

## ORDINANCE NO. 9368

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF EL RENO, OKLAHOMA; CODE CHAPTER ONE HUNDRED EIGHTY-NINE (189), REGARDING FIREWORKS; AMENDING AND REPEALING CONFLICTING SECTIONS; PROVIDING FOR SEVERABILITY.

**SECTION 1:** Article XIII of Chapter 275 of the El Reno Code of Ordinances is hereby repealed.

**SECTION 2:** Chapter 189 of the El Reno Code of Ordinances is hereby amended by adding a new article to read as follows:

#### ARTICLE V. FIREWORKS

##### **Section 189-501. Manufacture, Sale and Use Generally.**

- A. Except as otherwise provided in this article, it shall be unlawful for any person to manufacture, purchase, offer for sale, sell at retail, or use or discharge or explode any consumer fireworks, display fireworks or other fireworks and related items within the corporate limits of the city. The term "consumer fireworks," "display fireworks" and "fireworks" shall have the meanings set forth in 68 O.S. § 1622.
- B. Revocation of Permits. The City of El Reno, by action of the City Manager upon recommendation of the Fire Marshal or Fire Chief, may revoke any permit issued for any alleged violation of this article.
- C. Regulations of Other Entities. All statutes, rules, and regulations established in 68 OS 1621 et. seq., the Oklahoma State Fire Marshal, Oklahoma Tax Commission, the Oklahoma Uniform Building Commission, and other applicable state boards, commissions, and agencies, that are more stringent than the rules and regulations of the City of El Reno shall apply. Proof of permits and/or licenses required by other agencies shall be submitted with an application for fireworks stands/retailers and fireworks displays.
- D. Appeals. Should a question arise concerning the eligibility of an organization or business to qualify for a license under this article or if the site plan is not approved or the application is denied for any other reason, the matter may be timely submitted to the City Council for a final decision at the request of the applicant.

##### **Section 189-502. Licensed Fireworks Stands.**

- A. Fireworks Stands. Any nonprofit civic, charitable, fraternal, educational or religious organization located and domiciled within the corporate limits of the city, or any educational organization associated with a public school district partially or wholly located within the corporate boundary of the City of El Reno, may be licensed by the Community Development Department to operate a fireworks stand to sell consumer fireworks.
  1. Businesses and organizations not meeting the requirements of Paragraph A of this section that were legally operating prior to annexation may continue to be licensed by the Community Development Department to operate a fireworks stand to sell consumer fireworks.

## ORDINANCE NO. 9368

2. Fireworks may only be sold by licensed fireworks stands from June 15 until July 6 or the first Sunday after July 4th, whichever is later, from 9:00 a.m. until 10:00 p.m.
3. Fireworks stands shall not be permitted within 500 feet of residentially-zoned or used areas. In determining whether or not a proposed site or location should be approved for the operation of fireworks stand, the Fire Department and the Community Development Department shall consider the density of population in the area, the condition of the premises, the surrounding structures and area, the existence of entrances and exits, the proposed parking area, the potentiality of hazardous traffic conditions, the site plan submitted by the owner, the availability of firefighting facilities, and any other safety factors deemed important.
4. No license may be issued for any stand that is located less than 100 feet from any structure or property under a different ownership unless written permission has been given.

B. Permanent Fireworks Retailer. A retailer may be licensed by the Community Development Department to sell consumer fireworks at a permanent location.

1. A permanent fireworks retailer must receive a permit following the process for receiving a Conditional Use Permit. The Municipal Planning Commission and City Council shall, in addition to other required criteria, take into consideration the requirements of this article. Said permit shall be valid for a period of one year.
2. Fireworks may only be sold by licensed fireworks stands from June 15 until July 6 or the first Sunday after July 4th, whichever is later, and from December 15 until January 2, from 9:00 a.m. until 10:00 p.m.

C. License for sale.

1. Seasonal licenses (either the Independence Day fireworks season or the New Years Day fireworks season) for the sale of fireworks within the corporate limits of the city shall be obtained by filing a written application for each location with the Community Development Department and paying the seasonal license fee in the sum set forth in the El Reno Fee Schedule, as adopted by the City Council, for each location no later than 10 business days prior to the commencement of fireworks. If the business or organization meets the requirements of this article, it shall be issued a license by the Community Development Department, pending approval by the Fire Marshal, Community Development Director, and City Manager of the following requirements:
  - a. A minimum liability insurance policy of \$1,000,000.00 (or in the amount as required by any state agency if higher) for bodily injury and property damage, from an insurance company currently licensed to do business by the state.
  - b. A site plan showing the location and dimensions of the property, stand, parking areas, traffic circulation patterns, the proposed methods of storing fireworks, surrounding buildings and structures, and other information deemed necessary by the respective approving departments.
  - c. Any and all licenses required by state law.
2. Final approval of the application will be evidenced by the Fire Marshal and the Community Development Director by their signature on the issued license. Copy of said issued license must be posted at the stand or structure in a conspicuous location, along with a copy of the sales tax permit issued by the Oklahoma Tax Commission.

## ORDINANCE NO. 9368

3. As a condition for the issuing of permits to same organizations in sequential years, said organizations must demonstrate they assisted in the cleanup up fireworks debris in public areas across the city.

### D. Retail Sales.

1. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of 16 years, unless accompanied by an adult.
2. All licensed fireworks stands and structures selling fireworks and related items must be staffed and operated by members or employees of the licensed organization. A responsible adult (21 years or older) of the licensed organization must be present at all times during the operation of the stand.
3. Smoking shall be prohibited within fifty (50) feet of any stand and license holder shall display "NO SMOKING" signs in prominent places on or about the stand.
4. Refuse containers of adequate size and number must be provided on the premises. All trash, rubbish and debris shall be collected from time to time so as not to become unsightly or blow upon the premises of others.
5. No fireworks may be stored closer than one hundred (100) feet to an inhabited building, passenger railway, or public highway.
6. No fireworks may be sold at retail within the City Limits of the City of El Reno, Oklahoma, unless purchased for resale from a wholesale fireworks dealer qualified to sell such fireworks in the State of Oklahoma.
7. The Fire Marshal may require the stand to post information regarding burn bans, fire danger, and firework safety, at the site.
8. Signage will be posted in accordance with the El Reno Code of Ordinances, the El Reno Zoning Code, and other applicable federal, state, and local regulations.

### E. Removal of Stands.

All fireworks stands and related structures for the sale of fireworks and related items must be taken down and/or removed from their location within 15 days after July 4 of each year. In addition, the area wherein the stand or structure was located shall be returned to its prior condition by picking up all refuse pertaining to the operation of the fireworks stand or structure.

### F. Storage and Handling.

1. All fireworks and sales areas shall be conspicuously posted with signs reading "FIREWORKS—NO SMOKING." Additional signs shall be posted, as issued by the City of El Reno, regarding restrictions relating to the discharge of fireworks within the corporate boundary of the City of El Reno.
2. Fireworks offered for retail sale at a licensed fireworks stand must be protected from direct contact and handling by the public at all times. Self-service or marketing where retail customers at a licensed fireworks stand are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited.
3. Fireworks offered for retail sale must be sold according to the most current version of National Fire Protection Association (NFPA) 1124 Chapter 7.
4. Mail-order, internet or other indirect sales to consumers are prohibited through any medium of either interstate or intrastate commerce.

## ORDINANCE NO. 9368

5. Fireworks shall not be sold or displayed to the public within any building or portion thereof (except for approved permanent fireworks retailers), or any vehicle, which allows entry by any persons other than employees within such building or vehicle, unless the fireworks are kept where they cannot be reached or handled by those persons.
6. An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the Fire Marshal. The use of tents or other non-rigid shelters for the sale or storage of fireworks where the public may move about, under or within the confines of a shelter is prohibited.

### **Section 189-503. Discharge of Consumer Fireworks Restricted.**

- A. The discharge of consumer fireworks shall be allowed only between the hours of 2:00 p.m. and 10:00 p.m. for the period of June 27 through July 4, with the exception of July 4 (any day of the week), when the hours shall be noon through 11:00 p.m., and July 5 (when on a Friday or Saturday), when the hours shall be noon through 10:00 p.m. Discharge of fireworks is totally prohibited during all hours from July 5 (unless July 5 is a Friday or Saturday) through the following June 26. Discharge of display fireworks or other fireworks shall be prohibited at any time, except as provided under Section 189-504.
- B. Consumer 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.
- C. It shall be unlawful to explode or ignite fireworks:
  1. Within 500 feet of any church, hospital, asylum, unharvested flammable agricultural crop, public school or where fireworks are stored, sold, or offered for sale.
  2. Within 200 feet of any industrial building or yard, including oil & gas sites.
  3. Within a residential subdivision with a typical lot density less than one acre.
  4. Within a RV or mobile home subdivision.
  5. In the area bound as follows:
    - North of Jensen Road;
    - East of Reformatory Road;
    - South of North Canadian River; and
    - West of Radio Road.
- D. The person discharging fireworks is responsible for cleaning up any debris caused by any person discharging fireworks and such debris must be cleaned up and removed the following day the fireworks are discharged.
- E. Private persons may not use or discharge fireworks within any city or county park, property, nor on any highway, turnpike, or within fifteen feet of any public or private street.
- F. No person shall ignite or discharge any article of fireworks within or throw any article of fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people per 47 OS 11-1111.

## ORDINANCE NO. 9368

- G. A responsible adult must be present at all times to supervise any child under the age of 16 years who is handling, discharging, or otherwise is in possession of fireworks. Fireworks can only be discharged on property owned by the responsible adult or with the permission of the property owner.
- H. The discharging of fireworks shall be prohibited during burn bans declared by the Governor or the Canadian County Board of Commissioners. The Fire Marshal may also prohibit the discharge of fireworks during periods of high fire danger.

### Section 189-504. Fireworks Display.

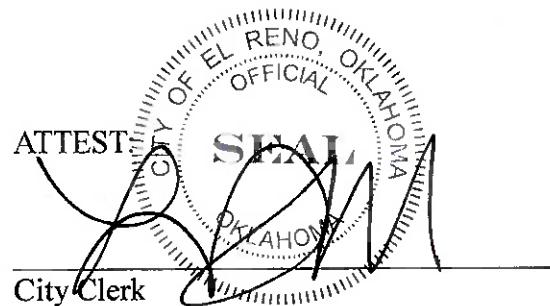
IFC Section 5608.1 is hereby amended to read as follows:

5608.1 General. Except as otherwise specifically provided in this code or Chapter 189 of the El Reno Code of Ordinances, it shall be unlawful for any person to possess, assemble, store, receive, keep, sell, offer or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description. The Fire Marshal may grant permits for supervised public displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals.

**SECTION 3:** All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 4:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this ordinance or any part thereof.

**PASSED AND APPROVED** by the Mayor and City Council of the City of El Reno this 18th day of February, 2025.



John J. Jensen  
Mayor

Approved as to legal form this 18th day of February, 2025.



Daniel Shatt  
City Attorney