

**MINUTES
ORDINANCE AND INSURANCE COMMITTEE
SPECIAL MEETING
TUESDAY, SEPTEMBER 26TH, 2023
6:00 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: CHOYA SHROPSHIRE, RANDY CHITWOOD, CHRIS GONTHIER, CHARLES TRAMEL

1. CALL MEETING TO ORDER.

The meeting was called to order by Gonthier at 6:05 p.m. Committee members present: Chris Gonthier, Choya Shropshire and Randy Chitwood.

Others present: Mayor Zac Doyle, Chase McBride, Terry Aylward, Kemmie Shropshire, Jeremy Cantrell and Justin Couch.

2. DISCUSS, POSSIBLY APPROVE MINUTES OF THE JULY 25TH, 2023 SPECIAL MEETING.

Motion was made by Shropshire, second by Chitwood to approve minutes of the July 25th, 2023 special meeting.

Voting yes: Gonthier, Shropshire and Chitwood. Voting no: none.

Gonthier moved to item 4.

4. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING AN ORDINANCE DIRECTING THE DETACHMENT OF CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF PRYOR CREEK.

Motion was made by Shropshire, second by Chitwood to recommend Council action regarding an ordinance directing the detachment of certain property from the corporate limits of the City of Pryor Creek. McBride stated that municipal utilities run under this section of road. He reported that he will present a maintenance agreement to lease the section to Mayes County at the next Council meeting.

Motion was amended by Shropshire, second by Chitwood to return the issue to Council for a decision. Voting yes: Shropshire, Chitwood and Gonthier. Voting no: none.

5. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING AN ORDINANCE TO AMEND THE PRYOR CREEK UNIFIED DEVELOPMENT ORDINANCES TO INCLUDE AN ADDITIONAL REAR SETBACK FOR ACCESSORY BUILDINGS AND OUTBUILDINGS.

Motion was made by Shropshire, second by Chitwood to recommend Council action regarding an ordinance to amend the Pryor Creek Unified Development Ordinances to include an additional rear setback for accessory buildings and outbuildings. Motion was amended by Shropshire, second by Chitwood to specify in the ordinance that existing structures will be grandfathered in. Voting yes: Chitwood, Gonthier and Shropshire. Voting no: none.

Gonthier moved back to item 3.

3. DISCUSS, POSSIBLY RECOMMEND COUNCIL ACTION REGARDING AN ORDINANCE PERTAINING TO THE USE OF AUTOMATED LICENSE PLATE READERS.

Motion was made by Shropshire, second by Chitwood to recommend Council action regarding an ordinance pertaining to the use of Automated License Plate Readers. Motion was amended by Shropshire, second by Chitwood to remove the word "solely" regarding protected rights and remove mention of civil action regarding the release of data. Voting yes: Shropshire and Chitwood. Voting no: Gonthier.

6. SCHEDULE NEXT MEETING.

No action was taken.

7. ADJOURN.

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

**MINUTES
ORDINANCE AND INSURANCE COMMITTEE
SPECIAL MEETING
MONDAY, OCTOBER 16TH, 2023
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, RANDY CHITWOOD, CHARLES TRAMEL (alt)

1. CALL MEETING TO ORDER.

The meeting was called to order by Shropshire at 5:33 p.m. Committee members present: Choya Shropshire and Charles Tramel. Members absent: Chris Gonthier and Randy Chitwood.

Others present: Lisa Malone and Chris Kennedy.

2. DISCUSS, POSSIBLY APPROVE MINUTES OF THE SEPTEMBER 26TH, 2023 SPECIAL MEETING.

Motion was made by Tramel, second by Shropshire to approve minutes of the September 26th, 2023 special meeting. Voting yes: Shropshire. Abstaining, counting as a no vote: Tramel. Voting no: none. Motion failed.

3. PRESENTATION OF QUARTERLY WORKER'S COMPENSATION REPORT BY BROWN & BROWN.

Kennedy presented an overview of current worker's compensation statistics for the city. He stated that the Fire Department's safety inspection went extremely well and overall the city did well on the report. He also stated that rates will increase for the next fiscal year, but the new rate is partially determined on the results of several open claims. He stated that he will likely have an estimate of the expected cost in the Spring.

6. SCHEDULE NEXT MEETING.

No action was taken.

7. ADJOURN.

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

ORDINANCE NO. 2023-_____

AN ORDINANCE TO REGULATE THE INSTALLATION AND USE OF AUTOMATED LICENSE PLATE READERS AND THE DATA COLLECTED

WHEREAS, 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 for the Pryor Police Department to begin using Automated License Plate Reader (ALPR) technology to collect data, however also recognizes the Constitutional privacy of the citizens of the City.

WHEREAS, the City of Pryor Creek, Oklahoma believes the Pryor Police Department should have access to the data collected from the ALPRs for the purpose of investigations, crime prevention and for the overall protection of the City's citizens.

WHEREAS, the City of Pryor Creek, Oklahoma also believes the citizens should have their privacy rights fully protected from the unlawful collection and distribution of data or tracking of movements or actions.

NOW, THEREFORE, be it ordained by the Mayor, and the Council of the City of Pryor Creek, Mayes County, Oklahoma to wit:

_____ of the Code of Ordinances of Pryor Creek, Mayes County, State of Oklahoma shall be amended to include the following addition:

1. Automated License Plate Reader (ALPR)

a. Authorization for Use

- i. The Police Department is authorized to install and utilize ALPR technology within the corporate limits of the City for the purpose of capturing and storing digital license plate data and images.
- ii. All data and images gathered by an ALPR is for the official use of the Police Department. Because such data may contain confidential information, it is not open to public review.

b. Operation of ALPR

- i. An ALPR may only be used for official law enforcement business.
- ii. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

- iii. No ALPR operator may access confidential Pryor Creek Police Department, state or federal data unless authorized to do so.
- iv. No ALPR shall be utilized for the purpose of tracking any right protected by the United States Constitution or the Constitution of the State of Oklahoma including but not limited to: Right to Religion, Right to Express, Right to Assemble, and the Right to Petition.

c. Data Storage

- i. All stored ALPR data should be retained for a period of ten (10) calendar days. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence. Under no circumstance shall any data be sold, distributed or given to any third party unless required by law.

d. Releasing ALPR Data

- i. The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law

e. Punishment & Sentence

- i. Any person who intentionally sells, shares or distributes any information collected by an ALPR shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in Section 1-4-1 of this Code.

f. Department Policy

- i. The Police Department shall develop and maintain a Department Policy regarding the use of License Plate Readers and the data collected. The policy must be consistent with Federal, State and local ordinances.

g. Third Parties

- i. All third-parties who provide services to the City of Pryor for the use of an ALPR, or the storage of data collected from an ALPR, shall also be required to follow all provisions regarding privacy contained within this Ordinance.

The language in the ordinance above shall hereby be included in Code of Ordinances of Pryor Creek, Mayes County, State of Oklahoma as _____. It shall be incorporated as an enforceable ordinance within the City of Pryor Creek, Oklahoma.

This ordinance shall be published as provided by law.

Adopted and approved this ____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

City Attorney

ORDINANCE NO. 2023-_____

AN ORDINANCE FOR CERTIFICATES TO BE ISSUED IN COMPLIANCE WITH OKLAHOMA MEDICAL MARIJUANA AUTHORITY

WHEREAS, the State of Oklahoma recently passed a law regarding medical marijuana certificates of compliance for businesses dealing with in the medical marijuana industry under the Oklahoma Medical Marijuana Authority (OMMA) within a municipality,

WHEREAS, the City of Pryor Creek currently does not have any ordinance regarding the issuing of certificates of compliance to businesses within the medical marijuana industry,

WHEREAS, the City of Pryor Creek recognizes the need to be able to issue these certificates of compliance under Oklahoma state law,

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, for the City to be able to issue certificates of compliance,

NOW, THEREFORE, be it ordained by the Mayor, and the Council of the City of Pryor Creek, Mayes County, Oklahoma to wit:

The City of Pryor Creek, Oklahoma hereby directs the following to be included in Title __, Chapter__ of the _____ Ordinances specifically as _____:

[Needs Citation Location] OKLAHOMA MEDICAL MARIJUANA AUTHORITY 9OMMA0 CERTIFICATES; APPLICATION.

- A. Required: Every applicant for a certificate of compliance with the zone, fire, health and safety codes of the city, required by Oklahoma Medical Marijuana Authority (OMMA). Rules, shall apply at the office of the city clerk by:
 - a. Application Form: Filing a written application on forms prescribed by that office; and
 - b. Fee: Paying a verification and certification fee in such amount as set by the city council at the time of filing.

- B. Investigation: Upon receipt of an application for a certificate of compliance, the city clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning title and any health, fire, building and other safety codes applicable to it.

[Needs Citation Location] ISSUANCE OF CERTIFICATES:

- C. Zoning: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the Oklahoma Medical Marijuana Authority (OMMA).
- D. Fire, Safety And Health Codes: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a certificate of compliance shall be issued to the Oklahoma Medical Marijuana Authority (OMMA).
- E. Signatures Required: The above certificates of compliance shall be signed by the mayor or by the city clerk.

The language in this his ordinance above shall hereby be included in Pryor Creek’s Ordinances and be codified as _____ It shall be incorporated as an enforceable ordinance within the City of Pryor Creek, Oklahoma.

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 _____, 2023.

Adopted and approved this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

City Attorney

CHAPTER 5

PREVENTION OF YOUTH ACCESS TO TOBACCO AND VAPOR PRODUCTS

SECTION:

5-5-1: Definitions

5-5-2: Enforcement

5-5-3: Furnishing To Minors

5-5-4: Purchase, Receipt Or Possession; Falsifying Age

5-5-5: Signs In Retail Establishments

5-5-6: Retail Employees; Notice And Acknowledgment

5-5-7: Vending Machine Sales

5-5-8: Distribution Of Samples

5-5-9: Sales Except In Original, Sealed Packaging

5-5-10: Refusal Of Minor To Disclose Information

5-5-11: Provide Information To ABLE Commission

5-5-1: DEFINITIONS:

As used in this chapter:

PERSON:	Any individual, firm, fiduciary, partnership, corporation, trust or association, however formed.
PROOF OF AGE:	A driver's license, license for identification only or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.
SAMPLE:	A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.
SAMPLING:	The distribution of samples to members of the public in a public place.
TOBACCO PRODUCT:	Any product that contains tobacco and is intended for human consumption.
VAPOR PRODUCT:	Shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act. (Ord. 2018-3, 2-6-2018; amd. Ord. 2021-5, 2-2-2021)

5-5-2: ENFORCEMENT:

A. Specified: The City police are authorized and empowered to enforce the provisions of this chapter. The City police shall enforce these provisions in a manner that can reasonably be expected to reduce the extent to which tobacco products and vapor products are sold or distributed to persons under twenty-one (21) years of age.

B. Assistance By Persons Under Eighteen: Persons under eighteen (18) years of age may be enlisted by the City police to assist in enforcement; provided, however, that such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the City police after giving written notice to the Alcoholic Beverage Laws Enforcement (ABLE) Commission in the manner prescribed by the ABLE Commission. Provided however, that this subsection shall not apply to the use of persons under eighteen (18) years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in 68 Oklahoma Statutes section 301, at any location the retailer of cigarettes is authorized to sell cigarettes. (Ord. 2018-4, 2-6-2018; amd. Ord. 2021-6, 2-2-2021)

5-5-3: FURNISHING TO MINORS:

A. Prohibited:

1. It is unlawful for any person to sell or furnish in any manner any tobacco product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person; provided, however, that it shall not be unlawful for an employee under twenty-one (21) years of age to handle such products when required in the performance of the employee's duty.

2. Any person who shall furnish to any person who is under twenty-one (21) years of age by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco, or vapor product shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this Code.

B. Proof Of Age: A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age.

C. Liability:

1. **Employee:** If the sale is made by an employee of the owner of a store at which tobacco products, or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.

2. **Multiple Locations:** For the purpose of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

D. Administrative Fine: When a person violates subsection A or B of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period, fifty dollars (\$50.00) for the second offense within a one-year period and seventy five dollars (\$75.00) for a third offense or subsequent offense within a one-year period. Proof that the defendant demanded, was shown and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to this subsection.

E. Failure To Pay: Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said employee until proof of payment has been furnished to the Department of Public Safety. (Ord. 2018-6, 2-6-2018; amd. Ord. 2021-7, 2-2-2021)

5-5-4: PURCHASE, RECEIPT OR POSSESSION; FALSIFYING AGE:

A. Prohibited: It is unlawful for a person who is under twenty-one (21) years of age to purchase, accept receipt of, or have in their possession a tobacco or vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or vapor product; provided, however, that it shall not be unlawful for such a person to handle such tobacco or vapor product when required in the performance of such person's duties.

B. Administrative Fine; Failure To Pay: When a person violates subsection A of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period and an administrative fine of fifty dollars (\$50.00) for a second or subsequent offense within a one-year period. Upon failure of the individual to pay such administrative fine within ninety (90) days of the day of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said individual until proof of payment has been furnished to the Department of Public Safety. (Ord. 2018-8, 2-6-2018; amd. Ord. 2021-8, 2-2-2021)

5-5-5: SIGNS IN RETAIL ESTABLISHMENTS:

A. Posting Required: Every person who sells tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the ABLE Commission, stating the following: "It's the law. We do not sell tobacco products to persons under twenty-one (21) years of age".

B. Administrative Fine: When a person violates subsection A of this section, the Municipal Court may assess such person an administrative fine of fifty dollars (\$50.00) for each day such offense occurs. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail. (Ord. 97-6, 11-4-1997; amd. Ord. 2021-9, 2-2-2021)

5-5-6: RETAIL EMPLOYEES; NOTICE AND ACKNOWLEDGMENT:

A. Notice Of State Law: Every person engaged in the business of selling tobacco products or vapor products at retail shall notify each individual employed by that person as a retail sales clerk that State law:

1. Prohibits the sale or distribution of tobacco products or vapor products to any person under twenty-one (21) years of age and the purchase or receipt of tobacco products or vapor products by any person under twenty-one (21) years of age; and

2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years of age.

B. Acknowledgment: This notice shall be provided before the individual commences work as a retail sales clerk or in the cases of an individual employed as a retail sales clerk, on the date when this section becomes effective, within thirty (30) days of that date. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows:

I understand that State law prohibits the sale or distribution of tobacco products or vapor products to persons under twenty-one (21) years of age, and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years age. I promise, as a condition of my employment, to observe the law.

(Ord. 2018-9, 2-20-2018; amd. Ord. 2021-10, 2-2-2021)

5-5-7: VENDING MACHINE SALES:

A. Location Restrictions: It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public;
2. In places that are open to the public, but to which persons under twenty-one (21) years of age are not admitted;
3. In places where alcoholic beverages are sold for consumption on the premises, but only if the vending machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof, and is inaccessible to the public when the establishment is closed; and
4. In other places, but only if the machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof, or can be operated only by the activation of an electronic switch by the owner or lessee of the premises, or an employee thereof, prior to each purchase or can be operated only by a special token purchased from the owner or lessee of the premises, or an employee thereof.

B. Proof Of Age: In any place where supervision of a vending machine, activation of an electronic switch or sale of a special token is required by subsection A of this section, the person responsible for that supervision or the activation of the switch shall demand proof of age from a prospective purchaser if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age. (Ord. 97-6, 11-4-1997; amd. Ord. 2021-11, 2-2-2021)

5-5-8: DISTRIBUTION OF SAMPLES:

A. Under Eighteen Prohibited: It shall be unlawful for any person to distribute tobacco product or vapor product samples to any person under twenty-one (21) years of age.

B. Distance To Facility: Notwithstanding subsection A of this section, no person shall distribute tobacco product or vapor product samples in or on any public street, sidewalk or park that is within three hundred feet (300') of any playground, school or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

C. Administrative Fine: When a person violates subsection A or B of this section, the Municipal Court may assess such person an administrative fine of twenty five dollars (\$25.00) for the first offense within a one-year period, fifty dollars (\$50.00) for the second offense within a one-year period and seventy five dollars (\$75.00) for a third offense or subsequent offense within a one-year period.

D. Failure To Pay: Upon failure of the individual to pay the administrative fine within ninety (90) days of the assessment of such fine, the Court Clerk shall notify the Department of Public Safety and request the department suspend or not issue a driver's license to said individual until proof of payment has been furnished to the Department of Public Safety. (Ord. 2018-5, 2-6-2018; amd. Ord. 2021-12, 2-2-2021)

5-5-9: SALES EXCEPT IN ORIGINAL, SEALED PACKAGING:

A. Required: It is unlawful for any person to sell cigarettes, except in the original, sealed package in which they were placed by the manufacturer.

B. Fine: When a person violates subsection A of this section, the Municipal Court may assess such person a fine of two hundred dollars (\$200.00) for each offense. (Ord. 97-6, 11-4-1997)

5-5-10: REFUSAL OF MINOR TO DISCLOSE INFORMATION:

Any person under the age of twenty-one (21) years being in possession of vapor products, cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product and being by any police officer, constable, court officer, truant officer or teacher in any school, asked where and from whom such vapor products, cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and subject to penalty as provided in section 1-4-1 of this Code. (Ord. 2018-7, 2-6-2018; amd. Ord. 2021-13, 2-2-2021)

5-5-11: PROVIDE INFORMATION TO ABLE COMMISSION:

The City police shall furnish information requested by the ABLE Commission in the form, manner and time as may be determined by the ABLE Commission which will allow the ABLE Commission to comply with 37 Oklahoma Statutes subsection C of section 600.11 concerning conduct prohibited and penalized under provisions of 37 Oklahoma Statutes sections 600.3, 600.4, 600.8 or 600.9 and sections 5-5-3, 5-5-4, 5-5-8 and/or 5-5-9 of this chapter. (Ord. 97-6, 11-4-1997)

5-4C-2: FIREWORKS REGULATED:

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 Prohibited; Exception: The discharge, firing, burning or use of fireworks within the corporate limits of the city is 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 preapproved 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 3 and 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. 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 street, 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) which adult person supervising shall be possessed of a valid residential fireworks permit issued in that person's name by the city as hereinafter further described.

f. An adult person (over 18 years of age) engaging in the use of fireworks or overseeing the use of fireworks of persons under the age of eighteen (18) years must obtain a permit from the city prior to any such use or overseeing of use by persons under the age of eighteen (18) years. Said permit must identify the adult in charge of this use by name and address, and also identify the proposed location on or near the permit holder's property. A person 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. Applications for said permits shall be made available during normal business hours (excluding holidays) from June 15 through July 4 of any given year and permits are valid only for the year of issuance.

g. The adult permit holder 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 permitted residence. The permit shall be accessible for examination by any law enforcement officer. The permit holder is further responsible for cleaning up any debris caused by any person discharging fireworks under the permit holder 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 and purchase of permit at such times the city of Pryor Creek sponsors a public display and only on the area so designated.

D. Sale Of Fireworks: The sale or offering for sale of fireworks is prohibited in the city.

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. (Ord. 2012-3, 6-5-2012)