

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal and Misdemeanant Statutes and Penalties
- 7.08 Curfew and Juvenile Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims Against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Outside Fire Service
- 7.32 Liquor Traffic and Control
- 7.36 Sale or Shooting of Fireworks
- 7.40 Other Specified Prohibited Acts (Halloween)
- 7.44 Yard Sales
- 7.48 Fireworks
- 7.52. Theft of Services (Water)

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Recorder/Treasurer's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited

by the ordinances of this city.
STATE LAW REFERENCE - A.C.A. 14-55-502.

CHAPTER 7.08

CURFEW

Sections:

7.08.01	Civil emergencies
7.08.02	Congregating during state of emergency
7.08.03	Penalty
7.08.04	Juvenile curfew - definitions
7.08.05	Juvenile curfew - provisions
7.08.06	Juvenile curfew - exceptions
7.08.07	Juvenile curfew - parental responsibility
7.08.08	Juvenile curfew - enforcement and custody
7.08.09	Juvenile curfew - penalties
7.08.10	Juvenile curfew - dates of operation

7.08.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

7.08.04 Juvenile curfew – definitions

- A. Juvenile or Minor is any person under the age of eighteen (18) or, any person seventeen (17) years of age or less.

- B. Parent is any person having custody of a juvenile (i) as a natural or adoptive parent, (ii) a legal guardian, (iii) as a person who stands in loco parentis, (iv) as a person to whom legal custody has been given by order of a court of competent jurisdiction.
- C. Remain means to play, drive around, loiter, stay unnecessarily, visit, get together, stand or sit around, including but not limited to, the congregating of groups totaling three or more persons in which any juvenile involved would not be engaged in mere passage to or from home, school, employment, or an emergency. (Ord. No. 96-237, Sec. 1.)

7.08.05 Curfew for juveniles - provisions It shall be unlawful for any person under the age eighteen (18) years to remain on the sidewalks, streets, highways, alleys, parking lots, parks, yards, shopping centers, playgrounds, public buildings, and similar areas in the City of Clinton between the hours of 11:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 6:00 o'clock a.m. of the next succeeding day, and between the hours of 12:00 o'clock a.m. on Friday and Saturday nights and 6:00 o'clock a.m. of the next succeeding day. (Ord. No. 96-237, Sec. 2.)

7.08.06 Juvenile curfew - exceptions: In the following exceptional cases a juvenile remaining out during nocturnal hours as described in Section 2 herein for minors shall not be considered in violation of the Curfew Ordinance:

- A. When accompanied by a parent of such minor;
- B. When accompanied by an adult, at least 21 years of age and who is not the parent, but who is authorized by the parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area;
- C. When exercising First Amendment rights protected by the United States or Arkansas Constitutions, by first delivering to the person designated by the Clinton Chief of Police to receive such information at the City Hall, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police or his designee;
- D. In case of reasonable necessity for a juvenile to remain out past the curfew described herein, but only after delivery to the person designated by the Clinton Chief of Police to receive such information at the Police Department, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police;
- E. When returning home within one (1) hour after a school, church, city sponsored,

or voluntary association activity encouraging responsible conduct on the part of juveniles involved in such activities;

- F. When engaging in the duties of bona fide employment or traveling directly without delay or detour from home to the place of employment, or from the place of employment to home.
- G. When the juvenile is in a motor vehicle for the purpose of travel from, to, or through Clinton on a trip.(Ord. No. 96-237, Sec. 3.)

7.08.07 Juvenile curfew - parental responsibility: It shall be unlawful for any parent of a juvenile to allow or permit said juvenile to remain out during the periods of curfew as described in Section 2 herein, except for those limited purposes described in Section 3 herein. It shall be no defense that a parent was indifferent to the activities, conduct, or whereabouts of such juvenile. (Ord. No. 96-237, Sec. 4.)

7.08.08 Juvenile curfew - enforcement and custody:

- A. Each member of the Clinton Police force while on duty is authorized to detain any such juvenile willfully violating the provisions of Section 2 herein until the parent of the juvenile shall take him or her into custody. If the parent cannot be located or fails to take charge of the juvenile, the juvenile shall be released in accordance with Arkansas and federal law. The detaining officer shall immediately upon taking custody of the juvenile communicate with the juvenile's parent.
- B. If a police officer reasonably believes that a juvenile is in violation of this ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance, detain the juvenile, and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent. In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or, her best judgment in determining age. (Ord. No. 96-237, Sec. 5.)

7.08.09 Juvenile curfew - penalties:

- A. Any parent, guardian or other person having the legal care and custody of any juvenile, and/or any juvenile violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than (\$10.00) Ten Dollars nor more than (\$25.00) Twenty Five - Dollars for the first offense, or be imprisoned in the County jail for a term of not less than one (1) day nor more than thirty (30) days, or both so fined and imprisoned, and for any subsequent conviction such parent and/or juvenile shall be fined not less than (\$25.00) Twenty Five Dollars and not more than (\$150.00)One Hundred Fifty Dollars, or be imprisoned in the county jail for a term of not less than one (1) day nor more than thirty (30)days, or both so fined and imprisoned.

- B. Any juvenile who violates any provision of this Ordinance three (3) or more times shall be reported by the Chief of Police to appropriate juvenile authorities as a juvenile in need of supervision and refer the matter to the Van Buren County Deputy Prosecuting Attorney for further action. (Ord. No. 96-237, Sec. 6.)

7.08.10 Juvenile curfew - dates of operation: In order to allow implementation of administrative procedures and to afford reasonable time for notice and warning to the public, this Ordinance shall be enforced as follows:

- A. Prior to September 5, 1996, minors in violation hereof shall be advised of the provisions of this Ordinance, and shall be directed to return home or shall be escorted home; however, first offenses shall not be counted as violations and a warning shall be given to the juvenile and parent. However, all subsequent offenses shall count as violations.
- B. Subsequent to September 5, 1996, all provisions of this Ordinance shall be fully enforced as provided herein. (Ord. No. 96-237, Sec. 7.)

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

7.12.01 Illegal. It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city.

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
 - 1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
 - 2. lingers, remains, or prowls in or near a school building, not having any

reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or

3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
4. lingers or remains in a public place for the purpose of unlawfully gambling; or
5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:

1. takes flight upon the appearance of a law enforcement officer; or
2. refuses to identify himself; or
3. manifestly endeavors to conceal himself or any object.

C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

D. It shall be a defense to a prosecution under subsection A(1) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty. As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

7.16.01 Unlawful to carry, exchange

7.16.01 Unlawful to carry, exchange. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

7.20.01 Liability coverage

7.20.02 Settlement of claims

7.20.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.
STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims All persons having claims against the city may file them with the Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE - See A.C.A. 21-9-302

CHAPTER 7.24

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

- 7.24.01 Restriction on keeping
- 7.24.02 Volatiles never to be allowed to pass into drainage system
- 7.24.03 Penalty

7.24.01 Restriction on keeping. Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area

7.24.02 Volatiles never to be allowed to pass into drainage system. In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to dispatch
7.28.02	Restrictions
7.28.03	Cost of aid without mutual aid agreement
7.28.04	Mutual aid agreement
7.28.05	Payment of money collected

7.28.01 Authority to dispatch No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth

7.28.02 Restrictions. The Mayor or Fire Chief or such other person as they may designate, is authorized, in his discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement;
- B. Calls may be responded to only by such apparatus which, in the judgment of the Mayor or Fire Chief or such other person as they may designate, can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable;
- C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement;
- D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire. unless otherwise covered by insurance.

STATE LAW REFERENCE - See A.C.A. 14-53-102

7.28.03 Cost of aid without mutual aid agreement. Unless there exists a mutual aid agreement, every municipality, institution, corporation or individual requesting and receiving services of the Fire Department of the city, shall pay for such services and the use of apparatus as follows:

Pumper - \$50.00 within 2 miles of station: \$5.00 additional for each mile or fraction thereof.

Each person, city, firm or corporation receiving services of the Fire Department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Three Dollars (\$3.00) per hour or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Three Dollars (\$3.00) per hour or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the Recorder/Treasurer within fifteen (15) days after demand.

7.28.04 Mutual aid agreement. The Mayor and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire services, subject to the following conditions:

- A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.
- B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of his company and the time his services end, the person entering into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman.

7.28.05 Payment of money collected. Money collected under the terms of Sections 7.28.03 and 7.28.04 of this chapter shall be paid to the general fund of the city.

STATE LAW REFERENCE: A.C.A. 25-20-101 through 104; also 14-284-122.

CHAPTER 7.32

LIQUOR TRAFFIC AND CONTROL

Sections:

- 7.32.01 Sale, barter, gift or exchange prohibited
- 7.32.02 Illicitly distilled liquors - buying, selling, bargaining, loaning, possession or transporting prohibited
- 7.32.03 Amounts in excess of one gallon - provisions

7.32.01 Sale, barter, gift or exchange prohibited That any person or persons who shall sell, barter, give or exchange any intoxicating liquor in any form shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court or jury. (Ord. No. 37, Sec. 1.)

7.32.02 Illicitly distilled liquors - buying, selling, bargaining, loaning, possession or transporting prohibited It shall be unlawful for any person to buy, bargain, sell, loan, own, have in possession or knowingly transport illicitly distilled liquor or intoxicating liquors of any kind upon which the Arkansas Excise Tax has not been paid and it shall be unlawful for any person to buy, bargain, sell, loan, have in possession or knowingly transport an illicit distillery for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. Any person who shall violate this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court and jury. (Ord. No. 37, Sec. 2.)

7.32.03 Amounts in excess of one gallon - provisions It shall be unlawful for any person to ship or transport or cause to be shipped or transported or to accept or conveyance into or through the city of Clinton, any spirituous, vinous or malt liquors or beverages in any quantity or amounts in excess of one gallon in toto: At any time any person who shall violate any of this provision of this ordinance or of Acts 205 and 206 and or 423 of Acts of Arkansas, 1947 edition, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$1,000.00 or be confined in the County Jail not less than six months nor more than one year or both the fine and imprisonment. (Ord. No. 37, Sec. 3.)

STATE LAW REFERENCE- A.C.A. 3-3-311 through 315

CHAPTER 7.36

SALE OR SHOOTING OF FIREWORKS

Sections:

7.36.01	Authority
7.36.02	Definitions
7.36.03	Public displays excepted
7.36.04	Violation of ordinance - penalties
7.36.05	License required - penalty
7.36.06	License - application and issuance
7.36.07	Administration of this Chapter

7.36.01 Authority The sale and use of fireworks within the city limits of Clinton, Arkansas, is hereby authorized subject to the limitations and requirements set forth herein. (Ord. No. 02-04, Sec. 1.)

7.36.02 Definitions

Distributor means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or a retailer or both;

I.C.C. Class C common fireworks means all articles of fireworks as defined in A.C.A. 20-22-708 now or as it may be amended by the General Assembly;

Importer means any person who imports, brings in, or causes to be brought in any fireworks from outside the geographical limits of the state of Arkansas into this state;

Jobber means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail. The word "Wholesaler" shall have the same meaning as "jobber;"

Manufacturer means any person engaged in the making or construction of fireworks who ships or causes to be shipped or transports or causes to be transported, any items or fireworks into the state of Arkansas;

Permit means the written authority of the Clinton Fire Chief issued under the authority of this ordinance to a distributor, jobber, manufacturer, importer or retailer for a fee as described in this ordinance;

Person means any corporation, association, co-partnership or one (1) or more individuals;

Retailer means any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than a distributor or jobber;

Sale means barter, exchange, gift or offer therefore, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

Special fireworks means all articles of fireworks that are classified as Class B explosives in the regulations of the Interstate commerce commission and shall include all articles other than those classified as Class C but shall not include such dangerous items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs, torpedoes and fireworks containing more than fifty (50) milligrams of explosive powder. (Ord. No. 02-04, Sec. 2.)

7.36.03 Public displays excepted

- A. Nothing in this subchapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the Clinton Fire Chief. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as Class B special fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.
- B.
 - 1. Public displays shall be performed only under the competent supervision and after the persons or organizations making the displays shall have applied for and received a permit for the displays issued by the Clinton Fire Chief.
 - 2. Applications for permits for public displays shall be made in writing at least two (2) days in advance of the proposed display and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to life, limb or property.
- C.
 - 1. Permits issued shall be limited to the time specified therein and shall not transferable.

- 2. Only licensed distributors who are licensed importers or who purchase from licensed importers may possess special fireworks for resale to holders of a permit for a public fireworks display. (Ord. No. 02-04, Sec. 3.)

7.36.04 Violation of ordinance - penalties Any person violating any of the provisions of this ordinance except those in Section 5, shall be guilty of a violation and upon conviction shall be punished by a fine of \$200.00 for the first offense, \$300.00 for the second offense and \$500.00 for each subsequent offense within a twelve (12) month period. (Ord. No. 02-04, Sec. 4.)

7.36.05 License required - penalty

- A. No person shall do any act for which a permit is required by this ordinance unless he holds the proper state and city licenses and permits.
- B. Whoever violates subsection (A) of this section shall be guilty of a violation and upon conviction shall be punished by a fine of \$500.00 for each occurrence or if the violations are continuous in nature so that it is an ongoing offense, the fine shall be \$250.00 per day for each day or part of a day the violation occurs. (Ord. No. 02-04, Sec. 4.)

7.36.06 License - application and issuance

- A. An applicant, in order to engage in the sale of fireworks as a manufacturer, importer, distributor, jobber or retailer, must submit 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, 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 (Ord. No. 2005-15, Sec. 1.)
- 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.

- C. All funds collected under this ordinance, including fees and penalties, shall be deposited in the City Treasury to be used for the enforcement of this ordinance by the police department or for any equipment or costs expended by the fire department in the extinguishment of firework related fires.
- D. the City clerk shall assign a license number to each license issued. This number shall be affixed by the person to whom such license is issued to all invoices issued or used by each manufacturer, importer, distributor or jobber.
- E.
 - 1. No permit or license provided for in this subchapter shall be transferable, nor shall a person be permitted to operate under a permit or license issued to any other person.
 - 2. No permit or license shall be issued to a person under the age of twenty-one (21) years.
 - 3.
 - a. Each retailer and holder of a license under the provisions of this subchapter shall keep an accurate record of each shipment received.
 - b. Each distributor, importer, jobber or wholesaler shall keep a record of each shipment received and each sale, delivery or outshipment of fireworks.
 - c. The records shall be clear, legible and accurate, showing the name and address of the seller or purchaser, item and quantity received or sold.
 - d. The records are to be kept at each place of business and shall be subject to examination by the director or his agents who shall have the authority at any time to require any manufacturer, importer, distributor, wholesaler, jobber or retailer to produce records for the current year and the immediately preceding full license year.
 - e. The City Clerk may refuse to renew a permit if the applicant has been cited for three (3) or more violations of this ordinance in a twelve (12) month period. (Ord. No. 02-04, Sec. 6.)

7.36.07 Permissible fireworks

- A. The permissible fireworks consist of those defined in Interstate Commerce Commission regulations described as Class C fireworks only and shall include the following:
1. Roman Candles, with no handle or spike affixed thereto, not exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed three-eighths inch (3/8);
 2. Sky rockets, with sticks, total pyrotechnic composition not the exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed one-half (1/2). The rocket sticks must be securely fastened to the tubes;
 3. Helicopter-type rockets, total pyrotechnic composition not to exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed one-half inch (1/2).
 4. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams (75g.) each in weight. The inside tube diameter shall not exceed three-fourths inch (3/4).
 5. Cone fountains, total pyrotechnic composition not to exceed fifty grams (50g.) each in weight;
 6. Wheels, total pyrotechnic composition not to exceed sixty grams (60g.) for each driver unit or two hundred forty grams (240g.) for each complete wheel. The inside tube diameter of driver units shall not exceed one-half inch (1/2).
 7. Illuminating torches and colored fire in any form, except items included in subsection (a)(12) of this section, total pyrotechnic composition not to exceed one hundred grams (100g.) each in weight;
 8. Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred grams (100g.) each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not to exceed five grams (5g.);
 9. Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams (40g.) each in weight;

10. Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches (1 ½) in length or one-quarter inch (1/4) in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two grams (2g.) each in weight;
 11. Novelties consisting of two (2) or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the Federal Bureau of Explosives;
 12. Railway fuses, truck flares, hand ship distress signals, smoke signals and smoke pots.
- B. No component of any device listed in this section which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two grams (2g.) each in weight excluding propelling or expelling charges. (Ord. No. 02-04, Sec. 7.)

7.36.08 Location, display, sale, etc.

- A. The placing, storing, locating and displaying of fireworks in any window where the sun may shine through glass on to the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes within ten feet (10') of where the fireworks are offered for sale is declared unlawful and prohibited.
- B. At all places where fireworks are stored or sold, there must be posted signs with the words "FIRE-NO SMOKING" in letters not less than four inches (4) high.
- C. No fireworks are to be sold at retail at any location where paints, oils varnishes shall be kept for use or sale, unless the paints, oils and varnishes are kept in the original unbroken containers, nor where resin, turpentine, gasoline or other inflammable substance which may generate inflammable vapors is used, stored or sold.
- D. All firework devices that are readily accessible to handling by consumer or purchaser must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety type thread wrapped and coated fuses shall be exempt from this section.
- E. All licenses under this subchapter must have a fire extinguisher of a type approved by the Clinton Fire Chief in an area readily accessible to any point of storage or sale of fireworks. In lieu of such extinguisher, retailers may maintain a

common type of water hose, charged and connected to a water system, which is readily available to any area where fireworks are stored or sold.

- F. All retail fireworks stands shall only be permitted in areas which are zoned as commercial. (Ord. No. 02-04, Sec. 8.)

7.36.09 Times of permissible sales

- A. Permissible items of fireworks may be sold a retail and used within the city of Clinton from June 20 through July 10 and December 10 through January 5 of each year only.
- B. As used in this section, fireworks shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (.025) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (.025) grains of explosive compounds, cone, bottle, tube or other type serpentine pop-off novelties, non-poisonous toy snake, smoke sticks without report and sparklers, the sale and use of which shall be permitted at all times. (Ord. No. 02-04, Sec. 9.)

7.36.10 Sales to certain people prohibited It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years or to any person known to be intoxicated or irresponsible. (Ord. No. 02-04, Sec. 10.)

7.36.11 Place of explosion or ignition

- A. It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school or within two hundred feet (200') of where fireworks are stored, sold or offered for sale.
- B. No person shall ignite or discharge any permissible articles of fireworks within, or throw the fireworks from, a motor vehicle while therein, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.

7.36.12 Administration of this Chapter 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.

- A. 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. (Ord. No. 2005-15, Sec. 2.)

CHAPTER 7.40

OTHER SPECIFIED PROHIBITED ACTS (HALLOWEEN)

Sections:

- | | |
|---------|---|
| 7.40.01 | Unlawful acts named |
| 7.40.02 | Upon being stopped or detained, presumption of intent |
| 7.40.03 | Penalty |

7.40.01 Unlawful acts named In addition to other state and city penal laws and ordinances pertaining to criminal activity, disorderly conduct or damage to property, it shall be unlawful to throw or place any eggs, manure, water balloons, soap, or any other substance, trash, rubbish, or any nuisance, nauseous or offensive matter on any private or public property, regardless of damaged caused by said activity. (Ord. No. 92-202, Sec.1.)

7.40.02 Upon being stopped or detained, presumption of intent Should any person be stopped and detained upon reasonable suspicion of committing any criminal offense after 5:00 p.m. on Halloween night and have in his or her possession such items as raw eggs, manure, water balloons, or soap it shall be presumed that such person is about to engage in activity that constitutes an attempt to violate the provisions of 7.40.01 herein. In such cases, said items hereinabove listed shall be seized by the detaining officer and confiscated. (Ord. No. 92-202, Sec. 2.)

7.40.03 Penalty Any person violating the provisions of Section 1 of this Ordinance shall be guilty of a misdemeanor and subject to payment of a fine of not less than \$25.00 nor more than \$250.00 for each violation. Any person attempting to violate the provisions of Section 2 of this Ordinance shall be guilty of a misdemeanor and subject to the payment of a fine of \$10.00. (Ord. No. 92-202, Sec. 3.)

CHAPTER 7.44

YARD SALES

Sections:

- | | |
|---------|----------------|
| 7.44.01 | Length of sale |
| 7.44.02 | Fine |

7.44.01 Length of sale Any person may place numerous used or new household items, clothes, tools or other consumer items on the driveways, yards or porches of any residences located in a zoning district classified as R-1, 2 and 3 within the city of Clinton for the purpose of selling them to the public at large at what are commonly referred to as yard sales and garage sales; provided that any sales event should not exceed three days in duration and said sales events shall not exceed four each year. (Ord. No. 97-251, Sec. 1.)

7.44.02 Fine Should any such sales events or yard sales occur at any residence located in a R-1, 2 or 3 residential district in the Clinton city limits on more than four occasions each year, the persons occupying said residence and who authorized or participated in said sales events or yard sales or garage sales shall have committed a violation of this ordinance and upon conviction in the Clinton Municipal Court shall pay a fine of not less than \$25.00 nor more than \$100.00 for each violation. Each day that the violation occurs may be considered a separate offense. (Ord. No. 97-251, Sec. 2.)

CHAPTER 7.48

FIREWORKS

Sections:

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|---------|----------------------|
| 7.48.01 | Firework regulations |
|---------|----------------------|

7.48.01 Firework regulations Fireworks may be used only on the days of the Fourth of July and New Year's Day and the three days before and three days after the Fourth of July and New Year's Day. Any other uses shall be illegal and the fire department head as well as any police officer is hereby authorized to issue tickets to such non-compliant users. The penalty for non-compliant use shall be \$25.00 for the first offense of the calendar year by that user, \$50.00 for the second such offense and \$100.00 for each thereafter. (Ord. No. 2014-09, Sec. 2.)

CHAPTER 7.52

THEFT OF SERVICES (WATER)

Sections:

7.52.01 Firework regulations

7.52.01 Theft of Services It shall be unlawful and a violation of this Ordinance for any person, company, corporation, partnership, limited liability company or any other business entity of any kind, any government or agency or subdivision thereof or any person acting for any government or agency or subdivision thereof, or any person acting as an agent or representative or contractor of any of the forgoing to take any water from the Clinton Water System without having first received authorization therefore from the City of Clinton and having made arrangements for payment of the price of the water to be taken. (Ord. No. 2007-14, Sec. 1.)

7.52.02 Application to all water This Ordinance shall apply to all water in the Clinton Water System whether it is taken from a hydrant, line, tower, pool, holding facility, treatment facility or any other place where the City of Clinton's water is treated, held, stored, piped, conveyed or released. (Ord. No. 2007-14, Sec. 2.)

7.52.03 Criminal violation A violation of this Ordinance shall be deemed a Theft of Services as defined by Ark. Code Ann. §5-36-104 and the provisions of said statute are incorporated herein. (Ord. No. 2007-14, Sec. 3.)

7.52.04 Penalty Any person or entity found guilty of having violated this Ordinance shall be fined not less than One Thousand Dollars (\$1000.00) and not more than Five Thousand Dollars (\$5000.00) per occurrence. For purposes of this Ordinance each separate removal of water in violation hereof shall be deemed an occurrence regardless of the amount of water taken each time. (Ord. No. 2007-14, Sec. 4.)

7.52.05 Civil remedies Nothing in this Ordinance shall prevent, or be construed as preventing, the City of Clinton from pursuing all available civil legal remedies to recover the value of the water taken from the system without permission or payment. (Ord. No. 2007-14, Sec. 5.)