

CITY OF SPRINGDALE
Committee Agendas
Monday, July 18th, 2022
Tiered Training Room (2nd Floor)
201 Spring Street- Criminal Justice Building
Meetings begin at 5:30 P.M.

Finance Committee by Chairman Jeff Watson

1. **A Discussion** on the purchasing of vehicles for Public Works. Presented by Colby Fulfer, Chief of Staff.

Committee of the Whole

2. **A Discussion** on fireworks in city limits. Presented by Councilwoman Amelia Williams. Pgs. 1-2
3. **A Discussion** on graffiti. Presented by Councilwoman Amelia Williams. Pgs. 3-5
4. **A Discussion** on building permits. Presented by Councilman Mike Overton.
5. **A Discussion** on Bond Street Projects. Presented by Ryan Carr, Engineering.

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;
- 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; or
- D. During the Bikes, Blues and 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 and 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.

(Code 1973, § 11-6; Ord. No. 2464, §§ 1—3, 3-12-96; Ord. No. 3210, 5-14-02; Ord. No. 3339, § 1, 6-10-03; Ord. No. 3689, 5-24-05; Ord. No. 4131, 11-13-07; Ord. No. 4317, § 1, 5-12-09; Ord. No. 4369, § 1, 9-17-09; Ord. No. 4572, 3-13-12; Ord. No. 4791, § 1, 5-13-14; Ord. No. 4956, § 1, 9-8-15; Ord. No. 5266, § 1, 3-27-18>)

State Law reference— Fireworks generally, A.C.A. § 20-22-701 et seq.; cities may prohibit, A.C.A. § 22-22-704.

Sec. 42-91. - Defined.

- (a) Graffiti means and includes any unauthorized inscription, word, figure or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building structure or other facility, regardless of the nature of the material of that structural component.
- (b) Spray paint is any paint or pigmented substance in an aerosol or similar spray containing or intended for use in an aerosol or similar spray container.

(Ord. No. 2371, § 1, 3-14-95; Ord. No. 4435, 7-13-10)

Sec. 42-92. - Declaration as unsightly and a nuisance.

The existence of graffiti on buildings, structures, such as fences or walls, or utility poles or boxes, located upon public or privately owned property viewable from a public or quasi-public place within the city is detrimental to property values, degrades the community, causes an increase in crime, is inconsistent with the city's property maintenance and aesthetic standards, and is declared to be a nuisance.

(Ord. No. 2371, § 2, 3-14-95; Ord. No. 4435, 7-13-10; Ord. No. 4625, 9-25-12)

Sec. 42-93. - Right of city to remove.

- (a) Whenever the city becomes aware, or is notified and determines that graffiti is so located on the exterior of a building, structure, such as fences or walls, or utility boxes or poles, on public or privately owned property viewable from a public or quasi-public place within the city, the city shall be authorized to use public funds for the removal of graffiti from the entire exterior of the building affected, or for the painting of graffiti from the entire exterior of the building affected, but shall not authorize or undertake to provide for the painting of any more extensive area than where the graffiti is located, unless the director of public works, or his designee, determines that a more extensive area is required to be repainted in order to avoid an aesthetic disfigurement to the neighborhood or community.
- (b) All incidents of graffiti shall be reported to the police department, who will investigate the crime and will notify the owner of the property or the property owner's agent and/or any leasehold tenant or utility company, concerning the city's graffiti removal program. The police department shall also provide information on how to make contact with the department of public works, for the removal of the graffiti. The police department shall also notify the department of public works of the exact location of the graffiti and the name of the person to be contacted. In the event the owner of the property or the property owner's agent and/or leasehold tenant or utility company,

can not be reached, after a period of 24 hours of receiving the complaint, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.

- (c) Upon notification by the police department concerning the necessity to remove the graffiti, the department of public works shall make contact with the owner of the property or the property owner's agent, and/or any leasehold tenant and request that they sign a graffiti abatement identification and permission form, allowing the department of public works to enter on the property and remove the graffiti. The document will release the city, its officers, agents and employees of and from any and all liability, claims, demands, causes of action, or obligations of whatsoever arising out of or in any way related to entry upon the property and for the removal of the graffiti. In the event the owner of the property or the property owner's agent and/or leasehold tenant or utility company can not be reached, after a period of 24 hours of receiving the complaint and after attempted contact has been made, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.
- (d) In the event the owner of the property or the property owner's agent, and/or any leasehold tenant refuses to sign the document which authorizes the city to remove the graffiti, the city, through the code enforcement division, shall give or cause to be given notice to the owner of the property or the property owner's agent, and/or any leasehold tenant, to take corrective action and remove the graffiti from the property within 24 hours from the date the notice is served.
- (e) In the event that graffiti is discovered and reported on private property such as, buildings, structures, such as fences or walls, utility poles or boxes, and after thorough documentation by the police department or public works, where it is not reasonable to find the property owner or the property owner's agent and/or leasehold tenant or utility company, or in cases where immediate removal of graffiti is deemed necessary (due to profanity, location, etc.), and since removal of graffiti in a timely manner is necessary, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.

(Ord. No. 2371, § 3, 3-14-95; Ord. No. 4435, 7-13-10; Ord. No. 4445, § 1, 8-24-10; Ord. No. 4625, 9-25-12; Ord. No. 4772, § 1, 3-11-14; Ord. No. 5234, § 1, 12-12-17)

Sec. 42-94. - City's right to take corrective action.

If the owner of the property or the property owner's agent and/or leasehold tenant or utility company refuses to give the city authorization to remove the graffiti and the graffiti is not removed within 24 hours, then the city shall have the right to enter upon private property to the extent necessary to take corrective action to abate the nuisance.

(Ord. No. 2371, § 4, 3-14-95; Ord. No. 4435, 7-13-10; Ord. No. 4625, 9-25-12)

Sec. 42-95. - Possession of spray paint and markers.

Possession of spray paint and markers with intent to make graffiti is prohibited. No person shall carry an aerosol spray paint can or broad tipped indelible marker with the intent to make graffiti.

(Ord. No. 2371, § 5, 3-14-95; Ord. No. 4435, 7-13-10)

Sec. 42-96. - Unlawful acts.

- (a) It shall be unlawful for any person to sell or offer for sale to any person under 18 years of age any spray paint or hobby kit or any similar kind of kit containing spray paint.
- (b) No person may sell or offer to sale spray paint to any other person unless the buyer presents evidence of his or her identity and age.

(Ord. No. 4435, 7-13-10)