

ORDINANCE NO. 94-222

**AN ORDINANCE PRESCRIBING LICENSE
FEES AND BONDING REQUIREMENTS FOR
TRANSIENT CARNIVALS, FAIRS, AND
CIRCUSES OPERATING WITHIN THE
LIMITS OF THE CITY OF CLINTON
AND SETTING PENALTIES**

WHEREAS it is desirable that the City of Clinton take all reasonable steps to protect its residents and landowners from monetary losses, property damage, and personal injuries that result from the operation of transient carnivals, fairs and circuses that may from time to time operate with City limits;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON;

Section 1. It shall be unlawful for the owner of any transient carnival, fair or circus to transact business within the City of Clinton unless said owner shall have first secured a license and posted a bond prior to the operation of said business as set out hereafter.

Section 2. Any owner of said transient carnival, fair or circus shall make application for and obtain a license in the City prior to conducting business. Said application shall include the name and permanent address of the owner making said application and if the owner is a firm or corporation, the name and address of the members of the firm or officers of the corporation; if the owner is a corporation the application shall include the date of incorporation, the state of incorporation and, if said corporation is formed in a state other than Arkansas, the date on which the corporation qualified to transact business within the State of Arkansas; the length of time for which the applicant desires to transact business and the location of the proposed place of business; the name and permanent address of the owner's registered agent or office; and proof that the applicant has acquired all applicable county and state permits.

Section 3. The City Clerk shall design and cause to be printed appropriate forms for applications for licenses and for license certificates to be issued hereunder.

Section 4. Each application shall be accompanied by a license fee of \$ 25.00 and by a cash bond or surety bond issued by a corporate surety authorized to do business in this State in an amount of \$ 2,500.00.

Section 5. The bond shall be in the favor of the City of Clinton and shall assure the payment of any fines that may be assessed against the owner or its agents or employees for violation

of this Ordinance, for satisfaction of any judgments that may be rendered against the owner or its agents or employees in any cause of action commenced by any customer of the transient carnival, fair or circus or purchaser of its goods or wares or commenced by any landowner on which the carnival, fair or circus is located within one year of the date of the conclusion of business. Said bonds shall be maintained so long as the transient carnival, fair or circus conducts business within the City and for a period of one year after the termination of its business. Said bonds shall be released only upon satisfactory proof to the City Clerk that all claims have been paid.

Section 6. Any license described hereunder shall not be transferrable; they shall be valid only within the City limits; they shall be valid only for a period of ninety days; and they shall be valid only for the business stated on the application.

Section 7. Any owner found to be in violation of this Ordinance shall be guilty of a violation and assessed a fine not to exceed \$ 500.00. The penalty prescribed herein shall be in addition to any other penalties prescribed by law for any criminal offenses committed by the licensee.

Section 8. Exemptions. The provisions herein do not apply to any carnival, fair or circus that operates or does business on the property known as the Van Buren County Fairgrounds.

Section 9. It is hereby found and determined that licensure and regulation of transient carnivals, fairs and circuses is necessary to protect citizens of the City of Clinton and should be given immediate effect so that an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

PASSED this 9th day of June, 1994.

APPROVED:


MAYOR

ATTEST:


Clerk/Recorder