

ORDINANCE NO. 1033

AN ORDINANCE PROHIBITING THE EXPLOSION OF FIRECRACKERS, ROMAN CANDLES, SKYROCKETS, AND ALL OTHER FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

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

Section 1. That hereafter it shall be unlawful for any person, firm or corporation to explode or cause to be exploded any fire crackers, roman candles, skyrockets, and all other fireworks within the corporate limits of the City of Fayetteville, Arkansas, without having first obtained the prior written consent of the Mayor of the City of Fayetteville specifying the time, place and duration of said explosions or pyrotechnical exhibitions.

Section 2. Any person, firm or corporation violating any part of Section 1 of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Five Dollars (\$5.00), nor more than Twenty-five Dollars (\$25.00).


Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. It appearing that a serious water shortage exists within the corporate limits of the City of Fayetteville, Arkansas, and it further appearing that additional fire prevention measures are needed to conserve this limited water supply, and that the public welfare, health and safety are in danger, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 27 day of October, 1952.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
J. W. McGehee, City Clerk

  
\_\_\_\_\_  
Powell M. Rhea, Mayor

MICROFILMED  
DATE Oct 6 1978  
REEL 113

SECTION 2. Amendments, deletions and Modifications.

(1) That Article XV of the Arkansas Fire Prevention Code be amended by deleting Sections 1500 through 1503 and adding the following:

Section 1500. Explosion of Fireworks.

(a) It shall be unlawful for any person, firm or corporation to explode or cause to be exploded any fire crackers, roman candles, skyrockets, or any other fireworks within the corporate limits of the City of Fayetteville, without having first obtained the prior written consent of the Mayor specifying the time, place and duration of such explosions or pyrotechnical exhibitions.

(b) Any person, firm or corporation violating any part of subsection (a) of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in any not less than Five Dollars (\$5.00), nor more than Twenty-five Dollars (\$25.00).

Section 1501. Compliance with Act 224 of 1961 as amended.

(a) Any person, firm or corporation securing written consent of the Mayor for the explosion of fireworks as provided in Section 1500 (a) of this Article, shall in the use or explosion of or possession of said fireworks fully comply in all respects with the provisions of Act 224 of 1961, Acts of Arkansas, as amended by Act 34 of 1963, adopted by reference in this Ordinance, including but not limited to the provisions of said Act prescribing the type and kind of fireworks permissible.

(b) Except to the extent modified by Section 1500 and Section 1501 (a) of this Article, the provisions of Act 224 of 1961, Acts of Arkansas, as amended by Act 34 of 1963, adopted by reference in this Ordinance, shall govern in all respects the sale, possession, display, offering for sale, and use of fireworks or pyrotechnics, and govern all matters pertaining thereto as provided in said adopted act, in the City of Fayetteville, Arkansas.

(c) Any persons, firms or corporations violating any of the provisions of said adopted Act shall be subject to the penalties and punishments prescribed in said Act.

(2) That the provisions of Act 224 of 1961, Acts of Arkansas, as amended by Act 34 of 1963, be amended by adding the following Section after Section 14 of said adopted Act:

Section 15. Legislative Intent.

It is the intention of the City Council of the City of Fayetteville, Arkansas, in respect to the provisions of

ORDINANCE NO. 1705

AN ORDINANCE TO REGULATE AND CONTROL THE RETAIL SALE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, the Board of Directors of the City of Fayetteville has determined that the unregulated retail sales of fireworks within the City's corporate limits has been a significant and contributing factor and cause of certain violations of law connected with the use of fireworks, and that it is necessary for the preservation of the health, safety and welfare of the community at large to enact certain controls over said retail sales.

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

SECTION 1. DEFINITIONS.

- (a) Person-includes any corporation, association, co-partnership, or one (1) or more individuals.
- (b) Sale-includes barter, exchange, or gift or offer therefore, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.
- (c) Retail Sale-a sale to consumers or to the public generally.
- (d) Fireworks-
  - (1) Roman Candles, with no handle or spike affixed thereto, not exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed 3/8 inch.
  - (2) Sky Rockets, with sticks, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed 1/2 inch. The rocket sticks must be securely fastened to the tubes.
  - (3) Helicopter type rockets, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed 1/2 inch.
  - (4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five (75) grams each in weight. The inside tube diameter shall not exceed 3/4 inch.
  - (5) Cone fountains, total pyrotechnic composition not to exceed fifty (50) grams each in weight.



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DATE OCT 2 1978  
REEL 174

(6) Wheels, total pyrotechnic composition not to exceed sixty (60) grams or (for) each driver unit or two hundred and forty (240) grams for each complete wheel. The inside tube diameter of driver units shall not exceed 1/2 inch.

(7) Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred (100) grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five (5) grams.

(8) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty (40) grams each in weight.

(9) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half (1-1/2) inches in length or one-quarter (1/4) inch in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two (2) grams each in weight.

#### SECTION 2. DATES OR SALE OF FIREWORKS.

Fireworks may be sold in the City of Fayetteville only on the days of June 20 through July 5 of any calendar year. Provided, it shall be unlawful for any person to sell fireworks, at retail, within the corporate limits of the City, on any other day of the calendar year than the dates above named.

Any person violating the above provision shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (\$50.00) or 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 3. This ordinance shall be in full force and effect from and after its passage and approval, and publication.

PASSED AND APPROVED this 6<sup>th</sup> day of October, 1969.

APPROVED:

  
GARLAND MELTON, JR., MAYOR

ATTEST:

  
MARILYN MOORE, CITY CLERK

FILED  
FOR RECORD

'71 AUG 12 AM 9:30

ORDINANCE NO. 1807 WASHINGTON COUNTY  
ARKANSAS  
ALMA KOLLMEYER  
CIRCUIT CLERK

AN ORDINANCE AMENDING SECTION 9-9.1 AND SECTION 9-27 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, ARKANSAS, TO LIMIT THE DATES OF SALE OF FIREWORKS, AND TO PROHIBIT THE FIRING OF FIREWORKS DURING CERTAIN HOURS.

WHEREAS, the Board of Directors deems it desirable to define and limit the dates of sale of fireworks and to prohibit the firing of fireworks during certain hours.

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

Section 1. That Section 9-9.1 (II) (a) of the Code of Ordinances, City of Fayetteville, Arkansas, is hereby amended to read as follows:

"(a) Fireworks may be sold in the City of Fayetteville only on the days of July 1 through July 5, inclusive, of any calendar year. Provided, it shall be unlawful for any person to sell fireworks, at retail, within the corporate limits of the City, on any other day of the calendar year than the dates above named."

Section 2. That Section 9-27 (1) of the Code of Ordinances, City of Fayetteville, Arkansas, is hereby amended to read as follows:

"(1) Article XV of the Fire Prevention Code shall be amended by adding the following sections:

Section 1502. Explosion of Fireworks.

(a) Fireworks may be exploded on July 1st, 2nd, 3rd, 4th and 5th of each calendar year between the hours of 9:00 o'clock A.M. and 11:00 o'clock P.M. It shall be unlawful for any person, firm or corporation to explode or to cause to be exploded any firecrackers, roman candles, skyrockets, or any other fireworks within the corporate limits of the City of Fayetteville, on any other day of the year without having first obtained the prior written consent of the mayor specifying the time, place and duration of such explosions or pyrotechnical exhibitions.

(b) Any person, firm or corporation violating any part of subsections (a) of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in an amount not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00)"

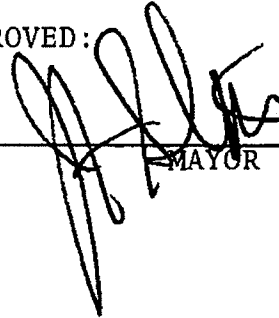
DEED 816 PAGE 295 MICROFILMED  
DATE OCT 12 1978  
REEL 194



Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED this 2nd day of August, 1971.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTEST:

Loletta Moore  
CITY CLERK

FILED  
FOR RECORD

'75 OCT 30 AM 10:23

ORDINANCE NO. 2156

*copy*

AN ORDINANCE AMENDING SECTION 9-9.1(II) OF THE FAYETTEVILLE COUNTY CODE OF ORDINANCES TO PROHIBIT THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS; AND FOR OTHER PURPOSES. *JOHN S. KOLLMEYER  
CIRCUIT CLERK*

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Section 9-9.1(II) (a) of the Fayetteville Code of Ordinances is hereby amended to read as follows:

It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided, the Fire Chief may issue a public display permit to any group of three or more adult individuals applying therefor. Every such display shall be of such a character and so located, discharged or fired as not to be hazardous to property or endanger any person or persons. Application for a public display permit shall be filed with the Fire Chief at least 15 days in advance of the date of the display and shall state the name and address of the applicants, and the date, time and place of the proposed display. The Fire Chief shall take action on such application within 48 hours after receipt thereof. After a public display permit has been granted, use of fireworks shall be lawful only for the purpose stated in the permit. No permit shall be transferrable.

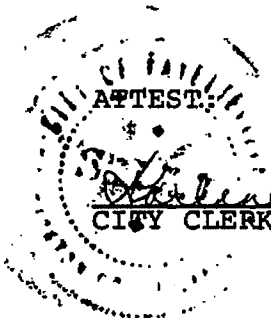
Section 2. That all ordinances, or parts thereof, in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective on July 5, 1976.

PASSED AND APPROVED THIS 21st DAY OF OCTOBER, 1975.

APPROVED:

*Marion R. Aston*  
MAYOR



ATTEST:

*John S. Kollmeyer*  
CITY CLERK

DEED 895 177

MICROFILMED  
DATE OCT 16 1978  
REEL 174



FILED FOR RECORD  
'88 JUN 10 PM 3 46  
WASHINGTON CO AR  
A. KOLLMAYER

MICROFILMED

ORDINANCE NO. 3359

AN ORDINANCE AMENDING SECTION 9-9.1 OF THE FAYETTEVILLE CODE OF ORDINANCES TO REGULATE THE USE OF FIREWORKS.

WHEREAS, the Fayetteville Board of Directors hereby determines that the use of fireworks within the City should be regulated to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Section 9-9.1 of the Fayetteville Code of Ordinances is hereby amended to read as follows:

- (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.
- (c) It shall be unlawful for any person to use the following fireworks at anytime except at a public display pursuant to section 409.7 of the Rules and Regulations for the Arkansas Fire Prevention Code (1983 Edition).
  - (1) skyrockets; and
  - (2) firecrackers, or any other exploding fireworks.
- (d) It shall be unlawful for any person to use fireworks within the City except on the person's own property; provided, public displays pursuant to Section 409.7 of the Rules and Regulations for the Arkansas Fire Prevention Code (1983 Edition) shall be permitted.
- (e) The Fire Chief or City Manager 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.





Section 2. That the Board of Directors hereby determines that the use of fireworks should be regulated to protect the public safety and hereby determines that the immediate passage of this ordinance is necessary to regulate the use of fireworks. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 7th day of June, 1988.

APPROVED

By: Marilyn Johnson  
Mayor

ATTEST  
By: James C. McWhorter  
Clerk  
COUNTY CLERK

FILED FOR RECORD

'91 JUN 27 AM 8 48

WASHINGTON CO AR  
A. KOLLMEYER

ORDINANCE NO. 3553

**MICROFILMEL**

AN ORDINANCE AMENDING §94.04, CODE OF  
ORDINANCES, CITY OF FAYETTEVILLE TO REGULATE  
THE USE OF FIREWORKS.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF  
FAYETTEVILLE, ARKANSAS:

Section 1. That §94.04 of the Code of Ordinances, City of  
Fayetteville entitled "Sale and Use of Fireworks" is hereby amended  
by adding the following:

(F) The Fire Chief or City Manager 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).

Section 2. That the Board of Directors hereby determines  
that the use of fireworks should be regulated to protect the public  
safety and hereby determines that the immediate passage of this  
ordinance is necessary to regulate the use of fireworks.  
Therefore, an emergency is hereby declared to exist and this  
ordinance being necessary for the public health, safety and welfare  
shall be in full force and effect from and after its passage and  
approval.

PASSED AND APPROVED this 18th day of June, 1991.

APPROVED:

BY: Fred S. Krueger  
Mayor

ATTEST:

BY: Sherry L. Thomas  
City Clerk

LIBER 1421 PAGE 259



ORDINANCE NO. 3706

AN ORDINANCE AMENDING CHAPTER 94, FIRE PREVENTION, SECTION 94.04, SALE AND USE OF FIREWORKS, SUBSECTIONS (B), (C), AND (D), OF THE FAYETTEVILLE CODE OF ORDINANCES, TO REGULATE THE USE OF FIREWORKS.

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

Section 1. That Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B), (C) and (D) of the Fayetteville Code of Ordinances, shall be repealed and the following inserted in its stead:

**CHAPTER 94: FIRE PREVENTION**

**§ 94.04 SALE AND USE OF FIREWORKS.**

(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 Section 2002.2 of the Arkansas Fire Prevention Code (1991 Edition) may be permitted on any date between July 1 and July 6, inclusive.

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

- (1) skyrockets; and
- (2) firecrackers, or any other exploding fireworks.

(D) It shall be unlawful for any person to use fireworks within the City except on the person's own property; provided, public displays pursuant to Section 2002.2 of the Arkansas Fire Prevention Code (1991 Edition) shall be permitted.

Section 2. That the City Council hereby determines that the use of fireworks should be regulated to protect the public safety and hereby determines that the immediate passage of this ordinance is necessary to regulate the use of fireworks. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 1st day of June, 1993.

APPROVED:

By: Fred Hanna  
Fred Hanna, Mayor

ATTEST:

By: Sherry L. Thomas  
Sherry L. Thomas, City Clerk



ORDINANCE NO. 4195

AN ORDINANCE AMENDING CHAPTER 94, FIRE PREVENTION, SECTION 94.04, SALE AND USE OF FIREWORKS, SUBSECTION (B), OF THE CODE OF FAYETTEVILLE, TO ALLOW CERTAIN USE OF FIREWORKS ON DECEMBER 31 AND JANUARY 1.

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

Section 1. That Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B), of the Code of Fayetteville, is hereby repealed and the following shall be inserted in its stead:

**§94.04 Sale and use of fireworks.**

(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 §2002.2 of the Arkansas Fire Prevention Code (1991 Edition) may be permitted on any date between July 1 and July 6, inclusive, and on December 31 and January 1.

PASSED AND APPROVED this 19<sup>th</sup> day of October, 1999.



ATTEST: COUNTY CLERK

By: Heather Woodruff  
Heather Woodruff, City Clerk

APPROVED:

By: Fred Hanna  
Fred Hanna, Mayor



ORDINANCE NO. 4308

AN ORDINANCE ALLOWING THE UNIVERSITY OF ARKANSAS TO USE FIREWORKS FOR THE ANNUAL OCCASION OF THE CELEBRATION OF FIREWORKS NIGHT MARKING THE END OF THE RAZORBACK BASEBALL SEASON AT BAUM BASEBALL STADIUM

**WHEREAS**, the Fayetteville Code of Ordinances, §94.04, Sale and Use of Fireworks allows the use of fireworks within the City only on certain dates in July; and,

**WHEREAS**, the Athletic Department of the University of Arkansas wishes to annually celebrate the end of the Razorback Baseball Season at Baum Baseball Stadium with fireworks; and

**WHEREAS**, the City of Fayetteville wishes to join with the University of Arkansas in this annual celebration of "Fireworks Night" and allow fireworks in a safe and proper manner to commemorate that event.

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

Section 1. That the City Council hereby amends §94.04 (c) by adding following language after the last sentence in subsection (c):

"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."

Section 2. The City Council hereby determines that this Code of Fayetteville must be changed immediately to allow the University of Arkansas to safely celebrate "Fireworks Night" for the University of Arkansas Razorback



Baseball team during their last home game on May 4<sup>th</sup> or 5<sup>th</sup> of 2001. Therefore, an emergency is declared to exist and this ordinance being necessary for the public safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 17 day of April, 2001.



APPROVED:

BY: *Dan Coody*  
DAN COODY, Mayor

ATTEST:

By: *Heather Woodruff*  
Heather Woodruff, City Clerk

**ORDINANCE NO. 5096**

**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 31<sup>ST</sup>**

**WHEREAS**, First Night Fayetteville seeks permission to use fireworks around midnight of December 31<sup>st</sup> 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 27<sup>th</sup> day of December, 2007.

APPROVED:

ATTEST:

By:

  
DAN COODY, Mayor

By:

  
SONDRA E. SMITH, City Clerk/Treasurer



**ORDINANCE NO. 5320**

**AN ORDINANCE TO AMEND CHAPTER 94 FIRE PREVENTION OF THE FAYETTEVILLE CODE BY AMENDING §94.05 SALE AND USE OF FIREWORKS AND BY ENACTING A NEW §94.09 SALE OF FIREWORKS**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §94.05 by changing its title to **Use of Fireworks**, repealing subsection (A) in its entirety and relettering all the following subsections appropriately.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 94 **Fire Prevention** of the Fayetteville Code by enacting a new §94.09 **Sale of Fireworks** as follows:

**“§94.09 Sale of Fireworks**

“(A) No person shall sell or distribute any firecrackers, sky rockets, bottle rockets, sparklers, roman candles, or any other explosive used for amusement purposes, or any other device or composition used to obtain visible or audible pyrotechnic display, all commonly known as fireworks, except as specifically set out herein.

(B) Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined under federal law and regulations (27 C.F.R. § 555.11) may be sold between June 28<sup>th</sup> and July 5<sup>th</sup> of each year, subject to the provisions set out herein. Any person desiring to sell fireworks must obtain a permit. The fee for each permit shall be \$500.00 per location. One-half of the permit fee (\$250.00) shall be placed in a revenue account of the Fayetteville Fire Department to cover the cost of fire inspections of locations where fireworks are sold. Before a permit to sell fireworks is issued, the person applying for the permit must show proof that such location will be insured by a licensed insurance company for \$1,000,000.00 premises liability. A vendor must contact the Fayetteville Fire Department and arrange for an inspection to ensure compliance with this Code and any other applicable fire code requirements, prior to the sale of fireworks.

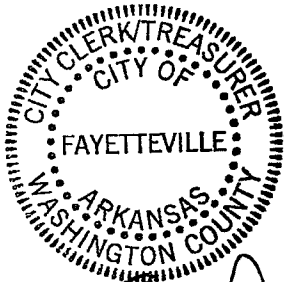


(C) No fireworks shall be sold or stored within a permanent structure. Furthermore, no fireworks stand shall be located at any place other than one in full compliance with all provisions of law.

(D) Fireworks stands shall not be located within 250 feet of a fuel dispensing facility and must be set back at least 50 feet from the nearest portion of the street or highway.

(E) Fireworks shall not be sold to a person less than sixteen (16) years of age.

**PASSED and APPROVED** this 18<sup>th</sup> day of May, 2010.



APPROVED:

ATTEST:

By: *Lionel Jordan*  
LIONEL JORDAN, Mayor

By: *Sondra E. Smith*  
SONDRA E. SMITH, City Clerk/Treasurer

**ORDINANCE NO. 5329**

**AN ORDINANCE TO AMEND §94.05 USE OF FIREWORKS OF THE CODE OF FAYETTEVILLE**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §94.05 Use of Fireworks by repealing sections (A) and (B) {previously (B) and (C) before the passage of Ordinance No. 5320} and by enacting replacement sections (A) and (B) as follows:

**“94.05 Use of Fireworks**

The use of any fireworks in Fayetteville is prohibited and constitutes a violation of law punishable for §94.99 except as provided below:

(A) *Consumer fireworks.* Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined by federal law and regulations may lawfully be discharged within Fayetteville only as prescribed below:

(1) Fireworks may only be discharged upon private property with the consent of the property owner and between the hours of 10:00 a.m. until 10:00 p.m. on July 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> and from 10:00 a.m. until 11:00 p.m. on July 4<sup>th</sup> and at no other time or date.

(2) If any person less than the age of 16 years is present, an adult (at least 21 years of age) must supervise the discharge of all fireworks.

(3) No skyrockets or aerial fireworks attached to a stick may be discharged.

(B) *Public display of fireworks.* Public displays of fireworks may be allowed upon the application and granting of a public fireworks display permit by the Mayor or his designee subject to the following conditions:

(1) An applicant must possess a valid state fireworks permit and comply with all applicable state and federal laws and regulations and requirements of NFPA 1123 to apply for a Fayetteville public fireworks display permit.

(2) Public fireworks display permits may be issued for the dates allowed pursuant to subsections (D), (E), and (F) below, and for the hours of 10:00 a.m. through 11:00 p.m. on July 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup>.

(3) Public fireworks display permits may be issued as a part of any special event permit issued by the City.

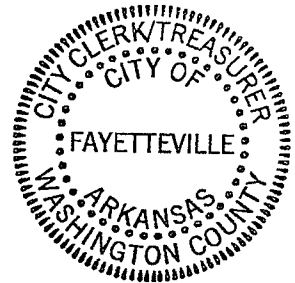
**PASSED and APPROVED** this 1<sup>st</sup> day of June, 2010.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer



**ORDINANCE NO. 5509**

AN ORDINANCE TO AMEND §94.05 USE OF FIREWORKS OF THE FAYETTEVILLE CODE TO ALLOW CONSUMER FIREWORKS TO BE DISCHARGED ON LABOR DAY IF A BURN BAN HAS PROHIBITED THE DISCHARGE OF ANY CONSUMER FIREWORKS DURING THE NORMAL JULY 1<sup>ST</sup>, 2<sup>ND</sup>, 3<sup>RD</sup>, AND 4<sup>TH</sup> PERIOD

**WHEREAS**, Washington County and the City of Fayetteville have had to issue Burn Ban Orders because the severe drought conditions have made discharging fireworks during July first through fourth, 2012 too dangerous; and

**WHEREAS**, Fayetteville citizens should be able to enjoy the fireworks they purchased on Labor Day if it is safe to discharge them.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends 94.05 (A) *Consumer fireworks* by enacting a new subsection (4) as shown below:

“(4) If the Mayor has issued a Burn Ban Order such that no citizen can legally discharge consumer fireworks during the entire July 1<sup>st</sup> through July 4<sup>th</sup> normally permitted period, then the citizens may discharge their consumer fireworks from 10:00 a.m. until 11:00 p.m. on Labor Day.

**PASSED and APPROVED** this 3<sup>rd</sup> day of July, 2012.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer

