

- **11-2-213 - Definitions; scope.**

A.

As used in Sections [11-2-213](#) et seq. of this article, the following terms shall have the meanings ascribed to them in this section:

1.

"Consumer" means any individual who acquires, possesses, or discharges fireworks for personal, family or household purposes. The term "consumer" shall include any person except any retailer, distributor, manufacturer or wholesaler as defined herein.

2.

"Consumer fireworks" means any small firework device suitable for use by the public designed primarily to produce visible and/or audible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in [title 16](#), Code of Federal Regulations, parts 1500 and 1507. This term shall further include, but not be limited to, devices in which comparably small amounts of explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers or other devices of like construction and any devices containing any explosive substance.

3.

"Display fireworks" means fireworks devices intended primarily for commercial and/or exhibition displays and designed to produce visible and/or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than two (2) grains (130 mg) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic compositions and other exhibition display pieces which exceed the limits of explosive materials for classification as "consumer fireworks". This term also includes fused set-pieces containing components which together exceed fifty (50) mg of salute powder. Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation (DOT).

4.

"Distributor" means any person who sells fireworks and novelties to other distributors, wholesalers or retailers for resale or provides them as part of a pyrotechnic display service in the State of Oklahoma.

5.

"Fireworks" means to include any consumer fireworks and/or any display fireworks but shall not include any novelty as defined herein.

6.

"Manufacturer" means any person engaged in the making or constructing of fireworks.

7.

"Novelty" means a device containing small amounts of pyrotechnic and/or explosive composition. Such devices produce limited visible or audible effects. These items must be approved by the United States Department of Transportation (DOT) or have been deregulated by DOT. This term shall include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive content per cap manufacture in accordance with the department of transportation regulations for packing and shipping as provided therein, and designed for use in toy pistols, toy canes, toy guns or other similar devices utilizing such caps. This term shall also include but not be limited to toy trick noisemakers as defined by DOT and toy smoke devises.

8.

"Person" means any corporation, association, partnership, organization or one or more individuals.

9.

"Public fireworks display" means a professionally supervised discharge of display fireworks primarily for commercial or entertainment exhibition.

10.

"Retailer" means any person who purchases fireworks and novelties for resale to consumers.

11.

"Wholesaler" means any person who purchases fireworks and novelties for resale to retailers.

(Ord. No. 13-35, § 3, 11-5-2013)

• **11-2-214 - Consumer fireworks prohibited.**

A.

No person, to include any retailer, distributor, manufacturer or wholesaler, whether licensed or otherwise, shall sell, offer for sale, expose for sale, barter or give consumer fireworks or display fireworks to any consumer within the jurisdiction of the City of Lawton.

B.

No consumer or other person who owns or controls real property shall possess or discharge any consumer fireworks or display fireworks, or allow the possession or discharge of any consumer fireworks or display fireworks within the jurisdiction of the City of Lawton; provided nothing in this section shall be construed to prohibit the following:

1.

The transportation of consumer fireworks in their unopened original packaging in a motor vehicle;

2.

The possession of consumer fireworks in their unopened original packaging within the consumer's personal dwelling.

C.

All consumer fireworks and display fireworks found in violation of this article are hereby declared contraband. All law enforcement officers of the City of Lawton, to include any police officer, fire marshal, or code enforcement officer, shall seize any contraband fireworks. The fire marshal shall arrange for disposal of contraband fireworks.

(Ord. No. 13-35, § 4, 11-5-2013)

- **11-2-215 - Commercial and wholesale trade in consumer fireworks allowed.**

A.

Nothing in this article shall be construed to prohibit any manufacturer, wholesaler or distributor from selling at wholesale such fireworks as are not herein prohibited.

B.

Wholesalers, manufacturers, distributors and retailers shall possess, store, distribute, and transport their supplies of fireworks in accordance with the International Fire Code, latest edition, as adopted and amended by code from time to time.

C.

Wholesalers, manufactures, distributors and retailers in possession of any fireworks shall be licensed as provided by Oklahoma Statutes, Title 68, Article 16, as amended.

D.

Wholesalers, manufacturers, and distributors licensed as required by this section may possess, store, distribute, transport, market and sell fireworks except to consumers.

E.

Wholesalers, manufacturers, and distributors licensed as required by this section may discharge fireworks for the purpose of training their employees on the proper care, handling, and discharge of fireworks. However, the date, time, and location for the discharge of fireworks for these training purposes shall be approved by the fire marshal at least forty-eight (48) hours prior to such discharge. For the purposes of this subsection only, a written request shall be submitted to the fire marshal, and the request shall include the date, time, and location for such discharge of fireworks. However, if on or before the designated date and time of said fireworks training, the fire marshal determines that the location and/or weather conditions pose an undue fire hazard, he/she may order the cancellation or postponement of the training discharge of fireworks within the City of Lawton.

(Ord. No. 13-35, § 5, 11-5-2013)

- **11-2-216 - Public fireworks display.**

- A. Public fireworks displays may be permitted as provided by this section and as supplemented by Section 3308 of the 2009 International Fire Code as adopted and otherwise amended by this article.
- B. Every public fireworks display event shall be supervised by a competent operator approved by the fire marshal. The public fireworks display shall be of such composition and character and so located, discharged and fired as, in the opinion of the fire marshal and after proper inspection, shall not be hazardous to property or endanger any person.
- C. No person other than a state-licensed outdoor display operator shall conduct a public fireworks display. No person shall conduct a public fireworks display except in accordance with NFPA 1123. No permit issued pursuant to this section shall be transferable.
- D. No person may conduct a public fireworks display without first making application for and receiving a written permit from the licensing official for the City of Lawton.
1. Every application shall be made at least ten (10) days in advance of each proposed public fireworks display event.
 2. A separate permit shall be required for each separate public display site, event, or date.
 3. A single permit may be issued for a fireworks display event to be held on consecutive days at the same site, provided that the application for such consecutive day events must indicate all requested dates on the face of the application and the same dates must be specified on the face of the permit. Otherwise, a separate application must be made, a separate fee must be paid and a separate permit must be obtained for each separate fireworks display event.
 4. If an approved and permitted public display event is cancelled by the fire marshal because of weather conditions or some other unforeseen circumstances, the permit holder may make a renewed application at no additional fee and, if approved by the fire marshal, may conduct the public fireworks display on an alternate date.
 5. No permit granted under this section shall be transferable.
- E. Application for a public fireworks display must be made by an outdoor display operator licensed by the Office of the Oklahoma State Fire Marshal. At the time of

application for a public fireworks display, the applicant shall deposit the required fee as provided in the fee schedule of this code, submit an application on an approved form and provide the following information and documentation:

1. The name and address of the applicant;
2. The name and address of the person or organization sponsoring the display event;
3. The location of the proposed display event;
4. The name and address of the person supervising the public fireworks display and a narrative of that person's prior experience conducting same;
5. A true and correct copy of the applicant's license for outdoor display operator issued by and bearing the seal of the Office of the State Fire Marshal;
6. Such other information or documentation as the fire marshal may require.

F.

No permit for a public fireworks display shall be issued unless the applicant first submits to the City of Lawton the following:

1. A cash or surety bond payable to the City of Lawton in the amount of three thousand dollars (\$3,000.00), or such greater amount as may be required by the fire marshal, for each public fireworks display site or event. The bond shall insure payment of all costs of cleaning the public fireworks display site of all trash, debris, refuse, litter, and other waste within twenty-four (24) hours of the completion of each public fireworks display event as provided by subsection H of this section. Any surety bond shall be issued by a surety bonding company authorized to do business in Oklahoma. The provision of this subsection shall not imply a limit of liability to the city of the permit holder or sponsoring person for the cost of cleanup in excess of the value of such bond.
2. A corporate surety bond in the principal sum of one million dollars (\$1,000,000.00) or a public liability insurance policy for the same amount. The bond shall insure payment of all damages to persons or property which may arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire marshal is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser is required. Government entities shall be exempt from this bond requirement. The surety bond or insurance policy referenced above shall be issued by a bonding or insurance company authorized to do business in the State of Oklahoma.

3.

Such other information or documentation as the fire marshal may require.

G.

The permit holder shall immediately and safely dispose any remaining unfired fireworks upon the conclusion of the public fireworks display.

H.

The permit holder and sponsoring person shall clean the public fireworks display site of all trash, debris, refuse, litter, and other waste within twenty-four (24) hours of the completion of each public fireworks display event to the satisfaction of the fire marshal. Should the permit holder and sponsoring person fail to do so, the city shall clean or cause to be cleaned, without notice to the permit holder or sponsoring person, the event site. All such costs shall be a personal obligation of the permit holder and sponsoring person as well as a claim against any cash or surety bond provided or issued in favor of the city pursuant to this section.

I.

The permit holder shall assume full responsibility and liability for any personal injury, death, property damage or other casualty arising or resulting from each public fireworks display event. By accepting the city-issued permit, the permit holder agrees to indemnify and hold harmless the city, its officials and employees from any liability arising from the conduct, or operation of the public fireworks display events.

J.

The fire marshal is authorized to adopt additional reasonable regulations relating to public fireworks displays and display events to ensure the health, safety and welfare of fireworks display participants and the public.

(Ord. No. 13-35, § 6, 11-5-2013)

- **11-2-217 - Violation and punishment.**

Any violation of this article shall be a misdemeanor and shall be punished by as provided by [Section 1-1-119](#) of this code.

(Ord. No. 13-35, § 7, 11-5-2013)

- **11-2-220 - Inspections.**

Fire marshal inspections are subject to an inspection fee, as provided in the fee schedule in Appendix A. No inspection shall be considered cleared until all inspection fees have been paid.