ORDINANCE 2011-11

AN ORDINANCE TO REPEAL ORDINANCE NO. 85-7.

WHEREAS, Ordinance No. 85-7 prohibited the sale, shooting, firing or exploding of any fireworks within the city limits of Mulberry, Arkansas.

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

SECTION 1. That Ordinance No. 85-7 is hereby repealed in its entirety.

SECTION 2. That any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That it shall be lawful for any person(s), firm or corporation to sell fireworks within the city limits of Mulberry, Arkansas provided they have obtained a privilege license from the City of Mulberry and all state licenses required.

SECTION 4. That it shall be lawful for any person(s) to shoot or explode fireworks within the city limits of Mulberry, Arkansas from June 20-July 10 and December 10-January 5, according to Arkansas State Law.

SECTION 5. That it may be possible for any person(s) to shoot or explode fireworks at other times by special permit from the City of Mulberry, Arkansas.

SECTION 6. That all shooting or exploding of fireworks shall be ceased by 10:00 p.m. whether permitted by holiday or special permit.

PASSED AND APPROVED THIS 18TH DAY OF OCTOBER, 2011.

ATTEST: _____ APPROVED: _____

Jerry Dickerson, Recorder-Treasurer Gary D. Baxter, Mayor

ORDINANCE NO. 85-7

AN ORDINANCE REPEALING ORDINANCE NO. 83-8; PROHIBITING THE SALE, SHOOTING, FIRING, OR EXPLODING OF ANY FIREWORKS WITHIN THE CITY LIMITS OF MULBERRY, ARKANSAS; FIXING PENALTIES THEREFOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF MULBERRY, ARKANSAS:

SECTION 1: That it shall be unlawful and constitute a misdemeanor for any person or persons, firm or corporation, to sell, barter, or give away any firecrackers or fireworks within the city limits of Mulberry, Arkansas; provided that this section shall not prohibit the owning, possession, sale or barter, or giving of any standard firearms manufactured and for sale for use of standard ammunition.

SECTION 2: That it shall be unlawful and constitute a misdemeanor for any person to shoot, fire off, or explode in any manner or by any device in the shooting, firing or exploding of any fireworks or high explosives, either on a private or public place, within the City of Mulberry, Arkansas.

SECTION 3: That nothing contained herein shall prohibit the sale to or use of any of the things hereinabove described by any fair association, amusement park, civic or political organization, or group of individuals who have obtained a permit from the City Council of the City of Mulberry, Arkansas, for pyrotechnic displays, providing said display of fireworks is conducted under the supervision of the Fire or Police Department of said city; and nothing contained herein shall prohibit the sale or offering for sale of firearms or ammunition therefor.

SECTION 4: That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars ($25.00) plus court costs nor more than one hundred dollars ($100.00) plus court costs for each offense, and each day that such fireworks or explosives are offered for sale shall constitute a separate offense.

SECTION 5: That Ordinance No. 83-8 and any or all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6: This ordinance being necessary for the peace, health and safety of the residents of the City of Mulberry, Arkansas, an emergency is declared and this ordinance will be in effect from and after its passage and publication.

PASSED AND APPROVED THIS 9th DAY OF JULY, 1985.

ATTEST:

Joe Benham

JOE BENHAM,
Recorder - Treasurer

APPROVED:

Arnold D. Feller

ARNOLD D. FELLER,
Mayor

ARKANSAS

CONSUMER FIREWORKS

Specifically permitted	Roman candles, skyrockets, helicopter rockets, cylindrical and cone fountains, wheels, torches, colored fire, dipped sticks, mines and shells, firecrackers with soft casings, and novelties (size limitations specified.)
Selling period	June 20-July 10 and December 10-January 5 (Snakes and sparklers permitted all year.)
Age to purchase	12 years

DISPLAY FIREWORKS

Display Permit	Apply to Director of State Police at least 2 days before display date. Prior approval by local authorities required.
Insurance	Proof of liability
Operator	Shooters license required.

LICENSING

Display must be performed in accordance with NFPA Standard 1123.

Annual licenses required. Apply to Director of State Police before April 1. Valid May 1-April 30. Non-residents must have license to do business in state. Retailer may purchase license from supplier, who must report to the director of state police semi-annually (January 31 and July 31.) Minimum age 21 years.

Manufacturer	$ 1,000
Importer	$ 750
Distributor	$ 500
Wholesaler	$ 100
Retail (per outlet)	$ 25
Shooter	$ 50
Public Display	$ 25

ENFORCING AUTHORITY

Commander, Fire Marshal's Office
Arkansas State Police
1 State Police Plaza Drive
Little Rock, AR 72209
501-221-8258
www.asp.state.ar.us/pl/fm.html

LAW NUMBER

Act 224 of 1961, Act 379 of 1977
Act 677 of 1991, ACA 20-22-701-through-715

Updated: 6/08