

ORDINANCE NO. 2024-14

**AN ORDINANCE REGULATING THE RETAIL SELLING,
MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS
WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME,
ARKANSAS; AND REPEALING ORDINANCE NO. 2003-24
AND ORDINANCE NO. 2023-41**

WHEREAS, it has been determined that fireworks displays should be managed and operated by duly certified pyrotechnics technicians, for the safety of our city inhabitants and visitors to the city, and;

WHEREAS, it has been determined that all fireworks displays and fireworks retail sales require a duly authorized written permit issued by the City of Mountain Home; and

WHEREAS, it has been deemed appropriate that the City of Mountain Home's existing regulations on firework displays and sales of fireworks should be updated to better address the needs of the City;

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

SECTION 1. USE OF FIREWORKS

It shall be unlawful to shoot, explode, discharge, fire or set off ANY type of firework or other explosive within the city limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector, and approved by the Fire Chief.

SECTION 2. MANUFACTURE OR SALE OF FIREWORKS

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written sales permit issued by the Fire Chief or City Fire Inspector and approved by the Fire Chief.

SECTION 3. PERMIT FOR THE RETAIL SALE OF FIREWORKS

A permit for the retail sales of fireworks inside the city limits shall be obtained from the City of Mountain Home Fire Department Inspection Division and shall be signed by

the Fire Chief and Fire Inspector. The cost of the retail sales permit from the City of Mountain Home shall be One Hundred Dollars (\$100.00). The person purchasing the permit shall be a least twenty-one (21) years of age.

Prior to the City's retail sales permit being issued, the following must be provided to the Mountain Home Fire Department:

1. Copy of a corporate surety bond in the principal sum of One Hundred Thousand Dollars (\$100,000.00) (or a public liability insurance policy for the same amount) provided by a licensed insurance company;
2. If the property in question is not owned by the applicant, written consent from the property owner;
3. A copy of the Arkansas Retail Sales Permit issued by the State Fire Marshal's Office;
4. The \$100 fee owed to the City for the permit.

The permit issued by the Mountain Home Fire Department shall stand in place of the traditional business license normally required by the City for a retail business.

SECTION 4. PERMIT FOR THE DISPLAY OF FIREWORKS

A permit for a fireworks display to be held inside the city limits shall be obtained from the City of Mountain Home Fire Department Fire Inspection Division and shall be signed by the Fire Chief and Fire Inspector. There is no fee required for a permit for a fireworks display. The person applying for the permit shall be a least twenty-one (21) years of age.

Prior to the City's firework display permit being issued, the following must be provided to the Mountain Home Fire Department:

1. Copy of a corporate bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) provided by a licensed insurance company;
2. If the property in question is not owned by the applicant, written consent from the property owner;
3. A site plan, including include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area as well as the required separation distances of seventy-five (75) feet per the largest inch diameter of the firework shell;

4. Permit for the public display of fireworks issued by the State Fire Marshal's Office.

SECTION 5. TIME LIMITATIONS

All applications for firework display permits shall be made at least five (5) days prior to the requested date of discharging the fireworks.

Fireworks may be sold beginning on June 20th through July 10th and beginning on December 10th through January 5th of each year. Fireworks shall not be discharged within the corporate limits of Mountain Home, Arkansas without a permit.

SECTION 6. SAFETY REQUIREMENTS FOR RETAIL SALES

- 1) All fireworks shall have the fuses protected.
- 2) Smoking of lighted cigarettes, cigars or pipes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area.
- 3) **"FIREWORKS—NO SMOKING"** signs shall be provided and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4 inches in height, red in color with contrasting background.
- 4) Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one (1) sign that reads, **"NO FIREWORKS DISCHARGE WITHIN 300 FEET"** shall be provided at each entrance. The signs shall have letters 4 inches in height, red in color with contrasting background.
- 5) At least two (2) signs that read, **"NO FIREWORKS DISCHARGE INSIDE CITY LIMITS"** shall be provided at each retail location and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4 inches in height, red in color with contrasting background.
- 6) Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products.
- 7) All retail sales locations shall provide at least one fire extinguisher, minimum 10-pound, ABC-type fire extinguisher, or provide a water hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed seventy-five (75) feet.
- 8) ALL tent and temporary structures shall be Fire Department approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure.

- 9) All temporary and permanent structures for the retail sale of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no vehicle parking within 15 feet of where fireworks are offered for sale. For the purpose of this Ordinance, the minimum 15-foot distance shall be measured from the tent line or a permanent, exterior wall.

SECTION 7. SAFETY REQUIREMENTS FOR FIREWORK DISPLAYS

All displays of fireworks, including all requirements for safety, display site selection, fallout areas and operation of the display, shall be done in accordance with the current edition of the National Fire Protection Association 1123, Code of Fireworks Display.

SECTION 8. PROHIBITED SALES

It shall be unlawful to sell or to offer to sell fireworks to children under the age of twelve (12) years old. It shall be unlawful to knowingly sell fireworks to person(s) known to be intoxicated.

SECTION 9. UNLAWFUL USE

It shall be unlawful to discharge fireworks on or in city streets, highways, alleys and public property. It shall be unlawful to discharge fireworks within six hundred (600) feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within three hundred (300) feet of where fireworks are sold or stored. It shall be unlawful to throw fireworks at or from any motor vehicle. It shall be unlawful to throw fireworks at or near any person.

SECTION 10. PENALTY

Any person, firm or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than One Hundred and Twenty-Five Dollars (\$125.00), nor more than Three Hundred and Fifty Dollars (\$350.00) for every violation.

SECTION 11. ORDINANCES REPEALED


Ordinance No. 2003-24 and Ordinance No. 2023-41 are hereby repealed in their entirety. All other existing ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER, 2024.



HILLREY ADAMS, MAYOR

ATTEST:



SCOTT LILES, CITY CLERK