

ORDINANCE NO. 156

An Ordinance Prohibiting the Sale
And Regulating the Use
of Fireworks in the City of Barling, Arkansas

BE IT ORDAINED by the Board of Directors of the City of Barling, Arkansas, that:

SECTION 1: The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, bottle rockets, Roman candles, Daygo bombs, or other fireworks of like construction and any fireworks containing any explosive substance; except the term "fireworks" shall not include model rockets and model rocket engines designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Nothing contained in this article shall prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes, military or police purposes. Nothing contained in this article shall prohibit the sale or use of fireworks commonly known as sparklers. Nothing contained in this article shall prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped to a location outside the city for sale. Nothing contained in this article shall prohibit the sale or offering for sale of firearms or ammunition

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therefor.

SECTION 2: Except as hereinafter provided, no person, shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, or use or explode any fireworks. The city administrator may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the city administrator. After such privilege shall have been granted, sales, possession use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SECTION 3: The city administrator or his designated agent may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this article.

SECTION 4: Any person violating the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed the sum of \$1000.00. Each day during which the violation of this Ordinance occurs shall be deemed a separate offense.

SECTION 5: The enactment of this ordinance would insure the protection of the health, safety and welfare of the public in the City of Barling, Arkansas, so that an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

APPROVED: This 19th day of June, 1984.

Mayor

Jimmy Barling

Attest:

Shirley Gorgit
City Clerk