

94.05 - Use Of Fireworks

- (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 1st, 2nd, and 3rd and from 10:00 a.m. until 11:00 p.m. on July 4th and at no other time or date.
 - (2) If any person less than the age of sixteen (16) years is present, an adult (at least twenty-one (21) years of age) must supervise the discharge of all fireworks.
 - (3) No skyrockets or aerial fireworks attached to a stick may be discharged.
 - (4) If the Mayor has issued a Burn Ban Order such that no citizen can legally discharge consumer fireworks during the entire July 1st through July 4th normally permitted period, then the citizens may discharge their consumer fireworks from 10:00 a.m. until 11:00 p.m. on Labor Day.
- (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 1st, 2nd, 3rd, and 4th.
 - (3) Public fireworks display permits may be issued as a part of any special event permit issued by the city.
- (C) 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.
- (D) 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 subsection (E).
- (E) 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.

- (F) It shall be lawful for Creative Economy Action Group, Inc. d/b/a Last 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.
- (G) It shall be lawful for the Botanical Garden Society of the Ozarks to conduct an annual public fireworks display if approved by the Mayor and Fire Chief and in accordance with (B) (1) and (3), (C) and (D).

The Botanical Garden Society of the Ozarks may also legally conduct a public fireworks display to celebrate its 10th Birthday Party on or about October 8, 2017 if approved by the Mayor and Fire Chief and in accordance with (B)(1) and (3) and (D).

(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; Ord. No. 5096, 12-27-07; Ord. No. 5320, 5-18-10; Ord. No. 5329, 6-1-10; Ord. No. 5463, 12-6-11; Ord. No. 5509, 7-3-12; Ord. No. 5860, §§2, 3, 3-15-16; Ord. No. 5997, §1, 10-3-17)