



Agenda Commentary

Item Title/ Subject: Proposed resolution or ordinance to allow the discharge of fireworks during specific times of the year.

Staff Source: Chief Paul Rinkel

Date: 6-10-20

History/Background Information: For years the impression has been that shooting fireworks within the city limits is prohibited. There is no specific Clinton City Ordinance on fireworks, only the adoption of the state fire code makes this illegal.

Subject Summary: Propose a resolution allowing the discharge of fireworks under the following conditions

Consumer fireworks.

Consumer fireworks (Class 1.4G) may be discharged if the following conditions are met:

No City, County or State burn ban is currently in effect.

Discharge occurs on private property.

An adult who is the responsible party is present at all times during discharge and removal/extinguishment of debris.

Discharge occurs on July 3 or 4 between the hours of 12:00 noon and 11:00 p.m.

Discharge occurs on December 31 from 11:30 p.m. until 12:30 a.m. on January 1.

Discharge occurs on a non-combustible surface and a safe distance from any property that would pose a risk of injury, property damage or unintended fire. Ready access to water hose, bucket of water, or fire extinguisher shall be available during discharge of fireworks.

Responsible party must ensure all debris is removed and extinguished in a safe manner.

Recommendation:

Price/Cost: No monetary cost to the city.

ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY OF CLINTON ENHABLING A NEW SECTION IN CHAPTER 1 OF TITLE 6 FOR THE REGULATION OF THE SALE, POSSESSION, USE OR OF FIREWORKS; PROVIDING A THEREFOR, REJECTING ORDANANCES IN CONFLICT; PROVIDING FOR AND DECLARING OR EMERGENCY.

WHEREAS, municipalities are ...by title 11 Oklahoma statue ... 22-110 to regulate, punish, prosecute, the discharge of rockets, powder, fireworks, and other mutual within its municipal limits;

WHEREAS, the council of the City of Clinton finds that regulations of the discharge of ... to be necessary for the public health, safety and welfare;

NOW THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON OKLAHOMA:

SECTION 1.

That Title 6, Chapter 1, Article B, § 6-1B-9 shall established to renew as follow:

6-1B-9 Sale, Possession, Use or ... of fireworks

A. Definitions:

1. "Fireworks" shall mean any composition or device for the purpose of producing visible or audible effect by combustion, explosion, deflagration or detonation, and which are further described as Consumer Fireworks 1.4G, Display Fireworks 1.3G, Articles Pyrotechnic 1.4G or 1.4S as defined by the United States Department of Transportation (DOT) Title 49, CFR. The term "Consumer Fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets or any novelty. This provision shall not impose labeling requirements for any fireworks or novelties other than those required under federal law.
2. "Consumer Fireworks" means any device suitable for use by the public that conform with the requirements of the United States Consumer Products Safety Provision (CPSC) and are designed primarily to produce visible effects by combustion, and some small devices designed to produce and audible effect;
3. "Display Fireworks" means firework devices that are primarily intended for commercial displays which are designed to produce visible and/or audible effects by combustion, deflagration or detonation. Display Fireworks include, but are not limited to, salutes containing more than two grains (130mg) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic compositions and other exhibition display items that exceed the limits

for Consumer Fireworks according to the Department of Transportation (DOT).

B. Prohibitions: It shall be unlawful for any person to sell, possess, use or distribute fireworks within the municipal limit of the City of Clinton, unless specifically accepted herein.

C. Exceptions:

1. Consumer Fireworks may be displayed within the following conditions:

- a. There is a City, County, or State burn ban in effect
- b. The display occurs on private property Compliance with Title 6B of Oklahoma Statutes § 1627 (c)
- c. An individual at least 18 years of age is present at all times during the discharge/removal/....
- d. The discharge occurs on a surface, at a safe distance from any property which might pose a risk of personal injury, property damage, or an unintended fire.
- e. There must be a ready

Passed and approved this _____ day of _____, 2018.

David Berrong, Mayor

ATTEST:

Lisa Anders, City Clerk