

ORDINANCE NO. 4-06

AN ORDINANCE REGULATING THE SALE AND USE OF  
FIREWORKS IN DIAMOND CITY, ARKANSAS AND  
DECLARING AN EMERGENCY.

AMENDED  
BY 5-12

**SECTION 1:** It shall be unlawful for any person to sell or use within the City of Diamond City any pyrotechnics, technically known as “fireworks” except as herein provided.

**Permit for retail sales.** An annual permit for retail sales of fireworks shall be obtained from the Arkansas State Police. An annual permit for the retail sales of fireworks within the City Limits shall be obtained from the City of Diamond City Fire Department and shall be signed by the Diamond City Fire Chief. The cost of a retail sales permit from the City of Diamond City shall be \$35.00. In order to obtain a retail sales permit, a copy of the Arkansas State Police Retail Sales Permit and a corporate surety bond in the principal sum of One Hundred Thousand Dollars (\$100,000.) shall be provided. The person purchasing the permit must be at least twenty-one (21) years of age. Failure to comply with the “Safety Requirements for Retail Sales” section of this ordinance could result in permit revocation.

**Permit for public display.** An annual permit for public display of fireworks shall be obtained from the Arkansas State Police. An annual permit for the public display of fireworks shall be obtained from the City of Diamond City Fire Department, and shall be signed by the Fire Chief and the Chief of Police. The cost of a public display permit shall be two hundred dollars (\$5.00). In order to obtain a permit for public fireworks display, a copy of the Arkansas State Police permit and a corporate surety bond in the principal sum of two hundred fifty thousand dollars (\$250,000) (or a public liability insurance policy for the same amount) shall be provided. A site plan shall be submitted to the Diamond City Fire Department. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout areas as well as the required separation distances. Failure to comply with the “Safety Requirements for Public Displays” section of this ordinance, could result in permit revocation.

**SECTION 2:**

**Dates of Sales and Use:** Fireworks may be sold beginning on June 28<sup>th</sup> through July 4<sup>th</sup> of each year. Fireworks may be used or discharged on selected days between the hours of 8:am and 11:pm. The City of Diamond City shall publicly post these days.

**Safety Requirements for Retail Sales:** All fireworks shall have the fuses protected. Smoking of lighted cigars, cigarettes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area. “Fireworks---No Smoking” signs shall be provided and must be visible from all directions inside and outside the retail sales

location. The signs shall have letters “4” inches in height, red in color with contrasting background. Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one sign that reads “NO FIREWORKS DISCHARGE WITHIN 300 FEET”, shall be provided at each entrance. The signs shall have letters 4 inches in height, red in color with contrasting background. Fireworks shall not be sold at locations that use, store, or sell flammable liquids or highly combustible products. All retail sales locations shall provide at least one fire extinguisher, minimum of 5lbs, or provide a water hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed 75ft. All tent and temporary structures shall be Fire Chief shall approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the most current edition of the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure. All temporary and permanent structures for the retail sales of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no parking within 15 feet of where fireworks are sold.

**Safety Requirements for Public Displays.** All public displays of fireworks, including all requirements for safety, display site selection, fallout areas, and operation of the displays shall be done in accordance with the current edition of N.F.P.A. 1123 Code for Fireworks Display.

### **SECTION 3:**

**Prohibited Sales.** It shall be unlawful to discharge fireworks on or in city streets, highways, alleys, public property and/or any public property, without the consent of the property owner. It shall be unlawful to discharge fireworks within 600 feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within 300 feet of where fireworks are sold or stored. It shall be unlawful to throw fire works at or from any motor vehicle. It shall be unlawful to throw or discharge fireworks at or near any person or neighboring structure.

**Penalties for Violations.** Any person(s) violating the “use of fireworks” provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined a sum not less than Fifty Dollars (\$50.00) or not more than One Hundred-fifty Dollars (\$150.00) plus any court cost. A second offense within One (1) year shall be fined not less than One Hundred-fifty Dollars (\$150.00), or not more than Two Hundred –fifty Dollars (\$250.00), plus court cost. Any person(s) holding a permit for the sale of fireworks that violates any “Sales of Fireworks” provisions of this Ordinance or the referenced codes. Shall be deemed guilty of a misdemeanor and fined not less than Two Hundred-fifty Dollars (\$250.00) plus court cost, or not more than Five Hundred Dollars (\$500.00), plus court cost and are subject to permit revocation.

Any person selling, using, or displaying fireworks are subject to any and all state and federal laws and regulating the display, use or selling of fireworks.

**EMERGENCY CLAUSE:** That the City Council hereby deems that it is in the best interest of the public that this Ordinance be promptly enacted, and an emergency is declared and this Ordinance shall be in full force and effect after its passage and adoption.

ADOPTED by a vote of 6 yeas          nays          absent  
         abstentions, this 19 day of June, 2006.

ATTEST:

*Sandy Beaver*

Sandy Beaver  
Recorder/Treasurer

APPROVE:

*Troy Burleson*

Troy Burleson  
Mayor