

ORDINANCE NO. 2001-04

AN ORDINANCE TO AMEND ORDINANCE 89-51, AN ORDINANCE TO BAN THE SALE AND REGULATE THE USE OF FIREWORKS IN THE CITY OF ELM SPRINGS, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the City Council for the City of Elm Springs, Arkansas:

WHEREAS, it has been brought to the attention of the City Council of the City of Elm Springs, Arkansas that the widespread and uncontrolled use of fireworks causes substantial harm to persons and property and disturbs the peace in the City of Elm Springs; and

WHEREAS, such harm poses a serious threat to the health, safety and general welfare of the community; and

WHEREAS, it has been determined by the City Council of the City of Elm Springs, Arkansas that a law should be enacted by Ordinance which prohibits the sale of all fireworks, and prohibits the discharge of fireworks in public streets, parks or public places, and limits the days and times in which individuals may discharge fireworks on private property, to prevent such harm.

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

1. No person, partnership, corporation or other entity shall sell, or offer to sell, any kind of fireworks, firecrackers or the like within the corporate limits of the City of Elm Springs, Arkansas, subsequent to the passage and approval date of this Ordinance.
2. The discharge, or firing, of fireworks, firecrackers or the like within the corporate limits of the City of Elm Springs, Arkansas, is allowed only on July 3, 4 and 5; December 24 and 25, and December 31 and January 1, from the hours of 10:00 a.m. to 12:00 p.m. on each day.
3. If a city or county burn ban is in effect, any and all bottle-rockets, skyrockets or aerial explosives are prohibited, the provisions of this Ordinance not withstanding.
4. The debris and related materials from all fireworks, firecrackers or the like must remain on a party's own private property, and no fireworks, firecrackers or the like may be discharged or fired upon public property.
5. The violation of any of the above sections of this Ordinance is declared to be a misdemeanor, punishable by a fine of no less than \$25.00 nor more than \$500.00 for

each violation. Each sale or discharge of fireworks shall be deemed a separate offense for purposes of this Ordinance.

6. All ordinances, and or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage, approval and publication.

EMERGENCY CLAUSE: Whereas, it is necessary for this Ordinance to become effective for the preservation of the public peace, health and safety, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY the City Council of Elm Springs, Arkansas on the 18th day of September, 2001.



Mayor Edward Thiesse

ATTEST:



Recorder/Treasurer