

ORDINANCE NO. 593

**AN ORDINANCE AMENDING CHAPTER 8, SECTION 28 OF THE GLENPOOL CITY CODE,
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND
DECLARING AN EMERGENCY.**

BE IT ORDAINED by the City Council for the City of Glenpool, Oklahoma:

SECTION 1: That Chapter 8, Section 28 of the Glenpool City Code be amended as follows:

Chapter 8.28

FIREWORKS

Sections:

8.28.010 Manufacture, sale, use, etc. of fireworks.

8.28.020 Public fireworks displays.

8.28.030 Individual and/or personal use of fireworks.

8.28.040 Permit for sale of fireworks.

8.28.050 Emergency suspension of ordinance.

8.28.060 Fines for violation of ordinance.

8.28.010 Manufacture, sale, use, etc. of fireworks.

It is unlawful to manufacture, sell, furnish, possess, display, or use any fireworks within the city unless the appropriate fireworks permit is obtained.

8.28.020 Public fireworks displays.

Supervised public displays shall be permitted with a permit and compliance to requirements of the Glenpool Fire Department and National Fire Protection Act (NFPA) 1123. The use of fireworks before a proximate audience (as defined by the NFPA) shall be permitted with a fireworks permit and compliance to NFPA 1126. Permits may be obtained from the city at a cost of \$100.00. The permit fee may be waived, upon written request, by the City Manger or his designee. Permits must be available for inspection by the city at all times during the display, including the set-up and tear down of the launch site and staging area.

8.28.030 Individual and/or personal use of fireworks.

A. The use of Class 1.4g fireworks by individuals shall be permitted only under permit as described in subsections B and C below.

B. 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 (DOT). 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 (DOT 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 (DOT 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 Department of Transportation.

C. Persons within the city limits may use or otherwise discharge permissible fireworks only from 3:00 p.m. to 11:00 p.m. on dates approved by the City Manager or his designee, provided the following conditions are met. The City Manager will post the approved dates each year at City Hall.

1. Such 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. The adult person shall obtain a permit from the city at a cost of \$20.00, said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on or near the permit holder's property. Applications for said permits shall be made available during normal business hours from April 1st through July 3rd of any given year and permits are valid only for the year of issuance.

3. The adult permit holder in charge of the use must be physically present for any household member to use the fireworks and within 100 feet of the point of display, and have the permit posted in a place of prominence during the discharge of the fireworks for examination by any law enforcement officer. The permit holder is further responsible for the cleaning up of any debris caused by any person discharging fireworks under the permit holder.

4. Private persons may not use or discharge fireworks within any city or county park, nor on any highway, turnpike or any street that has paving in excess of 26 feet wide, such as an arterial street, or collector street.

D. The possession or the sale of any fireworks to or by any individual under the age of 12 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.

8.23.040 Permit for sale of fireworks.

The sale or display for sale of fireworks shall be unlawful within the city as set forth in 8.23.010. A license for the sale or display for sale of fireworks shall be considered where the following conditions are met:

1. The property has direct access on an arterial street and adequate on-site parking so that the operation of the stand can be conducted without interference with travel on the paved surface of the artery.

2. Only Class 1.4G fireworks, as defined by the United States Department of Transportation, are sold on the premises.

3. The "season" for fireworks sales shall be limited to be only from June 15th until July 4th of each year.

4. The vendor shall post and distribute a Notice of Glenpool Fireworks Ordinances to each purchases of fireworks, said notice to be provided by the city.

5. Owner or vendor shall maintain liability insurance on each location.

6. There have been no significant accidents reported to the city from previous operations at the stand at that location.

7. The vendor at each location must obtain an annual license from the city at a cost of \$750.00 and must also provide a copy of the state sales tax permit.

8.23.050 Emergency suspension of ordinance.

In the event that the Governor of the State of Oklahoma calls a red flag fire alert or burn ban for the area encompassing the City of Glenpool and/or the City of Glenpool Fire Department determines that the City of Glenpool is in fire danger due to the weather conditions the mayor of the city may declare an emergency and cause the use of fireworks to be terminated and declare them to be illegal during the emergency period.

8.23.060 Fines for violation of ordinance.

A. Any sale or use of fireworks in violation of this ordinance shall be punished by a fine of \$225.00 plus costs.

B. Any use of fireworks between the house of 11:00 p.m. and 7:00 a.m. shall be punished, upon conviction, by a fine that is double the fine normally imposed for a violation of this ordinance.

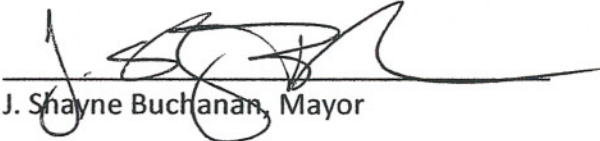
C. Possession of any fireworks other than allowed by this article shall be punished by a fine of \$500.00 plus costs.

D. Failure to remove debris caused by any person discharging fireworks under the permit holder shall be punishable by a fine of \$225.00 plus costs.

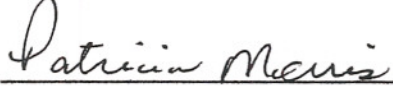
E. Any fireworks used during a red flag fire alert , burn ban for the area encompassing the City of Glenpool, or emergency period declared by the Mayor, as set forth in 8.23.050, shall be punished by a fine of \$500.00 plus costs.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED by the City Council of the City of Glenpool this 21st day of April 2008.


J. Shayne Buchanan, Mayor

Attest:


Patricia Morris, City Clerk

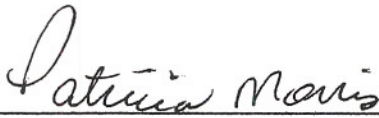
WHEREAS, it being immediately necessary for the preservation of the peace, health, and safety of the City of Glenpool and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof the Ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED and the Emergency Clause ruled upon separately and approved this 21st day of April 2008.



J. Shayne Buchanan, Mayor

Attest:



Patricia Morris, City Clerk