

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2012-06**

**AN ORDINANCE REGULATING THE USE OF FIREWORKS AND
ESTABLISHING PERMIT FEES**

WHEREAS, the 2011 Kentucky General Assembly enacted House Bill 333 expanding the type of fireworks permitted to be sold and used within the Commonwealth; and

WHEREAS, House Bill 333 specifically authorized local governments to enact ordinances regulating the sale and use of fireworks; and

WHEREAS, the Russellville City Council hereby finds and determines that it is in the best interests of the City to establish reasonable regulations involving the sale and use of fireworks in the City, including the issuance of local permits and the imposition of reasonable permit fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF RUSSELLVILLE, KENTUCKY AS FOLLOWS:**

SECTION A: DEFINITIONS.

- 1) "Ancillary Fireworks Retailer" shall mean any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with the intent to sell fireworks defined in KRS 227.702(1), with such sales being ancillary to its primary business, with ancillary being defined as ten percent (10%) or less of the gross sales of the business entity.
- 2) "Consumer Fireworks" shall have the same definition as set out in KRS Chapter 227.702.
- 3) "Display Fireworks" shall have the same definition as set out in KRS Chapter 227.706.
- 4) "Fireworks" shall have the same definition as set out in KRS Chapter 227.700, including the applicable exceptions set forth in that statute.
- 5) "Permanent Fireworks Retailer" shall mean any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale or keeps with the intent to sell any Consumer Fireworks as its primary course of business.
- 6) "Seasonal Fireworks Retailers" shall have the same definition as set out in KRS Chapter 227.715.

SECTION B: USE OF FIREWORKS.

- 1) Persons may use, ignite, fire or explode those fireworks authorized by KRS Chapter 227 and this Ordinance in the City only during the following dates and times:
 - a) July 1 through July 5, between the hours of 10:00 a.m. and 11:00 p.m. each day;
 - b) December 24 and 25, between the hours of 10:00 a.m. and 10:00 p.m. each day;
 - c) From 10:00 a.m. on December 31 until 12:30 a.m. on January 1; and
 - d) January 1 between the hours of 10:00 a.m. and 10:00 p.m.
- 2) Fireworks, including consumer fireworks, shall not be ignited or discharged from a motor vehicle and shall not be ignited or discharged on property of another without the consent of the owner or occupant or on public property.

SECTION C: PERMIT FEES.

Due to the need to closely inspect and monitor the sale of fireworks, the City of Russellville hereby imposes fees to cover the cost of the inspection of facilities and inspections of the sale of fireworks. The fees for permits required by this Ordinance are as follows:

- 1) The fee for the review, issuance and inspections for an ancillary fireworks retail permit shall be two hundred and fifty (\$250.00) dollars annually. This permit fee shall be in addition to all other occupational license fees payable by the permittee.
- 2) The fee for the review, issuance and inspections for a seasonable fireworks retail permit shall be one hundred and fifty (\$150.00) dollars annually. This permit fee shall be in addition to all other occupational license fees payable by the permittee.
- 3) The fee for the review, issuance and inspections for a permanent fireworks retail permit shall be five hundred (\$500.00) dollars annually. This permit fee shall be in addition to all other occupational license fees payable by the permittee.
- 4) All permits and applications required by this Ordinance shall be issued by the Fire Chief, or his designee, and shall meet compliance standards with all state and local fire code regulations. Upon approval from the Fire Chief, or his designee, and prior to the issuance of any permit, the approved application and all required permit fees shall be tendered to the Russellville City Clerk's Office.
- 5) Any person or business entity planning to set up a tent for the use of fireworks sales, shall first obtain a permit through the Building Code Department. A drawing or site plan showing the size and location of the tent shall accompany the permit application. Proof of all other documentation shall be required at the time of application. Each tent location shall have a power pole which shall meet the National Electrical Code and shall be inspected by the City Electrical Inspector. Each permit for a fireworks sales tent shall be valid no sooner than June 1 and expire no later than July 11 . There shall be a permit fee of \$75.00 for a tent 1,600 sq. ft. in size and up to \$150.00 for a tent size of 3,200 sq. ft., which is the maximum size allowed by this ordinance.

SECTION D: PENALTY, REVOCATION OR SUSPENSION OF PERMIT.

- 1) Any person convicted of violating Section B shall be deemed guilty of a violation and subject to a fine not less than twenty-five dollars (\$25.00) and not to exceed one thousand dollars (\$1000.00).
- 2) The Fire Chief may revoke or suspend the permit of any person or business entity that violates the provisions of this Subchapter, including but not limited to, the failure of the permittee to comply with this Subchapter and other laws and regulations involving the sale, display or storage of fireworks, the failure of the permittee to pay the appropriate permit fees and other taxes and fees payable to the City, and the submission by the permittee of an application that contains material false or untrue statements.

SECTION E: SEVERABILITY CLAUSE.

In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

SECTION F: REPEALER CLAUSE.

All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.


SECTION G: EFFECTIVE DATE.

This Ordinance shall be effective upon its passage and publication according to law.

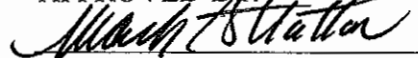
FIRST READING conducted on the 17th day of July 2012.

SECOND READING conducted and PASSAGE on the 7th day of August 2012.

ATTEST:


Bob Riggs, City Clerk

APPROVED BY:


Mark Stratton, Mayor

At a meeting of the City Council of the City of Russellville, Kentucky, held on August 7, 2012, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES: **Jimmy Davenport**

**Sandra Kinser
Jack Whipple
Bill Decker
Darlene Gooch**

NAYS:

ABSENT: Pat Bell

ABSTAINING: