

ORDINANCE NO. 2021 - 20

AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES; PROVIDING FOR REVISIONS TO PROVISIONS RELATED TO FIREWORKS; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Searcy, Arkansas, recognizes the need to provide for public displays of fireworks;

Whereas, the City of Searcy, Arkansas, recognizes that unregulated use of fireworks is a threat to the public peace, health, safety and welfare and that the development of regulations is necessary to provide for the public peace, health, safety and welfare and that, as a result of this need, an emergency exists.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. Section 12-10 of the Searcy Code of Ordinances is amended to read as follows:

“Sec. 12-10. Same - Firing Prohibited.

It shall hereafter be unlawful for any person or other legal entity to shoot, explode, or otherwise fire any firecrackers, cannon crackers, roman candles, sky rockets, sparklers, or any other type of fireworks, (hereinafter referred to collectively as “Fireworks”) of whatsoever kind or character, within the City except as provided in this Section 12-10. Public displays of Fireworks may be permitted upon the following:

- A. The Mayor, or his designee, may permit displays of Fireworks for events generally open to the public; provided, however:
 - 1. Any such display of Fireworks shall be generally open to the public, but the presenter of any such event may charge admission;
 - 2. No Fireworks display of any kind shall be permitted in any residential zone;
 - 3. The Mayor may, upon application, permit a public display of Fireworks in association with a public event subject to the payment of a permit fee.
 - 4. No such display shall be permitted in the event of any burn ban in White County without the preparation of a fire suppression plan and the retention and payment to the City of Searcy of any cost associated with the fire suppression plan.

B. For any display of Fireworks, all applicants shall:

1. Complete an application in a form approved by the Mayor and the Searcy Code Enforcement Department;
2. Pay an application fee in the amount of
 - a. \$00.00 for nonprofit organizations
 - b. \$250.00 for profit organizations
3. Consult with the Searcy Fire Department in connection with the development of a fire suppression plan.”

Section 2. All ordinances, resolutions or other actions adopted by the City of Searcy in conflict with the provisions of this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Emergency Clause. The City Council finds that in light of the need to provide for the public peace, health, safety and welfare, that an emergency exists and that this ordinance shall be in full force and effect immediately upon its passage.

PASSED AND ADOPTED this 22nd day of June, 2021.

/s/ Kyle Osborne
Mayor of Searcy

ATTEST:

/s/ Jerry Morris
City Clerk