



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 ESTABLISHING A NEW SECTION IN CHAPTER 1 OF TITLE 6 FOR THE REGULATION OF THE SALE, POSSESSION, USE OR DISTRIBUTION OF FIREWORKS; PROVIDING A PUNISHMENT THEREFORE, REPEALING ORDANANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, municipalities are permitted by Title 11 Oklahoma Statutes §22-110 to regulate, punish, and prevent the discharge of rockets, powder, fireworks, and other dangerously combustible material within its municipal limits;

WHEREAS, the council of the City of Clinton finds that regulation of the discharge of rockets, powder, fireworks, and other dangerously combustible material within its municipal limits to be necessary for the public health, safety and welfare;

NOW THEREFORE, 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 Distribution 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" shall mean 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" shall mean fireworks 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 excepted herein.

C. Exceptions:

1. Consumer Fireworks may be discharged under the following conditions:

- a. There is no City, County, or State burn ban in effect;
- b. The discharge occurs on private property and in compliance with Title 68 Okla Stat §1627(c);
- c. An individual at least 18 years of age is present at all times during the discharge/removal/extinguishment;
- d. The discharge occurs on a non-combustible 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 ready access to extinguishment, by means of a water bucket, water hose and faucet, or fire extinguisher at all times during the discharge/removal/extinguishment;
- f. All debris must be removed and extinguished in a safe manner; and
- g. Discharge of fireworks may only occur on July 3rd and July 4th between the hours of 12:00 PM and 11:00 PM; or between the hours of 11:30 PM and 12:30 AM on December 31st and January 1st.

2. Display Fireworks: Any person, entity, or organization who intends to discharge Display Fireworks within the municipal limits shall not do so until having first secured a permit for the City of Clinton.

- a. The City Clerk shall issue a municipal permit for Display Fireworks upon presentation of a State Fireworks License, as provided for in Title 68 Okla Stat §1621, et. seq, and approval, by the City Manager, of the applicant's Display Fireworks Application.

D. All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed and replaced.

E. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter, or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance.

F. An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage, approval and publication.

Passed and approved this _____ day of _____, 2020.

David Berrong, Mayor

ATTEST:

Lisa Anders, City Clerk