

ORDINANCE NO. 2026- 16

AN ORDINANCE AMENDING LINCOLN MUNICIPAL CODE CHAPTER 7.44,
DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, ARKANSAS,
THAT:

Section One: Title. This Ordinance shall be known as an Ordinance Amending Lincoln Municipal Code Chapter 7.44, Declaring an Emergency, and for Other Purposes.

Section Two: Chapter 7.44 Amended. Chapter 7.44 of the Lincoln Municipal Code is hereby amended as follows:

§ 7.44.01 Sale, Manufacture, Trade, etc. of Fireworks Banned Regulated; Permitted Uses

~~a. From and after the effective date hereof, it shall be unlawful for any person to sell, manufacture, trade, or hypothecate to within the city limits of the City of Lincoln, Arkansas, any fireworks.~~

a. From and after the effective date hereof, it shall be unlawful for any person, corporation, limited liability company, partnership or other entity to sell or distribute fireworks except as provided in this chapter.

b. Notwithstanding the preceding subsection, individual citizens may possess and discharge fireworks for individual displays and celebrations as hereinafter prescribed. The City of Lincoln may authorize, by special permit, a community fireworks display by a pyrotechnics operator, licensed by the State of Arkansas, within the city limits of Lincoln, Arkansas.

c. Any person, corporation, limited liability company, partnership or other entity desiring to operate a fireworks stand shall be required to obtain a Fireworks Stand Permit from the Lincoln Fire Chief.

(1) The fee for a Fireworks Stand Permit shall be \$250.00. All permit fees shall be placed in the revenue account of the Lincoln Fire Department for the cost of performing its enforcement procedures described in this chapter.

(2) Retail fireworks stands may operate from June 21 to July 7, inclusive, and from December 21 to January 3, inclusive.

(3) Any person, corporation, limited liability company, partnership or other entity operating a fireworks stand shall provide written proof to the City of current premises liability insurance covering the named insured for bodily injury and/or property damage in the minimum amounts of \$1,000,000.00 per occurrence and \$3,000,000.00 general aggregate coverage.

(4) Fireworks stands shall only be permitted in the following zones as defined by the Lincoln Unified Development Code: B-1, B-2, and R-A.

(5) Fireworks shall not be stored at or sold from any permanent structure.

(6) Fireworks stands shall meet the requirements of the applicable, current version of the International Fire Code adopted and in effect in the City of Lincoln.

(7) No fireworks stand shall be located:

(A) within 250 feet of any fuel dispensing facility, open flame, or facility where sparks or flames might ignite fireworks;

(B) within 50 feet of a public road or street; or

(C) within 200 feet of a school or child-care facility.

d. The Lincoln Fire Chief or his or her designee shall have and retain the authority to inspect any fireworks stand at any time during its setup, operation, or removal. Should a fireworks stand be out of compliance with any applicable federal, state or local law or regulation, including, without limitation, the International Fire Code or the Arkansas Fire Prevention Code, the Fire Chief shall have the authority to order the fireworks stand to immediately cease and desist operations of all kinds, and shall also have the authority to take whatever steps are reasonable and necessary in the circumstances to protect the safety of persons and property with respect to the operations of the fireworks stand. In the event the Lincoln Fire Chief orders a fireworks stand to cease and desist operations, the person, corporation, limited liability company, partnership or other entity who or which previously held the Fireworks Stand Permit shall reapply and be subject to re-approval of a Fireworks Stand Permit, including the applicable fee, such Fireworks Stand Permit to be granted or withheld at the discretion of the Lincoln Fire Chief.

e. The operator of any fireworks stand shall completely disassemble and remove the fireworks stand or tent within 72 hours of the last sale of fireworks permitted under this chapter.

§ 7.44.02 Definitions of Permitted Consumer Fireworks

~~The term "fireworks" as used herein shall mean any explosive device utilizing a black powder base and an ignition system which tends to discharge a noise and create any danger of fire.~~

Those fireworks permitted for individual use and discharge within the city limits of Lincoln, Arkansas, shall include only those fireworks defined as legal for consumer use by the State of Arkansas.

§ 7.44.03 Permitted Times and Dates for Fireworks Use and Discharge within City Limits

From and after the effective date of this Ordinance, fireworks, as defined above, shall be permitted to be used or discharged within the City Limits of Lincoln Arkansas as follows:

a. ~~By individual citizens: between the hours of 11:00 am and 11:00 pm on July 3 and July 4 of each year.~~

(1) on each of July 3 and July 5, from 10:00 am to 10:00 pm;

(2) on July 4, from 10:00 am to 11:59 pm.;

(3) on each of December 24 and December 25, from 10:00 am to 10:00 pm; and

(4) On the New Year holiday, from 10:00 am December 31 to 1:00 am January 1.

The prohibitions on times do not apply to use or discharge on properties zoned agricultural and with a parcel size of five (5) acres or larger.

Citizens may use or discharge fireworks only on private property and only with the consent of the property owner. All other private use or discharge of fireworks is prohibited.

b. By governmental, charitable, educational, religious, civic or benevolent groups: the Lincoln Fire Chief may issue a permit for July 3 or 4. The Fire Chief may issue a special permit for fireworks displays on days other than July 3 or 4. Any such permit, regardless of the day for which it is issued, is a permit may be issued at the Fire Chief's discretion for special or extraordinary events subject to the following provisions:

- (1) All provisions of National Fire Protection Association Code § 1123 are met;
- (2) Displays permitted pursuant to this subsection shall be personally supervised, on-site, by a competent fireworks operator, who shall be approved by the Fire Chief;
- (3) Displays permitted pursuant to this subsection shall be located, discharged and fired in such a manner as to not constitute a hazard to life, limb or property; and
- (4) No such display shall be permitted between the hours of 11:00 pm and 11:00 am.

§ 7.44.04 Use and Discharge Prohibited During Burn Ban

Notwithstanding any apparent contradiction above, the use and discharge of fireworks is strictly prohibited during a burn ban or outdoor burning restriction legally declared by a competent authority within the City of Lincoln.

§ 7.44.03 7.44.05 Penalty.

Any person found guilty of violating this ordinance shall be fined a sum not to exceed \$100 plus appropriate court costs.

Section Three: Effective Date. This Ordinance shall become effective from and after 91 days following its publication unless an Emergency Clause is appended.

Section Four: Repealing Clause. Ordinances or parts thereof in effect at the time that this ordinance shall take effect that are in conflict herewith, are repealed.

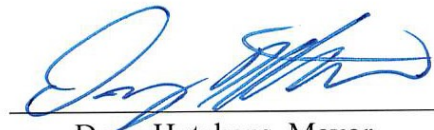
Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared

to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

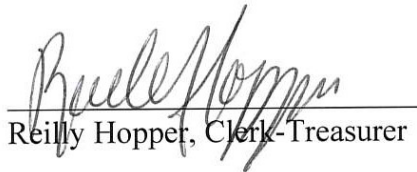
Section Seven: Emergency Clause. The Lincoln City Council finds and declares that effective and rational regulation of the possession and use of fireworks within the City limits is imperative to the life, health, safety, welfare and commerce of the citizens of the City of Lincoln. Therefore, this matter is such pressing business that it is viewed that an immediate solution is necessary, thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Lincoln, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

Passed and Approved this 21 day of April 2026.



Doug Hutchens, Mayor

(Attest)



Reilly Hopper, Clerk-Treasurer

