ORDINANCE NO. 2023-7

AN ORDINANCE TO AMEND THE PRAIRIE GROVE MUNICIPAL CODE REGARDING FIREWORKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2023 Fireworks Amendment.

Section Two: Chapter 7.40 Amended. Chapter 7.40 of the Prairie Grove Municipal Code is amended to read as follows:

7.40.01 Definitions

"Fireworks" shall mean those items defined as Class C Fireworks by Interstate Commerce Commission regulations and/or A.C.A. § 20-22-708.

7.40.02 Sale of Fireworks Regulated

A. No person, partnership, corporation or other entity shall sell or distribute fireworks except as specifically set forth herein.

B. Fireworks may be sold from June 21 through July 7 of each year, provided a conditional use permit for the fireworks stand has been approved by the Prairie Grove Planning Commission and the location has been approved by the Prairie Grove Fire Department.

C. All fireworks stands must comply with the requirements of A.C.A. §20-22-701 *et seq.*

7.40.03 Conditional Use Permit Required

A. Any person, partnership, corporation or other entity desiring to operate a fireworks stand shall be required to obtain a conditional use permit from the City Planning Commission.

B. The fee for a conditional use permit for a fireworks stand shall be $250.00.

C. The person, partnership, corporation or other entity operating the fireworks stand must provide proof of premises liability insurance covering the named insured for bodily injury and/or property damage arising out of the use and maintenance of the insured premises with $1,000,000 in coverage for each occurrence and a minimum of $3,000,000 in general aggregate coverage.

D. Fireworks stands will only be allowed in the following zoning classifications: B-1; B-2; and A-1.

E. Fireworks stands shall not be allowed to operate along Buchannan Street, Pittman Street and Douglas Street between Baggett Street and Wayne Villines Road; and on Heritage Parkway (US Highway 62) from the Illinois River Bridge to Parks Street.

F. Fireworks stands must receive written approval from the Prairie Grove Fire Chief. Approval is contingent upon meeting the following requirements:

1. Fireworks may not be stored or sold from any permanent structure.

2. The fireworks stand must meet the requirements of the applicable International Fire Code adopted and in effect in the City.

3. No fireworks stand may be within 250 feet of a fuel dispensing facility or any open flame or facility where sparks or flames may ignite such fireworks. No fireworks stand may be within 50 feet of a public road. No fireworks stand may be within 200 feet of a residential structure, school grounds or child-care facility.

7.40.04 Enforcement

The Prairie Grove Fire Chief or their designee shall have the authority to inspect firework stands at any time. Should a firework stand be out of compliance with applicable state, local or federal law or the applicable version of the International Fire Code and Arkansas Fire Prevention Code, the Fire Chief shall have the authority to discontinue the further sale of fireworks. In the event the Prairie Grove Fire Chief discontinues the sale of fireworks, the individual, partnership, corporation or other entity shall be required to reapply for a renewal of the permit and be approved by the Prairie Grove Planning Commission for a conditional use permit to continue the sale of fireworks in the City.

7.40.05 Illegal to Discharge

It shall be illegal for any person to shoot off, fire, or discharge within the Citiy limits fireworks of any kind or description whatever, except between the hours of 9:00 a.m. to 11:00 p.m. on July 4th of every year. This prohibition shall not apply in areas zones Agricultural and with property size in excess of five acres. Regardless, no stick rockets shall be allowed to be discharged at any time within the City limits.

7.40.06 Enforcement

Any person who violates Section 7.40.05 shall, upon conviction, be fined in any sum of not more than Twenty-five Dollars ($25.00) for each offense. Any person who violates Sections 7.40.01-7.40.04 above shall, upon conviction, be fined in any sum of not more than Five-hundred Dollars ($500.00) for each offense. Every day an offense continues shall be considered a separate offense.

7.40.07 Waiver

The Mayor, after consultation with the Police Chief and Fire Chief, is granted the authority to issue a waiver of the enforcement of the ban on discharging fireworks found in 7.40.02 to organizations and governmental entities for the purpose of celebrating special occasions. Such waivers shall be in writing and state the dates and hours the waiver is in effect.

Section Three: Effective Date. This Ordinance shall become effective 60 days following its posting unless an Emergency Clause is affixed.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 27th day of March 2023.

David Faulk, Mayor

(Attest)

Christine Kelly, Clerk