City of Bryant, Arkansas
Community Development
210 SW 3rd Street Bryant, AR 72022
501-943-0943

Temporary Business Application For the Sale of Fireworks

- *Applications are due by 5:00PM Wednesday the week prior to the Scheduled Development and Review Committee Meeting.*
- *Application Deadlines and dates can be found at www.cityofbryant.com under the Community Development tab.*

Date: 4-2023

Business Information:

Name Meramec Specialty Co. d.b.a. Fireworkscity

Federal Tax Employer ID Number 43-0762804

Arkansas State Sales Tax Number 035048-18-001

Location of Proposed Temporary Business 6905 Hwy 5N., Bryant, AR. 72022

Business Owner:

Name Mark Loyd / Kevin Bailey

Address P.O. Box 1150
West Memphis, AR. 72303

Phone 870. 735. 1753

Email Kbaileyar@aol.com
kristi.loyd@aol.com

Contact Person:

Name Kevin Bailey

Address 5505 Chesterfield Cove
Bartlett, TN. 38134

Phone (901) 409. 1884

Email Kbaileyar@aol.com

Checklist for Submission

- ☑ Completed Application and Checklist
- ☑ Twenty-Five Dollar ($25.00) Application fee
- ☑ Provide proof of 1,000,000 Liability Insurance or Surety Bond worth the same amount. (Further information on the details of liability insurance can be found in Section 2-4 of the Temporary Business Section of the Bryant Business Ordinance.)

(*Continued on Page 2*)

☑ Eight (8) copies of a **Site Plan**:

- Site Plan shall be to scale, all structures shall be identified. Clear identification of any open display areas
- Fireworks tent / canopy shall have a minimum 50ft. setback from all other structures
- Show parking spaces dedicated by the owner of the property for use by the temporary business.

☑ Exits shall be provided every 100 ft. with a minimum of 2 remotely located exits Minimum exit width shall be 72 in. All exits shall be identified with proper signage

☑ No smoking permitted within 50 ft. of firework tent / canopy. "NO SMOKING" signs shall be posted at all entrance / exits

☑ 2 ABC fire extinguishers, with a 2A rating or greater, shall be provided. The maximum travel distance to an extinguisher shall not exceed 75 ft. Additional extinguishers may be required. Extinguishers shall be clearly visible, marked with appropriate signage, and mounted height of not less than 36 in. from the ground

☑ Generators or other combustion power sources, including fuel, shall be separated from tents / canopies by a minimum of 25 ft.

☑ Applicant shall contact the Bryant Fire Dept. Fire Marshal's office and schedule an inspection once the business is ready for operation. The inspection shall be conducted prior to any sales to the public are allowed. Contact: 501-943-0964

READ CAREFULLY BEFORE SIGNING

I KEVIN A. BAILEY *, do hereby certify that all information contained within this application is true and correct. I further certify that I agree too and will abide by all Temporary Business rules and regulations as outlined in the Bryant Business Ordinance. I also understand that I shall comply with all additional applicable ordinances of the City as well as the requirements of all state and federal laws. Furthermore, I understand violation of Temporary Business Ordinance 2007-43 is a misdemeanor punishable by a fine of up to $500.00 per occurrence of violation. Each day's occurrence is a separate violation.*

Owners Signature Kevin A Bailey

Ordinance No. 2006-38

AN ORDINANCE TO LIMIT THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF BRYANT, AND FOR OTHER PURPOSES.

WHEREAS, it is the desire of the City of Bryant to maintain the safety and peace of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bryant, Arkansas, that:

Section 1: The term "fireworks" means and includes any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion deflagration, or detonation and includes, but is not limited to, sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel then, firecrackers, torpedoes, sparklers, or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. This definition includes items which contain even small amounts of silver fulminate, potassium nitrate, ammonium perchlorate, or other chemical or pyrotechnical composition intended to produce a pyrotechnic event or effect, even if not classified as a "hazardous material" under federal regulation.

Section 2: **Regulations**

A. No individual, firm, partnership, corporation, or association shall possess for sale, sell, or offer for sale at retail, or discharge within the city limits, any fireworks, as defined herein, except as specifically provided in this chapter.

B. No parent, guardian, or custodian of any child under the age of majority shall knowingly permit or consent to the possession or discharge of fireworks by any child under the age of majority without proper supervision. Possession or discharge by any child under the age of majority within the city limits shall be *prima facie* evidence of the knowing permission or consent of such parent, guardian, or custodian.

C. No fireworks may be discharged within the boundaries of or within three hundred (300) feet of any public park owned or maintained by the City without a public display permit except as otherwise provided in this chapter. No fireworks may be discharged upon any public street, alley, road, or right-of-way, except as otherwise provided in this chapter. No fireworks may be discharged within 1000 feet of any

hospital, nursing, or assisted living facility. No fireworks may be discharged under or upon a motor vehicle, whether moving or not, or within 300 feet of any gas station; gas, oil, or propane storage facility; or other area which is highly flammable by nature.

D. Subject to the limitations contained in this chapter, fireworks, as listed below, may be discharged within the city limits only on private property of the owner, or with the owner's permission when such discharge is in a safe and sane manner, and limited to the 4th of July holiday only:

1. Between 12:00 p.m. and 10:00 p.m. July 3rd;
2. Between 12:00 p.m. and 10:00 p.m. July 4th; and
3. Between 12:00 p.m. and 10:00 p.m. July 5th;

And for the New Year's Day holiday only from 12:00 p.m. and 10:00 p.m. December 31st and 12:00 p.m. and 10:00 p.m. January 1st. As used in this part, "safe and sane manner" refers to actions which do not endanger life, limb or property of those in the area of the discharge. Nothing in allowing the discharge of fireworks within the city limits relieves the individual, firm, partnership, corporation, or association of its responsibility for any injury or damage caused to individuals or property by the discharge of the fireworks. Any discharge, with or without a permit, is at the individual, firm, partnership, corporation or association's own risk, and is not sanctioned by this ordinance.

E. When, in the opinion of the Fire Chief, drought or other conditions exist which, when coupled with the discharge of fireworks, would pose a hazard to persons or property, the Fire Chief shall issue a ban on the discharge of all fireworks until such time as the condition causing the ban ceases to exist.

F. Any individual, firm, partnership, corporation, or association discharging fireworks under this ordinance shall, upon such discharge, be responsible for clean-up of the discharge site, including disposal of all discharged fireworks, all non-discharged or "dud" fireworks, and the associated debris from the discharged fireworks in a safe manner.

G. The safe and sane discharge of fireworks in accordance with the provisions of this chapter shall not be deemed a violation of Ordinance 2005-05, otherwise known as the 'Noise Ordinance.'

Section 3: **Public Display Permitted When**

A. Public display is permitted when performed in accordance with the Rules and Regulations of the Bryant Planning Commission and the State Fire Marshall. The most recent Rules & Regulations are hereby adopted by reference.

Section 4: The sale or display for sale of fireworks shall be unlawful within the City unless the appropriate firework permit is obtained from the City through the Planning Commission.

Section 5: **Enforcement**

A. The Police Department, Fire Department and Code Enforcement Officers shall enforce the rules and regulations of this chapter.
B. Any code enforcement officer, police officer or firefighter may, in the enforcement of this chapter, seize, impound, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered for sale, sold, or in the possession of any individual, firm, partnership, corporation, or association in violation of this chapter. Notice of the seizure and the reasons for the seizure shall be reported to the Police Chief within 48 hours of the seizure.

C. Fireworks seized under this section may be disposed of in a safe and proper manner by the Police Department ten days after seizure.

D. Appeal of any seizure shall be filed with the Police Chief in writing within five working days of the seizure. The decision of the Police Chief on the appeal shall be final.

Section 6: **Violation – Penalty**

Any individual, firm, partnership, corporation, or association violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $100 or more than $500 for a first offense, a fine of not less than $200 or more than $500 for a second offense, and a fine of not less than $300 or more than $500 for a third or subsequent offense. Each day of a violation constitutes a separate offense. In the case of a violation by a firm, partnership, corporation, or association, the manager or members of the partnership or responsible officers or agents shall be deemed to be *prima facie* responsible, individually, and subject to the penalty as provided.

Any damages caused or injuries sustained as a result of any violation of this chapter shall be ordered paid as restitution as a part of any conviction for any violation.

The court may order the reimbursement of costs of enforcement, investigation, fire suppression services, and overtime related to a violation upon conviction.

Section 7: Any previous ordinances in conflict herewith are hereby repealed.

Section 8: This ordinance shall take effect and be in full force from and after its passage.

PASSED AND APPROVED by the Bryant City Council on the day of ~~September~~ 25, 2006.

Paul E. Halley, Mayor

ATTEST:

Acting Mayor for this Meeting

CLERK:

Brenda Cockerham, City Clerk

DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
BIRMINGHAM, ALABAMA 35215
PHONE: (205) 854-5806
FAX: (205) 854-5899

POST OFFICE BOX 94067
BIRMINGHAM, ALABAMA 35220
EMAIL: dib@draytonins.com

CERTIFICATE OF INSURANCE

NO. 340203

We certify that insurance is afforded as stated below. This Certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the insurance policy and the insurance afforded is subject to all the terms, exclusions and conditions of the policy.

INSURER Admiral Insurance Company **POLICY NO.** CA000018967-10

NAMED INSURED
Atomic Fireworks Inc. of Arkansas
Atomic Fireworks Inc. of Missouri
Meramec Specialty Company
P.O. Box 305
Arnold, Missouri 63010

T.E.A. Enterprises, Inc.
Pacific Specialty Company
West Alton Properties, Inc
ATLG, LLC

POLICY TERM March 1, 2023 to March 1, 2024; Both Days 12:01 A.M. Standard Time

COVERAGE Premises-Operations Liability: ☒ Occurrence Basis ☐ Claims Made Basis

LIMIT OF LIABILITY $1,000,000 each occurrence, $10,000,000 general aggregate
The limit of liability shall not be increased by the inclusion of more than one insured or additional insured.

INSURED OPERATIONS The sale of consumer fireworks (1.4G) and related products at the **Insured location**, during the **period of operation**.

It is certified that, for the period of operation stated below and when named below as such, this policy includes as Additional Insureds 1) the operator(s), sponsor(s), promoter(s), organizer(s), of the **Insured Premises** used principally for the retail sale of consumer fireworks supplied by the Named Insureds and/or 2) the owner(s), manager(s), tenant(s), mortgagee(s) (including other entities having similar interests), of the property on which the **Insured Premises** is located and/or 3) the licensing authority issuing a permit or license for the operation of the **Insured Premises** and/or 4) any entity for which the Named Insured is required, by written contract, to provide insurance such as is afforded by the terms of this policy.

NAME(S) OF ADDITIONAL INSURED(S)

Pinnacle Improvements, LLC- Property Owner
Meramec Specialty Company-Stand Owner and Operator
Stand Manager and Sub-Operator
Licensing Authorities-State of Ar., City of Bryant

ADDRESS OF INSURED PREMISES An area measuring approximately 150' x 150' whose physical address is 6139 Hwy 5 N. in Bryant, Arkansas. #127B

PERIOD OF OPERATION March 1, 2023 through February 28, 2024

It is certified that this policy requires a 30 day mutual notice of cancellation between the Insurer and the Named Insured. In the event of such cancellation we will endeavor to mail 10 days written notice to the Additional Insured(s), whose name and address is shown hereon, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer and/or the undersigned.

DRAYTON INSURANCE BROKERS, INC.

March 1, 2023
DATE OF ISSUE

A. J. STRINGER, PRESIDENT

WESTERN SURETY COMPANY . ONE OF AMERICA'S OLDEST BONDING COMPANIES

Western Surety Company

CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 15146913 briefly described as TEMPORARY BUSINESS PERMIT CITY OF BRYANT, ARKANSAS

for MERAMEC SPECIALTY COMPANY, as Principal, in the sum of $ ONE THOUSAND AND NO/100 Dollars, for the term beginning May 20, 2023, and ending May 20, 2024, subject to all the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 5th day of April, 2023.

WESTERN SURETY COMPANY

By Paul T. Bruflat

Paul T. Bruflat, Vice President

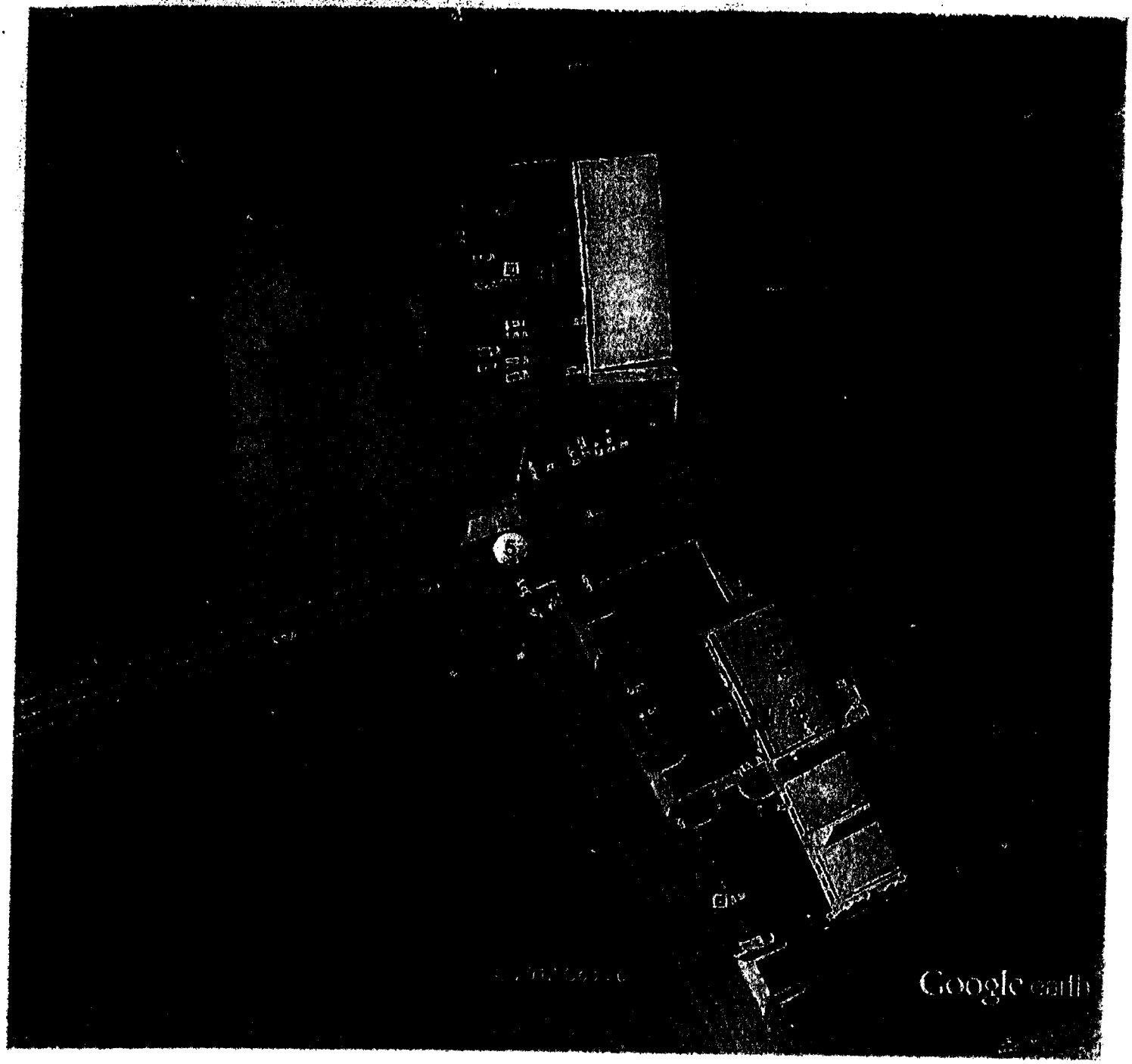
WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.

Form 90-A-8-2012

WESTERN SURETY COMPANY . ONE OF AMERICA'S OLDEST BONDING COMPANIES

6905 HWY. 5 N



Google earth

feet 400
meters 100

OUTDOOR MANAGEMENT DISPLAYS
P.O. BOX 91
ALEXANDER, AR 72002
Telephone 501.847.1000

August 25, 2022

Bryant Planning Commission:

The purpose of this letter is to notify you that Meramec Specialty Company has permission to sell fireworks on my property during the period of June 15, 2023 through July 10, 2023. The physical address of the property is 6905 Highway 5 in Bryant, Arkansas.

Sincerely,

OUTDOOR MANAGEMENT DISPLAYS

Billy Smith

August 4, 2022

City of Bryant Planning Commission:

The purpose of this letter is to notify you that Meramec Specialty Company has permission to sell fireworks on my property during the period of June 15, 2023 through July 10, 2023. The physical address of the property is 6905 Highway 5 in Bryant, Arkansas.

Sincerely,

PINNACLE IMPROVEMENTS, LLC

Rick Jones

Rick Jones

State of Arkansas

ARKANSAS SALES AND USE TAX PERMIT

MERAMEC SPECIALITY CO

P.O. BOX 1150

WEST MEMPHIS AR 72301

DATE ISSUED:

PERMIT NUMBER: 035048-18-001

DLN:

DATE OPENED: 01/01/1965

SIC: 5042
TOYS AND HOBBY GOODS AND SUPPLIES

EXEMPTION: 81 THIS BUSINESS IS EXEMPT FROM SALES TAX ONLY FOR THE PURCHASES OF GOODS TO BE RESOLD IN THE NORMAL COURSE OF BUSINESS.

GREAT SEAL OF THE STATE OF ARKANSAS

REGNAT POPULUS

MERCY

JUSTICE

THIS PERMIT IS VALID UNTIL IT IS CANCELED AND SURRENDERED BY THE PERMIT HOLDER OR REVOKED BY THE COMMISSIONER OF REVENUES.

THIS PERMIT MUST BE SURRENDERED IF BUSINESS IS SOLD, DISCONTINUED OR LOCATION CHANGED.

WHEN THIS PERMIT IS SURRENDERED FOR ANY OF THE ABOVE REASONS, YOU MUST REPORT AND PAY ANY SALES OR USE TAX PLUS ANY PENALTIES OR INTEREST THAT IS OWED BY THIS BUSINESS. FAILURE TO PAY THESE TAXES WILL RESULT IN A LIEN BEING PLACED AGAINST THE STOCK AND FIXTURES OF THIS BUSINESS AND THE SAME IS ENFORCEABLE AGAINST PURCHASERS AND THIRD PARTIES.

Certificate of Flame Resistance

REGISTERED FABRIC NUMBER

140.01

ISSUED BY

SNYDER MANUFACTURING, INC.
3001 PROGRESS STREET
DOVER, OHIO 44622

Date manufactured

06/02/10

This is to certify that the materials described below are flame-retardant and inherently nonflammable.

FOR RIVER CITY TENTS AND AWNING INC

CITY PINE BLUFF ADDRESS 3008 EVA DRIVE

STATE AR 71602

☒ The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

The Flame Retardant Process Used WILL NOT Be Removed By Washing

* FABRIC MEETS THE REQUIREMENTS OF THE SPECIFICATIONS LISTED BELOW INDICATED BY ☒

☐ NFPA-701 (Large Scale) ☐ MIL-C-43006 ☐ FMVSS-302

☐ CAN/ULC-S109 ☐ CPAI-84 ☐ A-A-55305

SNYDER MANUFACTURING INC. By Michael C. Fritz

STYLE PRV 13100 WHITE 61" HI GLOSS Title Supervisor, Quality Control

CONTROL NO. 18629

SNYDER S-ORDER NO. 216670 CUSTOMER ORDER NO. RAY

YARDS OR QUANTITY 375 DATE PROCESSED 06/02/10

DATE CERTIFIED 06/04/10

6.10-4-99F-R2

Certificate of Flame Resistance

REGISTERED FABRIC NUMBER

140.01

ISSUED BY

SNYDER MANUFACTURING, INC.
3001 PROGRESS STREET
DOVER, OHIO 44622

Date manufactured

05/02/10

This is to certify that the materials described below are flame-retardant and inherently nonflammable.

FOR RIVER CITY TENTS AND AWNING INC

CITY PINE BLUFF ADDRESS 3008 EVA DRIVE

STATE AR 71602

☒ The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

The Flame Retardant Process Used WILL NOT Be Removed By Washing

* FABRIC MEETS THE REQUIREMENTS OF THE SPECIFICATIONS LISTED BELOW INDICATED BY ☒

☐ NFPA-701 (Large Scale) ☐ MIL-C-43006 ☐ FMVSS-302

☐ CAN/ULC-S109 ☐ CPAI-84 ☐ A-A-55305

SNYDER MANUFACTURING INC. By Michael C. Fritz

STYLE PRV 13100 WHITE 61" HI GLOSS Title Supervisor, Quality Control

CONTROL NO. 18564

SNYDER S-ORDER NO. 216670 CUSTOMER ORDER NO. RAY

YARDS OR QUANTITY 375 DATE PROCESSED 06/02/10

DATE CERTIFIED 06/04/10

Certificate of Flame Resistance

REGISTERED FABRIC NUMBER
140.01

ISSUED BY
SNYDER MANUFACTURING, INC.
3001 PROGRESS STREET
DOVER, OHIO 44622

Date manufactured
02/07/11

This is to certify that the materials described below are flame-retardant and inherently nonflammable.

FOR RIVER CITY TENTS AND AWNING INC
ADDRESS 3006 EVA DRIVE
CITY PINE BLUFF
STATE AR 71602

☒ The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

The Flame Retardant Process Used WILL NOT Be Removed By Washing

* FABRIC MEETS THE REQUIREMENTS OF THE SPECIFICATIONS LISTED BELOW INDICATED BY ☒

☐ NFPA-701 (Large Scale) ☐ MIL-C-43006 ☐ FMVSS-302
☐ CAN/ULC-S109 ☐ CPAI-84 ☐ A-A-55306

SNYDER MANUFACTURING INC. By _____ Title Supervisor, Quality Control

STYLE PRV 13109 DARK BLUE 61" HI-GLOSS
CONTROL NO. 18347
SNYDER S-ORDER NO. 215565
YARDS OR QUANTITY 75
CUSTOMER ORDER NO. VEL RAY
DATE PROCESSED 02/07/11
DATE CERTIFIED 02/22/11

4-18-4-BR-02

Certificate of Flame Resistance

REGISTERED FABRIC NUMBER
140.01

ISSUED BY
SNYDER MANUFACTURING, INC.
3001 PROGRESS STREET
DOVER, OHIO 44622

Date manufactured
01/06/11

This is to certify that the materials described below are flame-retardant and inherently nonflammable.

FOR RIVER CITY TENTS AND AWNING INC
ADDRESS 3006 EVA DRIVE
CITY PINE BLUFF
STATE AR 71602

☒ The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

The Flame Retardant Process Used WILL NOT Be Removed By Washing

* FABRIC MEETS THE REQUIREMENTS OF THE SPECIFICATIONS LISTED BELOW INDICATED BY ☒

☐ NFPA-701 (Large Scale) ☐ MIL-C-43006 ☐ FMVSS-302
☐ CAN/ULC-S109 ☐ CPAI-84 ☐ A-A-55306

SNYDER MANUFACTURING INC. By _____ Title Supervisor, Quality Control

STYLE PRV 13109 WHITE 61" HI GLOSS
CONTROL NO. 19254
SNYDER S-ORDER NO. 220003
YARDS OR QUANTITY 300
CUSTOMER ORDER NO. RAY
DATE PROCESSED 01/06/11
DATE CERTIFIED 01/21/11

4-18-4-BR-02

ARKANSAS STATE POLICE

0385

REGULATORY and BUILDING OPERATIONS DIVISION

FIRE MARSHAL'S OFFICE

RETAIL FIREWORKS LICENSE - FEE $25.00

LICENSE EXPIRES January 6, 2024

This is to certify that the person named below is licensed to act as a RETAILER of FIREWORKS under the provision of Act 224 of 1961, as amended, State of Arkansas.

Name of Person Applying Kristi Loyd Telephone #: (870) 735-1753

Address of Person Applying 381 Front Street (Street) West Memphis (City) 72301 (Zip)

Name of Organization Meramec Specialty Co.

Address of the Stand Location 6139 Hwy 5 N. (Street) Bryant (City) 72022 (Zip)

This license is issued to the person named above for use in making retail sales of PERMISSIBLE FIREWORKS from June 20 through July 10 and December 10 through January 5.

This license is not transferable and must be DISPLAYED AT ALL TIMES.

Vendor: Atomic of Arkansas Date Issued: 4-13-2023

License #: 801

Telephone #: (870) 735-1753

Major Michael Moyer #143

Major Michael Moyer
State Fire Marshal
Telephone (501) 618-8624

NOTICE: This license may be revoked by the State Fire Marshal or his deputies for violation of any of the provisions of the above referred to law.

127