

**MINUTES
ORDINANCE AND INSURANCE COMMITTEE
SPECIAL MEETING
THURSDAY, MAY 23RD, 2024
5:30 P.M.**

THE ORDINANCE AND INSURANCE COMMITTEE MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE STREET, PRYOR, OKLAHOMA AT THE ABOVE DATE AND TIME.

COMMITTEE MEMBERS: CHRIS GONTHIER, CHOYA SHROPSHIRE, _____, CHARLES TRAMEL (alt)

1. CALL MEETING TO ORDER.

The meeting was called to order by Gonthier at 5:32 p.m. Committee members present: Chris Gonthier; Choya Shropshire and Charles Tramel. Members absent: none.

Others present: Jennifer Brittain, Kevin Tramel and Lisa Malone.

2. DISCUSS, POSSIBLY APPROVE MINUTES OF THE OCTOBER 16TH, 2023 SPECIAL MEETING.

Motion was made by Shropshire, second by Tramel to approve the minutes of the October 16th, 2023 Special Meeting. Voting yes: Shropshire and Tramel. Abstaining, counting as a no vote: Gonthier. Voting no: none.

3. DISCUSS, POSSIBLY APPROVE MINUTES OF THE APRIL 30TH, 2024 REGULAR MEETING.

Motion was made by Shropshire, second by Tramel to approve the minutes of the April 30th, 2024 Regular Meeting. Voting yes: Shropshire and Gonthier. Abstaining, counting as a no vote: Tramel. Voting no: none.

4. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING APPROVAL OF 2024-2025 CITY GROUP HEALTH INSURANCE PLAN FROM PLANS PRESENTED.

Motion was made by Shropshire, second by Tramel to discuss approval of 2024-2025 city group health insurance plan from plans presented. Brittain presented potential renewal options to the committee.

Motion was amended by Shropshire, second by Tramel to recommend Council action to approve option 2 from the plans presented and approve the addition of the Employee Assistance Program. Voting yes: Tramel, Gonthier and Shropshire. Voting no: none.

5. ADJOURN.

Motion was made by Shropshire, second by Tramel to adjourn. Voting yes: Gonthier, Shropshire and Tramel. Voting no: none.

7-4-4: CAMPING:

A. Consent Required: Overnight camping ~~The use of the parks and public areas~~ within the ~~corporate~~ limits of the city ~~for overnight camping~~ is prohibited without the consent of the mayor and city council. (1988 Code § 11-103)

B. Presumptive Evidence Of Camping: The installation or stopping of any trailer or the erection of any tent or shelter after one hour before sundown in the park areas of the city shall constitute presumptive evidence of the breach of this section. The erection of a tent in the backyard of a private residential property for the purposes of "family activities" for up to three overnights is not considered a breach of this section. (1988 Code § 11-106)

C. Waiver: The foregoing prohibition and penalty may be waived by the mayor and city council in favor of any organized group or association for such time as specified, not to exceed five (5) days and nights, consecutively. (1988 Code § 11-105)

D: Time Does Not Legalize: No lapse of time can legalize any overnight camping in existence at the passage of this modification. (1988 Code § 8-203).

(Note: underlined, blue font are additions to the current ordinance. Struck through, red font are deletions from the current ordinance).

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING FIREWORK REGULATIONS

WHEREAS, the City of Pryor Creek currently has enacted an ordinance regarding the use and sale of fireworks within the City's boundaries.

WHEREAS, The City Council of the City of Pryor Creek, Oklahoma, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City to amend the current ordinance to allow for the limited sale and use of fireworks within the City limits.

NOW, THEREFORE, be it ordained by the People of Pryor Creek by and through the Mayor, and the City Council of the City of Pryor Creek, Mayes County, Oklahoma pursuant to the emergency provisions of the Charter of the City of Pryor Creek, Oklahoma Article 3, Sections 19 and 20 to wit:

5-4C-2 entitled "FIREWORKS REGULATED" of the Code of Ordinances of Pryor Creek, Mayes County, State of Oklahoma shall be amended as follows:

- A. "Fireworks Defined: For the purpose of this section, "fireworks" shall have the meaning prescribed by state law, 68 Oklahoma Statutes section 1622.
- B. Fireworks Usage: The discharge, firing or use of fireworks within the corporate limits of the City is allowed for residential purposes as stated within this Ordinance. Public Firework Displays are hereby prohibited excepting only such activity which is carried out pursuant to a permit issued by the City effective for the current year in which such activity is carried out.
 1. Public Fireworks Displays:
 - a. Supervised public displays utilizing either IAG or 1.3G fireworks shall be lawful when conducted pursuant to a permit issued by the City and otherwise performed in such a manner as to be in compliance with all requirements of this code and such restrictions as may be made or required by the fire department and National Fire Protection Association (NFPA 1123). The permit holder shall:
 - (1) Furnish a diagram of the site for the display which shall show the location of the firing site, spectator area and shall meet the requirements of NFPA 1123.
 - (2) Furnish an inventory list of the proposed fireworks to be fired at the site.
 - (3) Conform to all requirements of NFPA 1123.
 - (4) Obtain a site inspection prior to the operation of the display.

- (5) All public displays including displays utilizing IAG fireworks shall (within 10 days prior to the display) publish a public notice in a newspaper legally authorized for legal notices published for circulation in the city.
 - (6) Any company performing fireworks displays utilizing 1.3G fireworks shall have on file with the city of Pryor Creek a copy of their state license for fireworks displays and proof of public liability insurance in such amount as may be required by the city at the city council's discretion.
 - (7) Any and all subcontractors of the permit holder participating in any manner with the public display shall be required to be disclosed upon the permit to be obtained and each subcontractor shall be subject to the requirements of subsection B1a(6) of this section.
- b. Every public fireworks display shall obtain the commercial fireworks permit as passed and approved by city council at a fee as established for public displays (see appendix A of this code).
 - c. Public fireworks displays must be pre-approved by city council and meet the requirements of subsections B1a and B1b of this section.
2. Residential Fireworks: "Residential fireworks" shall mean and refer to all use of fireworks not otherwise described in subsection B1a of this section.
- a. The "season" for residential fireworks discharge, firing or burning shall be limited to be only on July 1 through July 4, between the hours of nine o'clock (9:00) A.M. to eleven fifty nine o'clock (11:59) P.M. on each of said dates, and on New Year's Eve beginning at nine o'clock (9:00) P.M. through New Year's Day at one o'clock (1:00) A.M. The discharge, firing or burning of residential fireworks at dates and times not specifically set forth herein shall be unlawful.
 - b. Fireworks shall not be discharged within twenty-five feet (25') to any permanent structure or within five hundred feet (500') of any church, hospital, school, public park, or where fireworks are stored or sold.
 - c. No person may use or discharge fireworks on any public easement, or public property unless approved by the city council of the city of Pryor Creek.
 - d. No person shall ignite or discharge any fireworks within or neither throw the same from a motor vehicle nor shall any person place or throw any ignited article or fireworks into or at such a motor vehicle, or at or near any group of people.
 - e. No person under the age of eighteen (18) years of age shall engage in the use of residential fireworks unless under the supervision, which term "supervision" shall

require the physical presence in the immediate area such that visual observation of the use may be had during all times of use, of an adult person (over 18 years of age).

- f. An adult person (over 18 years of age) overseeing the use of fireworks by persons under the age of eighteen (18) years may not supervise more than four (4) persons under the age of eighteen (18) years in the use of fireworks.
- g. The adult person (over 18 years of age) in charge of the use must be physically present for any household member to use the fireworks and said use shall be within sixty feet (60') of the front door of the residence. The adult person (over 18 years of age) is further responsible for cleaning up any debris caused by any person discharging fireworks under the supervision of the adult person (over 18 years of age) and such debris must be cleaned up and removed the same day the fireworks are discharged.

C. Permit Exception: The council of the city of Pryor Creek shall approve an exception for the discharge at such times the City of Pryor Creek sponsors a public display and only on the area so designated.

D. Sale of Fireworks from Firework Stands

- 1. Application for License: Any person, organization, or business seeking to sell fireworks must apply for a license between April 15 ~~and~~ June 1 and November 15 - December 1 of the license year by filing a written application in such form and content as the city manager may prescribe.
- 2. Eligibility of Applicant:
 - a. Age: Applicants must be at least twenty-one (21) years of age at the time of application.
 - b. Insurance: Applicants must provide minimum liability insurance of five hundred thousand dollars (\$500,000.00) for bodily injury and property damage from an insurance agency currently licensed to do business within the state of Oklahoma. Proof of insurance must be submitted with the application.
 - c. Invoicing of Fireworks: All fireworks must be invoiced from a distributor or wholesaler licensed to do business in the state of Oklahoma. The original invoice must be in the applicant's name and be available upon request.
 - d. Proof of Tax Payment: Applications must be accompanied with proof of tax payment for the previous year. Applications of a new business venture must be accompanied by an affidavit verifying that the applicant has not engaged in selling fireworks previously or, in the alternative, was not required to pay city, state or federal taxes.

- e. Proof Of State Permit: Applicants must supply proof of state permit for the license year and comply with all fireworks laws of the state, 68 Oklahoma Statutes sections 1621 through 1634.
3. Fees: A fee of five hundred dollars (\$500.00) must accompany the application. A license fee is required for each fireworks stand.
 4. Firework Stand Requirements:
 - a. Location; Property Owner Consent: Each stand must be located on property zoned commercial, with written consent from the property owner dated and filed with the application, or on property owned by the city, contingent upon written approval of the Mayor.
 - b. Distance From Other Structures: A minimum of fifty feet (50') must exist between all fireworks stands and any other structures.
 - c. Parking: Vehicle parking cannot be within ten feet (10') of any fireworks stand.
 - d. Posting Of Signs: Signs stating "FIREWORKS – NO SMOKING WITHIN 50 FEET" must be posted on all sides of the entire facility.
 - e. Fire Extinguisher: Each fireworks stand must have at least one approved ABC fire extinguisher, minimum size of five (5) pounds. The travel distance to any fire extinguisher cannot exceed thirty-five feet (35'). If the fireworks stand exceeds 200 square feet, two (2) portable ABC fire extinguishers are required with at least one being a multi-purpose dry chemical type.
 - f. Distance From Fuel Tanks: Fireworks must be a minimum of three hundred feet (300') away from fuel pumps, propane tanks, or any other facility or structure where flammable liquid is commercially sold or dispensed.
 - g. Time Limitation: Firework stands may only be erected from June 15 – July 6 or the first Sunday after July 4, whichever is later, and December 27 – December 31 of the license year.
 - h. Adult Person in Charge: A person eighteen (18) years of age or older shall be present and in charge of the fireworks stand at all times.
 - i. Hours: Fireworks stands may conduct business between the hours of eight o'clock (8:00) A.M. and eleven o'clock (11:00) P.M. of the license year excluding the evenings of December 31, July 3, July 4 when they may remain open until twelve o'clock (12:00) A.M.
 - j. Sales To Underage Persons: It shall be unlawful to offer for sale any fireworks to children under the age of twelve (12) years, unless accompanied by an adult.
 - k. Inspection: The code enforcement officer and/or fire marshal must inspect the fireworks site and stand, for safety and ordinance compliance, prior to opening for business.

- l. Noncombustible Surface: All fireworks stands shall be on a noncombustible surface (asphalt, concrete, gravel), with the surface area being twice the size in square feet as the actual tent, or in the absence of a tent, the fireworks stand.
 - m. Restrooms: All fireworks stands shall have working restroom facilities on site, whether those be in an enclosed camper on the premises or through the rental of a portable unit.
- E. Penalty: Any person found violating any provision of this section shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in section 1-4-1 of this code.

This ordinance shall be published as provided by law.

The territory described in this ordinance shall be removed from the corporate limits of City of Pryor Creek, Oklahoma, upon publication of this ordinance. Adopted and approved this ____ day of _____, 2024.

Adopted and approved this ____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

City Attorney