

ORDINANCE NO. 2019-23

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS, AN ORDINANCE ENTITLED:

“AN ORDINANCE REGULATING THE SALE AND DISCHARGE OF FIREWORKS IN THE CORPORATE LIMITS OF THE CITY OF OZARK, ARKANSAS, AND REPEALING CONFLICTING ORDINANCES.”

Section 1. No person shall sell, distribute, giveaway, ignite, fire, shoot, or explode in the corporate city limits of Ozark, Arkansas, any firecrackers, sky rockets, bottle rockets, sparklers, roman candles, fountains, or any other explosive used for amusement purposes, or any other device or composition used to obtain visible or audible pyrotechnic display, except as specifically set out herein.

Section 2. Fireworks which are not prohibited under law (Ark. Code Ann. § 20-22-701, et seq.) and which are considered consumer fireworks as defined under federal law (27 C.F.R. § 555.11) may be sold in the city between June 28th and July 5th of any year, subject to the provisions set out herein. Any person desiring to sell fireworks within the city must obtain a permit through the city clerk's office. The charge for each permit shall be \$20.00 per location. One-half of the permit fee (\$10.00) shall be placed in the revenue account of the city fire department to cover the cost of fire inspections of locations where fireworks are sold.

Section 3. All vendors of fireworks must contact the Ozark Fire Department and arrange for an inspection by the fire marshal to ensure compliance with city ordinance and fire code requirements prior to the sale of fireworks. All locations where fireworks are sold must comply with all Arkansas and federal laws, as well as the most recent fire code adopted by the city of Ozark, Arkansas.

Section 4. No Firework stands or tents may be erected, set up, or put in place prior to June 24th of any year. Fireworks cannot be sold prior to June 28th of any year. All portable stands for the sale of fireworks are to be removed no later than July 6th each year. No fireworks stand shall be located within 100 feet of a fuel dispensing facility and all fireworks stands must have at least 50-foot setback from the street or highway.

Section 5. It shall be unlawful for any person or persons to sell, barter, exchange, or giveaway or to ignite, fire, shoot, or explode within the corporate limits of the city of Ozark, Arkansas, any fireworks commonly known as bottle rockets and which are commonly sold by the dozen or by the gross (12 dozen). This specific prohibition only applies to the small bottle rockets which are intended to be shot into the air and then give a single report.

Section 6. All legal fireworks, except fireworks commonly known as bottle rockets, may be discharged on private property between the hours of 8:00 a.m. and 10:00 p.m. on June 28th through July 5th of any year, and until 11:59 pm on July 4th of any year; provided that the owner of the private property consents to such discharge of the fireworks; and a responsible person of at least 21 years of age shall supervise the discharge of any fireworks if any person participating in the activity is under the age of 16. No person under the age of 16 shall be allowed to purchase or possess fireworks within the city unless they are under the direct supervision of an adult.

Section 7. The fire chief shall permit the use of fireworks for outdoor public display (City fireworks show), 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 for the following:

Section 8. Fireworks for outdoor public display, (City fireworks show), can be exploded between the hours of 8:00 a.m. and 11:59 p.m. on June 28th through July 8th of any year, or as specified on a permit issued by the Fire Chief, the State of Arkansas.

Section 9: The following events shall be excepted from the provisions of this Ordinance:

- a) The mayor may issue an executive order designating a date and time for outdoor public display, (City fireworks show), other than the dates and times listed above for reasons such as weather, burn bands, and etc.
- b) Small test firing to determine the feasibility of the discharge site for future public display, provided no salute shells are discharged and provided that any such test firings shall be between the hours of 6:00 p.m. and 10:00 p.m., between April 1st and June 30th of any year.
- c) Other Occasions – If any group, club, association, school, church, or corporation, desires to conduct a public display of fireworks at any times otherwise prohibited by this ordinance, notification must be presented to the Mayor's office at least fifteen (15) days prior to the public display, and all necessary city, state and federal permits shall be obtained and proof of same presented to City Hall prior to the public display.

Section 10. Any person, corporation, partnership, or sole proprietorship violating this ordinance shall be guilty of a misdemeanor and subject upon conviction to a fine of up to Two Hundred1 Dollars (\$200.00) plus standard court costs, and each instance in violation of this ordinance shall constitute a separate offense by the offender and a separate fine as punishment for each separate offense shall be assessed.

Section 11. All previous ordinances regarding fireworks, are hereby repealed, including without limitation Ozark Ordinance Numbers 1994-6, 1994-13, 1995-35, 1996-7, 1999-13, 2003-14.

Section 12. This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

Passed this 14th day of October, 2019.

APPROVED:

Roxie Hall

Roxie Hall, Mayor

Approved Date: 10-14-19

ATTEST:

Sonya Eveld Deputy City Clerk

Sonya Eveld, City Clerk

Attest Date: 10-14-2019

SEAL

City of ONTARIO