

CITY OF NOBLE ORDINANCE No. 632

AN ORDINANCE OF THE CITY OF NOBLE OKLAHOMA, LEGALIZING, REGULATING AND ESTABLISHING THE ORDERLY SALE, USE AND STORAGE OF FIREWORKS, TO SPECIFY CONDITIONS OF SALES AND LICENSING PROVISIONS, TO PROHIBIT CERTAIN FIREWORKS, TO PROVIDE FOR SEIZURE AND DISPOSITION OF ILLEGAL FIREWORKS, TO REGULATE PUBLIC DISPLAYS OF FIREWORKS; PROVIDING FOR DEFINITIONS; ESTABLISHING CONDITIONS AND LIMITATIONS FOR SUCH SALE AND USE; PROVIDING FOR PERMITS AND PUBLIC SAFETY REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AMENDING CHAPTER 7 OF PART 9 OF THE CODE OF ORDINANCES OF THE CITY OF NOBLE, INCLUDING THE AMENDMENT OF SECTION 9-701 AND SECTION 9-702 OF THE CODE OF ORDINANCES OF THE CITY OF NOBLE AND THE ADDITION OF SECTIONS IN SAID CHAPTER 7, PART 9 OF SAID CODE OF ORDINANCES, ADOPTING AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NOBLE, OKLAHOMA THAT THE FOLLOWING AMENDMENTS AND ADDITIONS TO THE CODE OF ORDINANCES OF THE CITY OF NOBLE ARE HEREBY ADOPTED:

A. That Section 9-701 of the Code of Ordinances of the City of Noble is hereby amended to read as follows:

SECTION 9-701 – Sale and Discharge of Fireworks within the City of Noble, Oklahoma.

On and after the effective date of this Ordinance, Fireworks may be sold and discharged within the City Limits of the City of Noble, Oklahoma only in strict compliance with the Ordinances codified in Chapter 7 of Part 9 of the Code of Ordinances of the City of Noble, Oklahoma.

B. That Section 9-702 of the Code of Ordinances of the City of Noble, is hereby amended to read as follows:

SECTION 9-702 – Definitions.

As used in Chapter 7 of Part 9 of the Code of Ordinances of the City of Noble:

1. "Fireworks" means any composition or device for the purpose of producing a visible or an 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 devices suitable for use by the public that conform with the 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;

3. "Display Fireworks" means 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);

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

5. "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;

6. "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;

7. "Wholesaler" means any person who purchases fireworks and novelties for resale only to retailers and consumers;

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

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

C. That a new Section 9-703 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-703 – CONDITIONS AND PROHIBITIONS REGARDING FIREWORK STORAGE

1. Consumer Fireworks may be legally stored, transported, sold and used in the City of Noble, Oklahoma with the exceptions and conditions specified under Chapter 7 of Part 9 of the Code of Ordinances of the City of Noble, the provisions of Section 1621 et seq of Title

68 and Section 22-110 of Title 11 of the Oklahoma Statutes. Novelties may be legally stored, transported, sold and used in the City of Noble, Oklahoma

2. Fireworks offered for retail sale must be sold according to the National Fire Protection Association (NFPA) 1124 Chapter 7, 2006 Edition. Mail-order sales to consumers are prohibited through any medium of either interstate or intrastate commerce. Sales of fireworks may only be made at properly licensed retail locations within the City of Noble, Oklahoma. A sales clerk must be on duty to serve the consumer at the time of purchase.

3. An enclosed building used for sale of fireworks to the public shall be built according to the International Building Code (IBC) 2006 Edition and/or the codes and standards adopted by the Oklahoma Uniform Building Code Commission.

4. The Manufacture of Fireworks within the municipal limits of the City of Noble is strictly prohibited.

5. No Manufacturer, Distributor or Wholesaler of Fireworks shall store or warehouse fireworks within the municipal limits of the City of Noble.

D. That a new Section 9-704 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-704 – RETAIL SALES REQUIREMENTS FOR CONSUMER FIREWORKS.

1. The permit to operate a retail fireworks sales facility within the corporate limits of the City of Noble shall be obtained by filing a written application for each location with the Noble City Clerk and paying a fee, as set by motion or resolution adopted by the city council. A permit fee, as set by motion or resolution by the city council, is required for each retail fireworks stand that a permit is issued.

2. The retail license holder shall be responsible for the safe operation of the retail sales to the public. The retail license holder shall be at least sixteen (16) years of age.

3. Only residents, nonprofit civic, charitable, fraternal, educational or religious organizations located and domiciled within the corporate limits of the City of Noble are eligible to be licensed by the City Clerk to sell consumer fireworks and related items within the City of Noble. Licensed operators of retail fireworks sales facilities within the City of Noble shall be a holder of a valid Oklahoma State retail fireworks license issued pursuant to Paragraph 4 of Section 1625 of Title 68 of the Oklahoma Statutes and shall file with the City Clerk a copy of the signed and notarized Affidavit required by Paragraph 4 of said Section 1625.

4. A minimum liability insurance policy of \$250,000.00 for bodily injury and property damage, from an insurance company currently licensed to do business by the state shall

be required and attached with the application for a fireworks sales facility. Said Certificate of Insurance shall show the City of Noble as a named insured.

5. To ensure public safety and reduce fire risk, a maximum of ten (10) permits for fireworks sales facilities will be granted each calendar year.

6. Retail Fireworks sales facilities must be located on private property zoned commercial, with written permission from the property owner and filed with the application.

7. Sales and Operations at all Retail Fireworks Sales Facilities shall meet the minimum requirements as mandated by the State of Oklahoma.

8. For Independence Day, temporary structures housing Retail Fireworks Sales Facilities may not be placed on the approved site until June 1st and shall be removed from their location within fifteen (15) days after July 6. For New Year's Day, temporary structures housing Retail Fireworks Sales Facilities may not be placed on the approved site until December 1st and shall be removed from their location within fifteen (15) days after January 2nd.

9. Fireworks may only be sold by licensed retailers from June 15 until July 6 or the first Sunday after July 4th, whichever is later, and from December 15 until January 2 to residents and nonresidents of the City of Noble each calendar year.

10. An inspection shall be performed by the code enforcement officer, city inspector or fire chief (combination thereof) to ensure compliance with the Oklahoma State Fire Marshal's rules and regulations by using the state's inspection form. If the applicant meets the requirements set forth above, a permit shall be issued by the city clerk and shall be evidenced by the signature of the city manager, or his designee, upon the application.

11. All Retail Fireworks Sales stands and structures selling fireworks and related items shall have at least one (1) sales person present at all times who is at least twenty-one (21) years of age.

12. It shall be unlawful for any Retail Fireworks Sales Facility to offer or sell any fireworks to children under the age of twelve (12) unless accompanied by an adult.

13. All fireworks and sales areas shall be conspicuously posted with signs reading "FIREWORKS—NO SMOKING."

14. Any facility selling fireworks will have a fire extinguisher present and readily available on site at all times.

15. Any facility selling fireworks will have a first aid kit present and readily available on site at all times.

16. An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the fire chief. 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.

17. Every retail sale of fireworks shall be subject to the levy and collection of sales tax and every retail fireworks location shall possess a valid current sales tax permit issued by the Oklahoma Tax Commission which sales tax permit shall be conspicuously posted in the immediate vicinity of the sales operation and shall be immediately available for examination by the public or any enforcement officer. Vendors that fail to collect sales tax shall be subject to the penalties provided in Section 1361 of Title 68 of the Oklahoma Statutes.

E. That a new Section 9-705 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-705 – APPEALS REGARDING THE ELIGIBILITY OF APPLICANTS.

Should a question arise concerning the eligibility of an organization to qualify for a license under this article or if the plot plan is not approved by the police chief or his designee or the fire chief or his designee 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.

F. That a new Section 9-706 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-706 – RESTRICTIONS ON THE DISCHARGE OF FIREWORKS.

1. No fireworks shall be discharged, exploded or ignited within five hundred (500') feet of any fireworks stand, church, unharvested flammable agricultural crops, public schools or public property.

2. The discharge of fireworks shall be allowed on private property only. The dates that fireworks may be legally discharged in the City of Noble are on July 3rd and July 4th each year between the hours of 9:00 A.M. and 11:00 P.M. unless the dates or times are otherwise modified by the City Council and 9:00 am on December 31st to 12:30 A.M. on January 1st of the following year. Consumers must have written permission from the property owner to discharge fireworks upon the private property of another.

3. In the event of a county-wide or state-wide burn ban, the city council may ban all sales and/or place additional restrictions on the discharge of fireworks as it deems appropriate.

4, No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such motor vehicle, individual, or at or near any group of people.

G. That a new Section 9-707 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-707 – SPECIAL EVENTS PERMIT AND DISPLAY FIREWORKS

1. Special Events Permit. The discharge of fireworks is totally prohibited at all other times, unless permitted by special events issued by the City Manager. Applicants must file an application for such special events permit and pay a fee as set by the city council adopted by motion or resolution.

2. It is unlawful to discharge any fireworks, except as otherwise provided by this article, at any public display, including but not limited to any public display at any public park. The city manager shall permit the use of fireworks for public or private displays only when the following requirements are met:

a. Applications for such special events permit must be filed with the city clerk and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee as adopted by the city council by motion or resolution shall be paid upon the filing of the application.

b. A copy of federal form ATF F5400.4, Bureau of Alcohol, Tobacco and Firearms, must be submitted with the application.

c. All the provisions of the most recent version of NFPA (National Fire Protection Agency) 1123 shall apply to firework displays. This subsection does not apply to the use of Class C (common) fireworks by the general public.

d. Every display requiring a permit shall be handled by a properly trained operator and approved by the city manager. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.

3. Any permit issued by the City of Noble may be subject to any other restrictions and conditions as the city may find necessary.

4. Qualifications of Operators of Public Displays. The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state in a sum sufficient to satisfy the city council, and must possess any and all licenses required by the state of Oklahoma.

H. That a new Section 9-708 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-708 – NON-TRANSFERABILITY.

All licenses and permits authorized by Chapter 7 of Part 9 of the Code of Ordinances of the City of Noble are strictly and absolutely non-transferable.

I. That a new Section 9-709 is added to the Code of Ordinances of the City of Noble to read as follows:

SECTION 9-709 – PENALTY

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in Section 1-108 of this Code. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense.

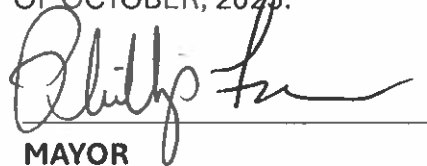
PROVISIONS SEVERABLE

The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

EMERGENCY PROVISION

WHEREAS, it being immediately necessary for the preservation of the peace, health, welfare and safety of the City of Noble, Oklahoma, 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, this ordinance shall take effect and be in full force from and after its passage as provided by law.

ADOPTED AND APPROVED THIS 20th DAY OF OCTOBER, 2025.


MAYOR

ATTEST:

CITY CLERK
(SEAL)

