose of selling them. Fireworks may be stored on private, non-commercial (residential) property so long as the amount stored by said individual does not exceed five pounds.

SECTION 3: The following language shall be added to Ordinance No. 1515 as Section 2(b):

Display for Sale: It shall be unlawful to display fireworks on commercial or residential property for the purpose of sale or re-sale. Individuals displaying fireworks to be sold to the public shall be guilty of violating this ordinance and authorities of the City of Russellville may issue a citation to any individual engaging in said activity even though an actual sale of fireworks has not occurred, or has not been observed by the City official.

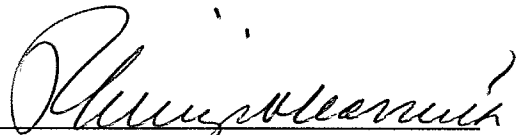
SECTION 4: Penalty. Individuals, firms, corporations, or organizations violating any provision of this ordinance or Ordinance No. 1515 shall be punished in accordance with the terms of Ordinance No. 1515.

SECTION 5: The provisions of this ordinance are hereby declared to be severable, and if any provision of this ordinance or Ordinance No. 1515 shall for any reason be declared illegal or invalid such holding shall not effect the validity of the remainder of this ordinance.

SECTION 6: Emergency Clause. The City Council has determined that the storage and use of fireworks is dangerous, that it should be illegal to manufacture, store, display, or sale fireworks, and

that there is an immediate need for the implementation of this ordinance because the 4th of July holiday, when fireworks are commonly sold and used, is within the next 30 days, and therefore the City Council hereby determines that an emergency exists and that the immediate implementation of this ordinance is necessary for the preservation of the public peace, health, safety, and this ordinance shall be in full force and effect as of the date it is passed.

Ordained this 17 day of June, 1997.


PHILLIP O. CARRUTH, MAYOR

ATTEST:


HELEN PRICE, CITY CLERK

PREPARED BY CITY ATTORNEY AT THE REQUEST OF THE FIRE CHIEF.