

ORDINANCE 08-16-07 A

**AN ORDINANCE REGULATING THE USE OF FIREWORKS
WITHIN THE CITY OF ELKINS, REPEALING ALL ORDINANCES
AND PARTS OF ORDINANCES IN CONFLICT HEREWITH,
AND PRESCRIBING OTHER MATTERS RELATED THERETO.**

WHEREAS, the discharge of fireworks within the City of Elkins, Arkansas is an expression of patriotism and excitement for some citizens, it is a source of annoyance and even fear for other citizens.

WHEREAS, the discharge of fireworks is a hazardous activity that presents risks to residents of and visitors to the City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKINS, ARKANSAS:

SECTION 1: It is unlawful and prohibited for any person or entity to use, explode, shoot, discharge or otherwise ignite any fireworks (firecrackers, roman candles, bottle rockets or other display fireworks) within the city limits of Elkins, Arkansas, except that:

- a) during the hours of 8:00 a.m. until 11:00 p.m. on July 1, 2, 3, 4 and 5th of each year, during the hours of 8:00 a.m. on December 31st until 1:00 a.m. on January 1st of each year and during the hours of Elkin's annual "4th on the River" event, the use of fireworks shall be allowed provided there are no burn bans or fire warnings due to dry conditions;
- b) use of fireworks during the hours set forth above shall be by an adult or directly under adult supervision.

SECTION 2: It shall be unlawful for any person, entity, group or association to

offer for sale, expose or display for sale, or sell at retail to users or consumers any fireworks within the corporate limits of the City except as follows:

- a) no display or sale shall occur before 12:00 o'clock P.M. (noon) on the 15th day of June each year and no display or sale shall occur after 9:00 o'clock P.M. on July 5 each year; and,
- b) no display or sale shall occur in any location not previously approved by the Mayor (or his/her designee); the Mayor may require that certain conditions be met and maintained in order to approve a location; and,
- c) a display/sales location must be no less than 250 feet from any other display/sales location and at least 250 feet from any location which sells, offers for sale, stores or otherwise handles gasoline, diesel fuel, propane or other flammable materials or explosives of any type and 250 feet from any natural gas/fuel, exposed pipeline or valving; and,
- d) each display or sales location must have a City business license and otherwise obey and comply with all other City, State and Federal laws, rules and regulations; and,
- e) no firecracker, rocket, punk, roman candle, or any other firework or fire may be started, ignited, shot, set or otherwise detonated within 250 feet of any display/sales location; and,
- f) comply with all lawful orders of the City police or fire department concerning such other safety requirements as may from time to time be appropriate.

SECTION 3: Violation of Section 1 or Section 2 by any person or entity shall, upon conviction, be a violation and shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

PASSED AND APPROVED this 20th day of September 2007.



NORRITA FISHER, Recorder/Treasurer



JACK LADYMAN, Mayor

ORDINANCE NO. 8-16-2007 B

AN ORDINANCE TO AMEND THE ZONING DISTRICT CLASSIFICATION AND BOUNDARIES REGARDING PROPERTY IDENTIFIED IN REZONING PETITION OF JOEL BUNCH AND JOYCE BUNCH APPROVED BY ELKINS PLANNING COMMISSION ON AUGUST 6, 2007.

WHEREAS, the Planning Commission on August 6, 2007, passed the Rezoning Petition of Joel Bunch and Joyce Bunch and recommended to the City Council passage of an ordinance to rezone the described property from R-1 to R-4 Multifamily.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKINS, ARKANSAS:

SECTION 1: That the zone classification of the following described property be changed from R-1 to R-4 Multifamily:

A part of the fractional Northeast Quarter (Fr. NE 1/4) of Section 1, Township 15 North, Range 29 West, being more particularly described as follows: From the Southwest corner of the fractional Northeast Quarter (Fr. NE 1/4) of said Section 1, thence North 01°02'28" West - 520.69 feet; thence North 00°03'41" West - 39.90 feet; thence North 89°56'11" East - 210.00 feet; thence North 00°03'41" West - 10.10 feet to the POINT OF BEGINNING; thence North 00°03'41" West - 296.20 feet; thence North 89°56'11" East - 227.56 feet; thence South 00°03'41" East - 296.20 feet; thence South 89°56'11" West - 227.56 feet to the POINT OF BEGINNING, containing 1.55 acres more or less. Situate in Washington County, Arkansas.

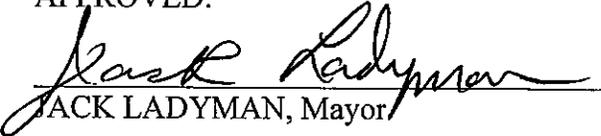
SECTION 2: That the rezoning of the property identified in Section 1 above is specifically conditioned upon the completion of the road improvements (option 2) attached hereto; no building permits will be issued by the City until such time as those improvements are completed per the attached.

SECTION 3: That the official Zoning District's map of the City of Elkins, Arkansas is

hereby amended to reflect the zoning change in Section 1 above.

PASSED AND APPROVED this 16th day of October, 2007.

APPROVED:


JACK LADYMAN, Mayor

ATTEST:


NORRITA FISHER, Recorder/Treasurer