

**ORDINANCE NO. 1182  
CITY OF SAND SPRINGS, OKLAHOMA**

**AN ORDINANCE AMENDING SECTION 9.12.030 – FIREWORKS SALE, DISCHARGE AND OTHER USES REGULATED, OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, OKLAHOMA; AND DECLARING AN EMERGENCY.**

WHEREAS, the Sand Springs City Council enacted Ordinance No. 1161 in 2008 amending Section 9.12.030 of the Code of Ordinances to provide permits and regulations for the legal discharge of Class 1.4G Common Fireworks in the city limits by citizens at certain dates and times;

WHEREAS, the additions and changes contained in this ordinance would strengthen the provisions of Section 9.12.030 and provide more clarity for citizens and entities engaged in the lawful discharge of fireworks in the city limits; and

WHEREAS, adoption of this ordinance would benefit the health, safety and welfare of the citizens of the City of Sand Springs;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA, THAT AMENDMENTS TO SECTION 9.12.030 OF THE CODE OF ORDINANCES ARE 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, to-wit:

**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 Class 1.3G (as defined by the National Fire Protection Association) and Class 1.4G fireworks before a proximate audience 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. It shall be unlawful for any person to allow a child who is under 18 years of age to possess or discharge fireworks without proper supervision, or in a manner contrary to any section of this ordinance.

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 at 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 presentation of a government-issued identification card and payment of a permit fee as established by 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 – including the reckless discharge of fireworks that endangers persons or properties; or discharge of fireworks that is contrary to the manner in which such are packaged and distributed for use – 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: By reason of the need to protect the public's health, safety and welfare in the sale and discharge of fireworks in the city limits, 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 8<sup>th</sup> day of June, 2009, 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

(06/02/09 - AWT)