

ORDINANCE NO. 8951

AN ORDINANCE PROHIBITING FIREWORKS IN THE CITY
OF ELM SPRINGS, ARKANSAS, AND TO DECLARE AN
EMERGENCY.

WHEREAS, it has been brought to the attention of the City Council of the City of Elm Springs, Arkansas that the widespread and uncontrolled use of fireworks causes substantial harm to persons and property and disturbs the peace in the City of Elm Springs; and

WHEREAS, such harm poses a serious threat to the health, safety and general welfare of the community; and

WHEREAS, it has been determined by the City Council of the City of Elm Springs, Arkansas that a law should be enacted by Ordinance which prohibits the sale of all fireworks, and prohibits the discharge of fireworks in public streets, parks or public places, to prevent such harm; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS that no person shall sell or distribute firecrackers, cannon crackers, skyrocketts, Roman candles, or any other explosives used for amusement or any other purposes, and no person shall discharge any such fireworks in a public street, park or public place.

Should any person violate the provisions of this Ordinance regarding sale of fireworks, he shall be subject to a fine of \$50.00 to \$1,000.00 per day for each day in which the violation continues. Should any person violate the provisions of this Ordinance regarding discharge of fireworks, he shall be subject to a fine of \$25.00 to \$50.00 per occurrence.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Elm Springs, Arkansas, become effective immediately upon its passage, approval and publication.

THIS ORDINANCE passed this 1 day of May, 1989.

Walter P. Peltola
Mayor

ATTEST:

Betty Lewis
City Clerk

ORDINANCE NO. 2001-04

AN ORDINANCE TO AMEND ORDINANCE 89-51, AN ORDINANCE TO BAN THE SALE AND REGULATE THE USE OF FIREWORKS IN THE CITY OF ELM SPRINGS, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the City Council for the City of Elm Springs, Arkansas:

WHEREAS, it has been brought to the attention of the City Council of the City of Elm Springs, Arkansas that the widespread and uncontrolled use of fireworks causes substantial harm to persons and property and disturbs the peace in the City of Elm Springs; and

WHEREAS, such harm poses a serious threat to the health, safety and general welfare of the community; and

WHEREAS, it has been determined by the City Council of the City of Elm Springs, Arkansas that a law should be enacted by Ordinance which prohibits the sale of all fireworks, and prohibits the discharge of fireworks in public streets, parks or public places, and limits the days and times in which individuals may discharge fireworks on private property, to prevent such harm.

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

1. No person, partnership, corporation or other entity shall sell, or offer to sell, any kind of fireworks, firecrackers or the like within the corporate limits of the City of Elm Springs, Arkansas, subsequent to the passage and approval date of this Ordinance.
2. The discharge, or firing, of fireworks, firecrackers or the like within the corporate limits of the City of Elm Springs, Arkansas, is allowed only on July, 3, 4 and 5; December 24 and 25, and December 31 and January 1, from the hours of 10:00 a.m. to 12:00 a.m. (midnight) on each day.
3. If a city or county burn ban is in effect, any and all bottle-rockets, skyrockets or aerial explosives are prohibited, the provisions of this Ordinance not withstanding.
4. The debris and related materials from all fireworks, firecrackers or the like must remain on a party's own private property, and no fireworks, firecrackers or the like may be discharged or fired upon public property.
5. The violation of any of the above sections of this Ordinance is declared to be a misdemeanor, punishable by a fine of no less than \$25 nor more than \$500 for

each violation. Each sale or discharge of fireworks shall be deemed a separate offense for purposes of this Ordinance.

6. All ordinances, and or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage, approval and publication.

EMERGENCY CLAUSE: Whereas, it is necessary for this Ordinance to become effective for the preservation of the public peace, health and safety, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY the City Council of Elm Springs, Arkansas on the 19th day of September, 2001.



Mayor Edward Thiesse

ATTEST:



Recorder/Treasurer

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Brien and Dwenda Lettles, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2007-04 (the "Fireworks Ordinance") was, on the 11th day of March, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 11th day of March, 2007.

Ed Brien
Mayor

Dwenda Lettles
City Clerk

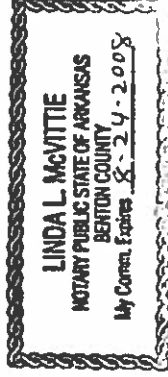
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 11th day of March, 2007.

Linda L. McVittie
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2014 - 024

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO REGULATE OUTDOOR BURNING
IN THE CITY OF ELM SPRINGS, ARKANSAS;
AND DECLARING AN EMERGENCY**

WHEREAS, the City Council for the City of Elm Springs, Arkansas has been advised by its public safety officials that there is an acute need to enact an ordinance which regulates outdoor burning in order to protect the safety of the citizens of the city,

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY
OF ELM SPRINGS, ARKANSAS:**

SECTION 1. Regulations:

- (1) Notification must be made prior to outdoor burning to the Cave Springs Fire Department by calling 479/248-1177.
- (2) Fires must be 50 feet or more from any building.
- (3) The fire(s) must be attended by a competent person at all times and must not be too large in size to properly manage. Multiple fires must not exceed the number of locations for those attending the fires to properly manage them.
- (4) A water source or other equipment must be immediately available for fire control.
- (5) Only vegetative waste may be burned. (e.g., limbs, logs, or leaves)
- (6) The fire must be completely extinguished by nightfall.

SECTION 2. Burn Ban:

- (1) Outdoor burning will be prohibited any time the county in which the fire is located has enacted a burn ban, or during any time in which the Mayor of Elm Springs or his or her designee has issued a proclamation banning outdoor burning within the city limits.

SECTION 3. Exemptions:

(1) Outdoor cooking fires and recreational fires are exempted from the regulations of this ordinance.

(a) This will include:

- Incinerators,
- Outdoor fireplaces,
- Barbeque grills or smokers; or
- A fire pit that has a total fuel area of five feet or less in diameter and two feet or less in height that is used for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(b) Appropriate safety precautions should be taken that these types of fires are contained and attended. A means of extinguishing the fire should be nearby to prevent the accidental spread of the fire.

(2) Any burning not allowed under this ordinance may be permitted by obtaining written permission from the Fire Chief or his or her designee.

SECTION 4. Penalty:


Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined any sum not less than \$25.00 nor more than \$100.00.

EMERGENCY CLAUSE:


The City Council has determined that because of the current fire risk, the city will face a substantial risk from outdoor burning unless this ordinance goes into effect immediately. Therefore, an emergency is declared to exist and, this ordinance being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance. If the ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this 17th day of Feb, 2014

APPROVED:


Ben Wall – Mayor

ATTEST:


Glenda Pettus – City Clerk/Recorder