

ORDINANCE NO. 2023-6

AN ORDINANCE REQUIRING A PERMIT TO SELL FIREWORKS IN THE CITY OF ROCKPORT ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, it is the desire of the city of Rockport to maintain the safety and peace of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockport, Arkansas, that:

Section 1. The term "fireworks means and includes any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion deflagration, or detonation and includes, but is not limited to, sky rockets, roman candles, dago bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives than toy paper caps are used, the type of balloons which require fire underneath to propel then, fireworks, torpedoes, sparklers, or other fireworks of the construction, any fireworks containing any explosive substance. This definition includes items which contain even small amounts of silver fulminate, potassium nitrate, ammonium perchlorate, or other chemical or pyrotechnical composition intended to produce a pyrotechnic event or effect, even if not classified as a "hazardous material" under federal regulation.

Section 2. No individual, firm, partnership, corporation shall possess for sale, sell, or offer for sale at retail, within the city of Rockport without purchasing a Fireworks Permit from the city. Person obtaining a permit must provide their Name, Company or Business Name and their Business Address.

Section 3. A permit for Fifty Dollars must be purchased before selling fireworks. The person purchasing the permit must fill out a form provided by the city with the name of the individual, firm, partnership, corporation, individual's name.

Section 4. Before a fireworks tent or fireworks stand can open to sell fireworks, the Fire Chief or his Representative must inspect the premises for any unsafe conditions, and including the required amount of fire extinguishers and the proper placement of the extinguishers.

Section 5. Enforcement

- A. The police Department, Fire Department and Code Enforcement officers shall enforce the rules and regulations of this chapter.
- B. Any code enforcement officer, police officer or firefighter may, in the enforcement of this chapter, seize, impound, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered for sale, sold or in the possession of any individual, firm, partnership, corporation, or association in

violation of this chapter. Notice of the seizure and the reasons for the seizure shall be reported to the police Chief within 48 hours of the seizure.

- c. Fireworks seized under this section may be disposed of in a safe and proper manner by the police Department ten days after seizure.

Severability

The provisions of this ordinance are severable. If any provisions there of shall be held invalid or in applicability to any person or circumstance, such holding shall not affect the validity or applicability of the remaining provisions hereof.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF ROCKPORT, ARKANSAS:

It is necessary that this Ordinance shall become effective immediately upon its passage and approval therefore, an emergency is hereby to exist and that this Ordinance being necessary for the immediately protection of the public peace, health, and safety.

PASSED AND ADOPTED THIS 18TH DAY OF APRIL 2023.