Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Final Agenda
City of Fayetteville Arkansas
Special City Council Meeting
December 27, 2007

A special meeting of the Fayetteville City Council will be held on December 27, 2007 at 4:30 PM in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

A. New Business:

1. **Amend § 94.05 Sale and Use of Fireworks:** An ordinance to amend § 94.05 Sale and Use of Fireworks of the Fayetteville Code to allow First Night Fayetteville to set off a public fireworks display near midnight of December 31st.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5096.

Announcements: None.

Adjournment: Meeting adjourned at 4:35 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **December 28, 2007**

RE: **Ordinance prepared by the City Attorney's Office and passed at the Special City Council meeting of December 27, 2007**

1. Amendment to §94.05: An ordinance to amend §94.05 **Sale and Use of Fireworks** of the Fayetteville Code to allow First Night Fayetteville to set off a public fireworks display near midnight of December 31st.

Special City Council Meeting December 27, 2007 4:35 PM

Subject:		Roll			
Motion To:					
Motion By:					
Seconded:					
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Mayor Coody	✓			

Subject:		Amend 94:05 Sale & Use of Fireworks			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Jordan	Ferrell		
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
Passed	**Rhoads**	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
5096	**Gray**	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
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Announcements

Adjournment

AGENDA REQUEST

FOR: COUNCIL MEETING OF SEPTEMBER 27, 2007

FROM: KIT WILLIAMS, CITY ATTORNEY

Ordinance Or Resolution Title And Subject:

An Ordinance To Amend § 94.05 **Sale And Use Of Fireworks** Of The Fayetteville Code To Allow First Night Fayetteville To Set Off A Public Fireworks Display Near Midnight Of December 31st

APPROVED FOR AGENDA:

Mayor — Date: 12/27/07

City Attorney — Date: 12-27-07

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council

FROM: **Kit Williams**, City Attorney

DATE: **December 27, 2007**

RE: **Fireworks Display from City Property**

First Night Fayetteville has presented a fireworks display annually to celebrate the New Year. I believe this display was set off from a University parking lot. As you know many City ordinances are not enforceable on University property.

This morning I read in the paper that the First Night Fayetteville fireworks display will be set off from the roof of the Fayetteville Town Center. Our current Fayetteville Code prohibits such a fireworks display. Therefore, I have drafted a new proposed subsection (G) to §94.05 **Sale and Use of Fireworks.**

This needs to be presented and passed in a Special City Council meeting today (before or after the Agenda session). Since it is a very specific (as opposed to general) ordinance relating only to First Night Fayetteville and the New Year's celebration, this ordinance will take effect immediately and allow the public fireworks display planned for next Monday night.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 94.05 **SALE AND USE OF FIREWORKS** OF THE FAYETTEVILLE CODE TO ALLOW FIRST NIGHT FAYETTEVILLE TO SET OFF A PUBLIC FIREWORKS DISPLAY NEAR MIDNIGHT OF DECEMBER 31ST

WHEREAS, First Night Fayetteville seeks permission to use fireworks around midnight of December 31st to celebrate the New Year; and

WHEREAS, the Fayetteville Fire Marshall has approved using the roof of the Town Center for a limited public fireworks display.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby amends § 94.05 **Sale and Use of Fireworks** of the Fayetteville Code by enacting a new subsection (G) as shown below:

> "(G) It shall be lawful for First Night Fayetteville to conduct an annual public fireworks display to celebrate New Year's if approved by the Fayetteville Fire Marshall and if in full compliance with all applicable regulations and laws of the State of Arkansas."

PASSED and **APPROVED** this 27th day of December, 2007.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

it immediately, and if such person shall refuse, neglect or fail to do so, any organized fire suppression force may summarily abate the nuisance thus constituted by controlling or extinguishing the fire, and the cost thereof may be recovered from such person by civil action. (Code 1965, §9-13; Ord. No. 1379, 12-9-63; Code 1991, §94.03)

Cross reference(s)--Penalty, §94.99.

94.05 Sale And Use Of Fireworks

(A) It shall be unlawful for any person to offer fireworks for sale at retail within the city.

(B) It shall be unlawful for any person to use fireworks within the city at any time except on the dates of July 3 and 4; provided that public displays pursuant to §3308 of the *Arkansas Fire Prevention Code* (2000 Edition) may be permitted on any date between July 1st and July 6th, inclusive.

(C) It shall be unlawful for any person to use the following fireworks at any time except at a public display pursuant to § 2002.2 of the Arkansas Fire Prevention Code (1991 Edition):

(1) Skyrockets; and

(2) Firecrackers, or any other exploding fireworks.

(D) The fire chief or mayor shall be authorized to declare an emergency and prohibit all use of fireworks upon a determination that such use would create a fire hazard due to dry conditions.

(E) The fire chief or mayor shall be authorized to approve an alternate date for any lawful public display which is canceled due to adverse weather conditions or pursuant to §94.04(E).

(F) It shall also be lawful for the University of Arkansas to conduct the annual "Fireworks Night" to celebrate and congratulate the Razorback Baseball Team at its last home game of the year in or near Baum Baseball Stadium. Said fireworks display shall comply with all applicable regulations and laws of the State of Arkansas.

(Code 1965, §9-9.1; Ord. No. 1705, 10-6-69; Ord. No. 1807, 8-2-71; Ord. No. 2156, 10-21-75; Ord. No. 3359, 6-7-88; Ord. No. 3553, 6-18-91; Ord. No. 3706, §1, 6-1-93, Ord. No. 4195, 10-19-99; Ord. No. 4308, 4-17-01; Code 1991, §94.04)

Cross reference(s)--Penalty, §94.99.

State law reference(s)--Public displays excepted, A.C.A. §20-22-702; Power of municipalities unaffected, A.C.A. §20-22-704; Violation of subchapter, A.C.A. §20-22-705; Possession, sale and use unlawful-Exceptions, A.C.A. §20-22-708.

94.06 Flammable And Combustible Liquids; Liquefied Petroleum Gases

(A) *Adoption of NFPA 30 and NFPA 30A.*

(1) The requirements contained in this section shall be applicable to all aboveground tanks used for the outside storage and dispensing of flammable and Class II combustible liquids within the city. Such installations shall comply with the applicable requirements of National Fire Association Protection Standard (NFPA) 30-1993 and NFPA 30A-1993, except as modified herein. Refineries that comply with NFPA 30 and the applicable sections of the *Standard Fire Prevention Code* adopted by the city shall be exempt from this section.

(B) *Definitions.*

(1) In addition to the definitions contained in NFPA 30 and NFPA 30A, the following definition shall apply:

Premises: A parcel of land, which may include one or more contiguous platted lots, occupied or intended for occupancy for a particular use or set of uses, including buildings together with accessory buildings, the yard area, and parking spaces.

(C) *Outside aboveground flammable and combustible liquid tanks.*

(1) All aboveground tanks used for the outside storage of flammable and Class II combustible liquids in quantities in excess of 200 gallons shall comply with the following:

(a) Such tanks shall be fire resistant tanks as defined in NFPA 30A and shall comply with all the requirements for fire resistant tanks in NFPA 30A in addition to any applicable requirements specified herein, or

(b) Such tanks shall be installed in vaults that meet all the applicable requirements of NFPA 30A.

(2) The fire official may impose additional requirements to reduce the level of hazard for a proposed installation where, in his judgment, the circumstances warrant such action.

(3) Aboveground tanks having an individual capacity of 200 gallons or less shall be allowed on the same premises as fire resistant tanks or tanks in vaults provided the total cumulative