

ORDINANCE NO. 2002-15

**AN ORDINANCE AMENDING ORDINANCE
NO. 2002-04 REGARDING THE REGULATION
OF THE USE OF FIREWORKS WITHIN THE
CITY LIMITS OF CLINTON, ARKANSAS,
AND DECLARING AN EMERGENCY**

WHEREAS, The Clinton City Council, on March 14, 2002, passed Ordinance 2002-04 which regulated the sale, possession and use of fireworks within the city limits; and

WHEREAS, after two years of experience in dealing with Ordinance 2002-04 it has become apparent that minor changes need to be made in order to effect the intent of Ordinance 2002-04; and

WHEREAS, the changes need to be made prior to the next period of legal use of fireworks;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS AS FOLLOWS:

Section 1. Section 6(a) of Ordinance 2002-04 is hereby deleted in its entirety and a new Section 6(a) and 6(b) are hereby substituted that read as follows:

- (a) An applicant, in order to engage in the sale of fireworks as a manufacturer, importer, distributor, jobber or retailer, must submit a Fireworks Permit Application to the City Clerk, on a form provided by the Clerk, setting forth such facts and information as the Fire Chief may determine to be necessary and proper, considering the requirements of public health,

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safety and welfare together with such information required by the City Clerk pursuant to Section 6(b) of this Ordinance and other information necessary to identify all persons and entities operating fireworks locations of any type within the City of Clinton pursuant to this Ordinance. The applicant shall take the forms completed by the City Clerk to the Clinton Fire Chief for issuance of a permit. The license shall be valid for one (1) year from the date of issuance and may be reviewed each year. Upon submission of the application, and prior to the issuance of the permit, the applicant shall pay to the City Clerk a fee as follows:

Manufacturer	\$500.00
Importer	\$300.00
Distributor	\$250.00
Jobber	\$150.00
Retailer	\$100.00

(b) Any person wishing to obtain a retail permit must provide the City Clerk with a copy of their sales tax number together with a copy of their DFA sales tax form showing they are collecting sales taxes for both Van Buren County and the City of Clinton and shall collect all applicable sales taxes on sales made within the city limits of Clinton, Arkansas. Additionally, the applicant shall provide to the City Clerk proof that he or she is either the owner of the property on which the retail establishment is to be located or has the permission of the owner of the property to locate a retail fireworks sales operation on the property. Proof may be provided by either tendering a copy of the lease to the City Clerk or by providing a statement signed by the property owner authorizing the location of the fireworks operation on the property.

Section 2. Section 12 of Ordinance 2002-04 is hereby redesignated as Section 13 and a new Section 12 is hereby created and added that reads as follows:

Section 12. (a) The Fire Chief of the City of Clinton, Arkansas is hereby designated as the official in charge of the administration of the provisions of this Ordinance. The Fire Chief shall have the right to inspect any and all fireworks facilities located within the city limits, at any time, to assure himself or herself that the location is maintaining compliance with the provisions of this Ordinance or any Amendments thereto.

(b) The Fire Chief shall have the authority to Order the closing of any location found to be in violation of any provisions of this Ordinance that has refused to comply with the terms of this Ordinance after written or oral notice from the Fire Chief. Any closure ordered by the Fire Chief for a violation of Sections 7, 8, 9, 10, or 11 of this Ordinance shall be for such time as determined by the Fire chief to be necessary to remedy the violation(s) if possible. Any closure ordered by the Fire Chief for violation of Sections 5 or 6 of this Ordinance shall be for a period of time necessary for the applicant to comply with the provisions of Sections 5 and 6 but in no event less than 24 hours.

(b) The provisions of this Section are not intended to, and do not in any way, waive or lessen the possible penalties and fines provided in Sections 4 and 5 of this Ordinance but are cumulative thereto. Further, the provisions of Sections 4 and 5 are not dependent upon a closure order being issued by the Fire Chief.

Section 3. Emergency Clause: The efficient operation of the City of Clinton is essential to the public health, safety and welfare. It is important that the provisions of this ordinance go

into effect quickly as the next permissible dates for sale and use of fireworks is less than 30 days away. An emergency is therefore declared to exist and this ordinance shall be in full force and effect from and after the date of its adoption.

PASSED: May 12, 2005

APPROVED:

Chip Ellis
Chip Ellis, Mayor

ATTEST:

Merl Eoff
Merl Eoff CMC, City Clerk

APPROVED AS TO LEGAL FORM:

Brad A. Cazort, City Attorney