**ORDINANCE 1980-6**

**AN ORDINANCE REGULATING THE USE OF FIREWORKS WITHIN THE CITY OF HAMBURG; DEFINING THE TERM “FIREWORKS”’ AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THE ORDINANCE.**

**SECTION 3 OF THIS ORDINANCE WAS AMENDED BY ORDINANCE NO. 2004-3**

BE IT ORDAINED by the City Council of Hamburg, Arkansas, as follows:

 Section 1. Purpose. The purpose of this ordinance is to regulate the use of fireworks within the City of Hamburg, and to provide a penalty for the violation of the provisions of this ordinance.

 Section 2. Definition of “Fireworks.” The word “fireworks” shall be understood to mean any and all articles and contrivance of inflammable and explosive materials combined in various proportions and prepared for the purpose of producing visible and/or audible effects by burning or explosion.

 Section 3. Use of Fireworks at Certain Times Prohibited. It shall be unlawful for any person to explode, discharge, or ignite any fireworks within the City Limits of the City of Hamburg except for during the following times:

1. On July 1, 2, 3, 4, and 5 of each year from 8:00 a.m. to 10:00 p.m.
2. From December 20 and December 30 of each year from 8:00 a.m. to 10:00 p.m.
3. From December 31 of each year at 8:00 a.m. until January 1 at 10:00 p.m.

Section 4. Penalty for Violation. Any person violating Section 3 above shall be guilty of a misdemeanor and such person, upon being convicted of such violation, shall be punished by a fine of not less than $25.00 nor more than $100.00; and each violation shall constitute a separate offense.

Section 5. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity or any part.

 Section 6. Repealed. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, be, and the same are hereby, repealed.

 Section 7. Emergency Clause. The City Council finds that the regulations imposed by this ordinance are urgently needed to prevent injury and property loss which results from fire and explosions caused by fireworks, and to preserve the peace, quiet and tranquility of the City. Therefore, an emergency is hereby declared to exist; and this ordinance, being necessary for the immediate preservation and protection of the public peace, health, welfare and safety, shall take effect and be in force immediately upon its adoption.

 ADOPTED on this 12th day of August, 1980.