

**ORDINANCE NUMBER 1161  
CITY OF SAND SPRINGS, OKLAHOMA**

**AN ORDINANCE RELATING TO TITLE 9, PUBLIC PEACE, MORALS AND WELFARE; AMENDING SECTION 9.12.030 OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, OKLAHOMA, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.**

**WHEREAS, the City of Sand Springs currently bans the sale and discharge of all fireworks within the city limits of the City of Sand Springs;**

**WHEREAS, the amendment of the current ordinance to allow the discharge of fireworks in certain controlled circumstances will better protect the public, will assist in the ability of the City to regulate the lawful discharge of fireworks, and will better allow the City to enforce the new regulations against those who do not comply with the new ordinance;**

**WHEREAS, adoption of this ordinance is in the best interests of the residents of the City of Sand Springs.**

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA, THAT THE ORDINANCE IS HEREBY ADOPTED:**

Section One: Section 9.12.030 of the Code Ordinances of the City of Sand Springs, is hereby amended and shall provide as follows:

**Section 9.12.030 – Fireworks Sale, discharge, and other uses regulated.**

A. It is unlawful for any person, firm, or corporation to sell fireworks within the corporate limits of the city. The discharge of fireworks shall be unlawful within the city unless the appropriate fireworks permit is obtained. The use of fireworks before a proximate audience (as defined by the National Fire Protection Association) shall be allowed with a valid fireworks permit and compliance to city codes and fire department requirements. The use of Class 1.4g fireworks by private individuals at a residential address within the city limits shall be allowed only under permit as described in subsection (D) below.

B. The possession of any fireworks by any individual under the age of 18 years shall be unlawful within the city unless under the immediate and direct supervision of a parent, guardian, or other responsible adult in possession of a current permit.

C. Permissible fireworks shall mean: composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and

which is defined as common or special fireworks by the United States Department of Transportation (USDOT). Fireworks are further classified in this law as Class 1.3G or Class 1.4G. The term "fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets.

(1) Class 1.4G fireworks (USDOT common fireworks) shall mean any devices suitable for use by the public that conform to requirements of the United States Consumer Products Safety Commission (CPSC) and are designed primarily to produce visible effects by combustion and some small devices designed to produce an audible effect.

(2) Class 1.3G display fireworks (USDOT special fireworks) shall mean all articles of larger fireworks designed primarily to produce visible or audible effects by combustion or explosion. Class 1.3G fireworks include, but are not limited to, firecrackers and salutes containing more than two grains (130 mg) of explosive composition and other exhibition display items that exceed the limits for classification of Class 1.4G fireworks according to the USDOT.

D. Private individuals in possession of a City of Sand Springs fireworks permit may discharge permissible fireworks only from 12:00 p.m. to 11:00 p.m. on July 3rd and July 4th of each year, or at other dates and times specifically authorized in writing by the city manager or his designee, provided the following conditions are met:

(1) Approved fireworks must be discharged on a noncombustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.

(2) An adult person, 18 years or older, shall obtain a fireworks permit from the city upon payment of a permit fee as established by motion or resolution of the city council. Said permit shall identify the adult in charge of this use by name and address, and also identify the proposed location on or in close proximity to the permit holder's property. Permits are non-transferable. Applications for said permits shall be made available at dates and times established by the City Manager or his designee. Permits shall only be valid for the date(s), time(s) and year of issuance as shown upon the face of the permit.

(3) The adult in charge of the use must be physically present for any discharge of fireworks and within 100 feet of the point of discharge.

(4) The fireworks permit shall be posted in a place of prominence during the discharge of the fireworks and shall be made available for examination by any law enforcement officer, fire official or other authorized employee of the city.

(5) The fireworks permit holder shall be responsible for cleaning up any debris caused by any person discharging fireworks under the permit.

(6) Private persons shall not discharge fireworks within any park or any other public property within the city limits owned or otherwise controlled by the city or other

governmental entity. Fireworks shall also not be used or discharged on streets in excess of 26 feet in width, or on streets designated as collector or arterial roadways.

(7) In the event that the Governor of the State of Oklahoma or any County Commissioner calls a red flag fire alert or burn ban for the area encompassing the City of Sand Springs and/or if the City of Sand Springs Fire Department determines that the City of Sand Springs is in fire danger due to the weather conditions, the city manager or his designee may declare an emergency and cause the use of fireworks to be terminated and declare them to be illegal during the emergency period.

(8) The fire chief, fire marshal, or other employee authorized by the city manager shall have the right to restrict, deny, revoke or cancel a fireworks permit issued to private persons for discharges occurring on residential property if such issuance or allowance is deemed to be a hazard or otherwise detrimental to the public's health, safety or welfare.

(E) Any violation resulting from the illegal sale, discharge or other use of Class 1.4G (USDOT common fireworks) as defined in this section shall be punishable as a class "C" municipal offense. Any violation resulting from the illegal sale, discharge or other use of Class 1.3G (USDOT display fireworks) as defined in this section shall be punishable as a class "A" municipal offense. Any discharge or other use of fireworks during a red flag fire alert or burn ban as declared in Section C.7 shall be punishable as a class "A" municipal offense. Each separate occurrence of a violation shall constitute a separate offense. Any violation of this section, other ordinances of the City of Sand Springs, or any county, state or federal law or regulation, shall be cause for immediate revocation of a fireworks permit.

Section Two: If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section Three: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section Four: By reason of the absence of adequate provisions in the existing fireworks ordinance to protect the public's health, safety and welfare, an emergency is hereby declared to exist whereby the provisions of the ordinance shall take effect immediately upon passage and publication as provided by state law.

Passed and approved this 14<sup>th</sup> day of April, 2008, with the emergency clause passed upon and approved separately.

CITY OF SAND SPRINGS, OKLAHOMA

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Robert L. Walker, Mayor

ATTEST:

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E. Bruce Ford, City Clerk

APPROVED AS TO FORM:

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David Weatherford, City Attorney

(04/08/08)