

ORDINANCE NO. 5266

**AN ORDINANCE AMENDING CHAPTER 46-56 OF THE
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,
ARKANSAS; TO DECLARE AN EMERGENCY AND FOR
OTHER PURPOSES.**

WHEREAS, Chapter 46-56 of the Code of Ordinances of the City of Springdale, Arkansas contains the regulations pertaining to fireworks;

WHEREAS, the City of Springdale is in need of revising "Section 46-56 – Fireworks" of the Code of Ordinances;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Chapter 46-56 of the Code of Ordinances of the City of Springdale, Arkansas.

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

Section 1: Section 46-56 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 46-56. - Fireworks.

- (a)(1) No person shall sell or distribute in the city 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, except as specifically set out herein.
- (a)(2) Fireworks which are not prohibited under law (Ark. Code Ann. § 20-22-701, et seq.) and which are considered consumer fireworks as defined under federal law (27 C.F.R. § 555.11) may be sold in the city between June 28th and July 5th of any year, subject to the provisions set out herein. Any person desiring to sell fireworks within the city must obtain a permit through the city clerk's office. The charge for each permit shall be \$500.00 per location. One-half of the permit fee (\$250.00) shall be placed in the revenue account of the city fire department to cover the cost of fire inspections of locations where fireworks are sold. Before a permit to sell fireworks is issued by the city clerk, 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 Springdale Fire Department and arrange for an inspection by the fire marshal to ensure compliance with city ordinance and fire code requirements prior to the sale of fireworks.
- (a)(3) No fireworks shall be sold or stored within a permanent structure of the city. Further, no fireworks stand shall be located anywhere within the city, except in a C-2, C-5, C-6, or A-1 zone provided the A-1 property has frontage on a federal or state highway. All locations where fireworks are sold must comply with all Arkansas and federal law, as well as the most recent fire code adopted by the city in section 46-51.
- (a)(4) No person selling fireworks within the city shall be allowed to sell any fireworks which travels on a stick, as these particular fireworks are prohibited to be discharged within the city.
- (a)(5) No fireworks stand shall be located within 250 feet of a fuel dispensing facility and all fireworks stands must have at least 50-foot setback from the street or highway.

- (a)(6) No person under the age of 16 shall be allowed to purchase fireworks within the city.
- (a)(7) All locations where fireworks are sold within the city shall post a sign, visible to the public, which states, "The discharge of bottle rockets or fireworks that travel on a stick are prohibited in the City of Springdale."
- (b)(1) No person shall discharge at any place, public or private, within the city boundaries, any aerial firework(s) which travels on a stick, except a permit may be obtained for a public display of fireworks, as more particularly set out in this section.
- (b)(2) The fire chief shall permit the use of fireworks for outdoor public display when all provisions of NFPA 1123 are met and after all necessary permits have been issued. If any such permit is issued, any such display shall be handled by a competent operator approved by the fire chief, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person. No such permit shall be authorized except for the following:
 - A. Between the hours of 8:00 a.m. and 11:00 p.m. on July 1st through July 4th of any year, or as specified on a permit issued by the State of Arkansas; or
 - B. At professional sporting events in a P-1 zone provided that the property adjacent to the P-1 zone is commercial or agricultural, between the hours of 6:00 p.m. and 11:00 p.m. on April 1st through September 30th of any year; or
 - C. During the four day performance of the Rodeo of the Ozarks held at the rodeo grounds at Old Missouri Road and Emma Avenue before the hours of 11:00 p.m. and as part of the Rodeo of the Ozarks celebration;
 - D. During the Bikes, Blues & BBQ event held at Arvest Ballpark and property adjacent to Arvest Ballpark before the hours of 11:00 p.m. and as part of the Bikes Blues & BBQ event.
 - E. Small test firing to determine the feasibility of the discharge site for future public display, provided no salute shells are discharged and provided that any such test firings shall be between the hours of 6:00 p.m. and 10:00 p.m., between April 1st and June 30th of any year.
- (c) No fireworks, including firecrackers, sparklers, or Roman candles may be discharged within the city except as set out as follows:
 - (c)(1) All legal fireworks, except aerial fireworks that travel on a stick, may be discharged on private property between the hours of 8:00 a.m. and 10:00 p.m. on July 1st through July 4th of any year, provided that the owner of the private property consents to such discharge of the fireworks; and
 - (c)(2) A person of at least 21 years of age shall supervise the discharge of any fireworks if any person participating in the activity is under the age of 16.

Section 2: All other provisions of Section 46-56 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

Section 3: Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 27th day of March, 2018.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney