

Sec. 34-5. - Sale and use of fireworks.

- (a) Except as hereinafter provided, no person shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, use or explode any fireworks within the city.
- (b) On the dates of July 3 through July 5 of each year, between the hours of 11:00 a.m. and 11:00 p.m., the use of fireworks shall be permitted, with the exception of any aerial fireworks device attached to a stick commonly referred to as a "bottle rocket," or any other similar device, regardless of its name.
- (c) With the exception of fireworks used or exploded by the city for purposes of a public display, no fireworks shall be used or discharged on any city owned property.
- (d) No fireworks shall be used or exploded on private property without the property owner's consent.
- (e) The mayor and/or the fire chief shall have the authority to permit the use of fireworks on dates other than July 3 through July 5 for special or extraordinary events sponsored by governmental, educational, religious, civic, benevolent or charitable organizations after all provisions of NFPA 1123 have been met and a special permit has been obtained from the office of the mayor. If any such permits are issued, the displays must be supervised by a competent operator, who has been approved by the fire chief, and shall be of such a nature and must be located, discharged or fired so as not to be hazardous to property or endanger any person. No such display shall be allowed except between the hours of 11:00 a.m. and 11:00 p.m.
- (f) The mayor or his designee shall be authorized to suspend the discharge of fireworks permitted under this section if in the opinion of the fire chief, the suspension of the discharge of fireworks is necessary to maintain public safety.
- (g) Persons possessing or using fireworks in violation of this section shall be punished by a fine and/or public service not to exceed ten days. In addition, a law enforcement or code enforcement officer is authorized to seize all fireworks from persons violating the terms of this section.
- (h) 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 and July 5 each year, subject to the provisions set out herein. Any person desiring to sell fireworks must obtain a permit. The fee for the permit shall be \$1,000.00 per location. The revenue for this permit shall be placed in a revenue account for the fire and police departments to defray the cost of inspections and enforcement. Before a permit to sell fireworks is issue, 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 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.
- (i) Fireworks shall only be sold or stored within a non-permanent structure (hereafter referred to as "stand").
- (j) Fireworks stands shall be located only in A-1 zones and shall fully comply with all local, state, and federal laws.
- (k) Fireworks stands shall not be located within 700 feet of fuel dispensing facility.
- (l) Fireworks stands shall not be located within 50 feet from any portion of a roadway.
- (m) Fireworks stands shall not be located with 350 feet of a habitable building.
- (n) Fireworks stands shall not be located with 1,000 feet of any institutional facility.
- (o) Vendor shall provide 24-hour security, which shall be located inside and/or within 15 feet of the structure. Security shall be attentive to the structure during from the time that fireworks arrive on site until fireworks are removed from the site. Non-presence of security shall revoke all permits associated with the sale of fireworks within the City of Rogers.
- (p) Fireworks shall not be sold to a person less than 16 years of age.

(Code 1997, § 78-12; Ord. No. 03-72, §§ 1—7, 8-26-2003; Ord. No. 08-57, § 1, 5-13-2008; Ord. No. 15-124, § 1(Exh. A), 8-25-2015; Ord. No. 17-11, § 1(Exh. A), 1-24-2017)

State Law reference— Fireworks, A.C.A. § 20-22-701 et seq.; criminal acts involving explosives, A.C.A. § 5-73-108.