

**ORDINANCE NO. 2022-\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE TO AMEND CHAPTER 111: SALE OF FIREWORKS IN ORDER TO INCLUDE AND DEFINE REGULATIONS FOR THE USE OF FIREWORKS IN THE TONTITOWN MUNICIPAL CODE.**

**WHEREAS**, the City of Tontitown has adopted regulations for the Sale of Fireworks codified in Chapter 111 of the Tontitown Municipal Code; and

**WHEREAS**, it has become apparent to the City Council that a need exists to amend Chapter 111: Sale of Fireworks in order to include and define regulations the use of fireworks in the Tontitown Municipal Code; and

**WHEREAS**, reasonable regulation of the sale and use of fireworks is necessary for the protection of the health, safety, and general welfare of the citizens of the City of Tontitown; and

**WHEREAS**, having fully reviewed the proposed amendments, attached hereto as Exhibit "A", the Tontitown City Council has determined that Chapter 111: Sale of Fireworks be amended to include and clarify regulations for the use of fireworks within the City.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of the City of Tontitown, as follows:

**Section 1.** That Chapter 111: Sale of Fireworks of the Tontitown Municipal Code is hereby amended as set forth in the Attached Exhibit "A"

**Section 2.** The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

**Section 3.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**PASSED AND APPROVED** this \_\_\_\_ day of July 2022.

**APPROVED:**

\_\_\_\_\_  
Angela Russell, Mayor

**ATTEST:**

Rhonda Ardemagni, City Clerk-Treasurer

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## CHAPTER 111: SALE AND USE OF FIREWORKS

### § 111.01 DEFINITION.

For the purpose of this chapter, **FIREWORKS** are any combustible or explosive composition, or any substance or combination of substances or devices, prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include but are not limited to, Class C common fireworks and any fireworks which must comply with the construction, chemical composition and labeling requirements of the Department of Transportation of the United States.

### § 111.02 GENERAL CONDITIONS.

1. Any person, partnership, corporation or other entity authorized by permit to sell fireworks within the corporate limits of the City of Tontitown, Arkansas shall be subject to the following terms and conditions.

(A) Individual fireworks stands shall be placed approximately 300 feet apart from other fireworks stands in all directions.

(B) All fireworks stands shall have a five-pound ABC fire extinguisher in plain view and accessible.

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

(D) All grass shall be closely trimmed.

(E) Trash and any combustible materials shall be removed from the fireworks stand area at all times, and the area shall be kept free of loose debris or any unsightly conditions.

(F) All fireworks stands shall be in full compliance with and subject to the provisions of any federal laws or state statutes regarding the sale of fireworks.

(G) All fireworks stands shall be subject to the provisions of the *Standard Fire Prevention Code*, 1997 Edition, and all other city codes regarding fireworks or explosive devices.

(H) All fireworks stands shall be no less than 300 feet from any gasoline station, any fuel vents, pumps, filling and fueling areas or fuel depots of any type, including but not limited to propane, butane and LPG.

(I) All fireworks stands are subject to inspection by the Fire Official prior to opening for business. The permit holder shall be responsible for notifying the Fire Official before opening the stand for business.

(J) All fireworks stands shall be subject to the requirements of § [111.03](#). All applications, fees and permits shall be in order prior to the setting up of any fireworks stand or opening for business in any way.

(K) Fireworks may be sold at retail to citizens in the time periods as set forth in Ark. Code Ann. § 20-22-711.



### **§ 111.03 USE OF FIREWORKS.**

It shall be unlawful for any person, firm, corporation or other business entity, or individuals to use or discharge fireworks within the City of Tontitown, except on the dates of December 31<sup>st</sup> between the hours of 9:00a.m. and 1:00a.m. on January 1<sup>st</sup>, and June \_\_\_ through July 6<sup>th</sup> between the hours of 9:00 a.m. and 10:00 p.m., with the hours on July 4<sup>th</sup> extending until midnight and at no other time unless approved in advance by resolution of the City Council. Fireworks which are permitted for discharge include those that are permitted by Ark. Code. Ann. § 20-22-701 et seq. and other applicable state or federal laws.

### **§ 111.04 PERMITS AND FEES.**

(A) Applications for all permits required by this chapter shall be made in writing to the Clerk-Treasurer. Each application shall state the name, address and telephone number of the applicant, the names of all owners, all names used in business, state and federal tax identification numbers, address of principal location, addresses of all annexes or any other buildings related to business, the number of individuals employed at each address, the time covered and the fee to be paid. Each application shall also contain any additional information that may be needed for the proper guidance of the city officials in issuing the permit applied for.

(B) For each application, the person, firm, corporation or entity seeking the permit shall pay to the City of Tontitown a fee in the amount of \$300 prior to the issuance of the permit. The application fee shall be payable for each location intending to sell fireworks. This application process shall apply to each stand set up by a person, firm, corporation or entity when they desire to sell fireworks at two or more distinct physical locations within the corporate limits of the city.

### **§ 111.05 BOND REQUIREMENT.**

Before a permit is issued, the applicant shall file with the city a bond in the principal sum of \$250,000 or a public liability insurance policy for the same amount for the purpose of payment of any damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any judicial ruling results. The Fire Official may specify a greater amount when in his or her opinion conditions at the location of the fireworks stand indicate a greater amount is required.

### **§ 111.06 CONFLICTS.**

This chapter shall not be construed to alter, change or regulate in any unlawful way any business, trade, occupation, profession or vocation related to the sale of fireworks, regulated or governed by federal laws or the laws of the State of Arkansas when such laws are in conflict with the provisions herein.

### **§ 111.99 PENALTY.**

(A) Any person, partnership, corporation or other entity found in violation of any provision of this chapter, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25, nor more than \$500, plus court costs for the first offense. Each day the violation continues shall constitute a separate and distinct offense.

(B) The Fire Official 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 chapter.

