

ORDINANCE NO. 32 OF 2004

AN ORDINANCE PROHIBITING THE SALE OR USE OF
FIREWORKS WITHIN THE CITY OF BENTON;
ESTABLISHING A PENALTY FOR VIOLATION; DECLARING
AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, The City Council of the City of Benton has determined that the City should prohibit the sale and use of fireworks within the city limits of the City of Benton,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that:

SECTION 1. It shall be, and it hereby is so declared, unlawful for any person to conduct any sale of fireworks within the city limits of the City of Benton.

SECTION 2. It shall be, and it hereby is so declared, unlawful for any person to ignite, discharge, explode or otherwise to use fireworks within the city limits of the City of Benton.

SECTION 3. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than ninety (90) days, or both, in the discretion of the court.

SECTION 4. This ordinance is adopted pursuant to the authority of Arkansas Code Annotated § 20-22-704. All words used in this ordinance have the same meanings as those words have when they are used in Subchapter 7 of Chapter 22 of Title 20 of Arkansas Code Annotated.

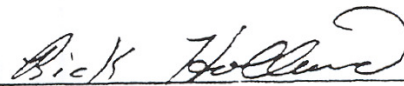
SECTION 5. Nothing in this ordinance shall prohibit the City of Benton or any other person or organization, when properly authorized by Resolution of the Benton City Council, from conducting a public display of fireworks, or from doing the things necessary to prepare a public display of fireworks, of the kind traditionally conducted by the City of Benton at the Fourth of July and New Year Holidays.

SECTION 6. All ordinances and resolutions and parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. The City Council has determined that this ordinance should take effect as soon as possible to avoid confusion about whether the activities hereby prohibited will be allowed in the future within in the city limits of the City of Benton, and finds that the subject matter of this ordinance affects the public peace, health and safety. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 23 day of August, 2004.



Rick Holland, Mayor



Cindy Stracener, City Clerk