

ORDINANCE NO. 1515

AN ORDINANCE PROHIBITING THE MANUFACTURE, SALE, STORAGE
AND USE OF FIREWORKS WITHIN THE CITY LIMITS OF
THE CITY OF RUSSELLVILLE, REPEALING ORDINANCE
NO.S 166, 1027, 1129, AND 1336, DECLARING AN EMERGENCY
AND FOR OTHER PURPOSES

WHEREAS, the sale of fireworks within the city limits of the City of Russellville has been prohibited since the passage of Ordinance No. 166 in December 1923, and;

WHEREAS, certain individuals or organizations have, in the past, been given an exemption from the enforcement of that Ordinance due to the fact that said individuals/organizations were in the business of selling fireworks at the time the location of their fireworks stands were annexed into the city limits of the City of Russellville, and;

WHEREAS, the exemptions granted by Ordinance No. 1027, 1129, and 1336 expired as of July 10, 1995, and;

WHEREAS, the City Council has determined that the storage and use of fireworks is dangerous, and that it should be illegal to manufacture, store, or sell fireworks within the city limits of Russellville at all times, and;

WHEREAS, due to the dangerous nature of fireworks, it should also be illegal for any individual to use, discharge, or explode fireworks within the city limits of Russellville, except under special circumstances, in accordance with the restrictions listed in Section 3 of this ordinance.

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

SECTION 1: DEFINITION: FIREWORKS - means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedo, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

SECTION 2: SALE OF FIREWORKS: It shall be unlawful to manufacture, sell, or store fireworks in the city limits of Russellville. Persons engaging in those activities shall be guilty of a misdemeanor offense.

SECTION 3: USE OF FIREWORKS: It shall be unlawful to use, discharge, or explode fireworks within the city limits of Russellville, except as hereinafter provided:

A. The Fire Chief, upon written approval from the Mayor, may issue a permit for the use of fireworks for public or private displays. Every such use or 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. The Fire Chief may attach to any such permit issued written requirements regulating the use and discharge of said fireworks.

Any person applying to receive such a permit from the Fire Chief shall furnish a bond or certificate of insurance, in an amount deemed adequate by the Fire Chief, for the payment of all damages that may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, his agents, employees, or subcontractors. Persons receiving permits shall be required to pay a fee of \$100.00. Said fee may be waived, by the Mayor, upon a showing of good cause.

B. Adults, or minors acting under adult supervision, may use and discharge fireworks on property owned by the individuals engaged in the discharge of the fireworks, between the hours of 10:00 a.m. and 10:00 p.m. on January 1, and July 2, 3, 4, or 5, and December 31 of each year. For purposes of celebrating New Year's Eve, adults and minors acting under adult supervision, may discharge fireworks starting at 11:30 p.m. on December 31 and ending at 1:00 a.m. on January 1 of each year. The discharge of fireworks upon the property of another individual, or allowing a

fireworks projectile (such as a bottle rocket) to travel onto the property of another individual or onto a public street, shall be deemed a violation of this ordinance.

It shall be unlawful, and a violation of this Ordinance, for any person, adult, or minor, to discharge fireworks inside the city limits on any day other than January 1, July 2, 3, 4, or 5, and December 31 of each year. Persons that have obtained a permit from the Fire Chief, as outlined above, are exempt from this provision.

C. The discharge of fireworks is prohibited, by any and all individuals, including those with permits, on any day that has been designated by the Russellville Fire Chief, as a "Burning Ban" day.

SECTION 4: SEIZURE OF FIREWORKS:

A. **REMOVAL:** The Fire Chief or his representative, shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this ordinance.

The Fire Chief, members of the Russellville Fire Department, and members of the Russellville Police Department are authorized to seize fireworks found in the possession of minors that are engaging in the discharge of fireworks without adult supervision, or from adults found possessing or discharging fireworks in violation of any of the provisions of this Ordinance.

B. **DISPOSAL:** If any fireworks or explosives are deemed by the Fire Chief to be in such a state or condition as to constitute a hazard to life or property, the Fire Chief may dispose of such fireworks or explosives without further process of law.

If any person is found guilty of violating the provisions of this Ordinance with regard to possession, handling, sale, or storage of fireworks or explosives, the Fire Chief is authorized to dispose of all confiscated fireworks and materials in such a way as he shall deem equitable. Unless there is a hazard to life or property, seized fireworks shall not be disposed of until after all court actions, both criminal and civil, have been completed (including appeals).

SECTION 5: **PENALTY:** Violation of any of the provisions of this ordinance shall constitute a misdemeanor offense. Any person, firm, corporation, partnership, or organization of individuals violating any provision of this Ordinance shall, if found guilty, be fined any sum not less than \$50.00 nor more than \$250.00 for each violation of the provisions of this Ordinance. Each and every separate sale, or unlawful discharge, or each and every day of storage of fireworks, shall constitute a separate violation.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance repeals Ordinance No. 166 and all ordinances granting exemptions to the provisions of Ordinance No. 166, including Ordinance No. 1027, 1129, and 1336.

The provisions of this ordinance are hereby declared to be severable, and if any provision shall for any reason be illegal or invalid, such holding shall not effect the validity of the remainder of this ordinance.

Ordained this 14 day of September, 1995.



PHILLIP O. CARRUTH, MAYOR

ATTEST:



HELEN PRICE, CITY CLERK

THIS ORDINANCE PREPARED BY THE CITY ATTORNEY.

(Many of the provisions of this Ordinance were copied from the Arkansas State Fire Code.)