

CHAPTER 7-1 FIREWORKS

7-1-1

TERMS DEFINED

"Fireworks" as used in this ordinance shall mean pyrotechnics or fireworks containing phosphorous, sulfocyanide, mercury, chlorate of potash and sulfur or chlorate or potash and sugar, and the following named fireworks:

Firecrackers, flash crackers or salutes, blank cartridges, cherry bombs, skyrockets, including all devices which rise in the air during discharge, roman candles, including all devices which discharge balls of fire into the air, chasers, including all devices which dart or travel above the surface of the ground during discharge, snakes, boa constrictors, bottle rockets, snake nests containing bichloride of mercury, all articles of pyrotechnic display which contain gun powder, articles commonly known as son-of-a-gun, devil-on-the-rock, cricket sticks and automatic torpedoes which contain arsenic, explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, or by fuses, and all other fireworks, except cap pistol paper caps containing not more than twenty-five hundredths grain explosive compound to each paper cup.

Legislative History:

Ordinance No. 131, §1.

7-1-2

REGULATIONS FOR FIREWORKS

No person shall possess, use discharge, manufacture, sell, give away, or transport any fireworks within the City limits, provided, however, that nothing in this section shall be held to apply to the following:

- A. The possession or use of signaling devices by railways or public officials in the course of their duties.
- B. Any person giving a display of fireworks in any public park, or upon any other place in the City, under and in accordance with, a permit issued as provided in this ordinance.
- C. The possession, sale or use of flashlight composition by photographers, dealers in photographic supplies or by any other person using such flashlight composition for the purpose of taking pictures.
- D. The sale or use of blank cartridges for ceremonial purposes, athletic, theatrical or sporting events.
- E. The discharge or firing of target pistols, guns or rifles at any duly authorized, sanctioned and approved target range.
- F. Toy pistols or firing of target pistols, guns, or rifles at any duly authorized, sanctioned and approved target range.
- G. Items known commonly as "sparklers".

Legislative History:

Ordinance No. 131, §2.

7-1-3

REGULATIONS FOR FIREWORKS: EXCEPTION TO THE

ORDINANCE

Possession and Transportation: It is deemed legal to possess and transport fireworks during the time period of June 27 through July 5.

Use and Discharge: It is deemed legal to discharge certain fireworks on July 4th, from the hours of 10:00 a.m. until 11:00 p.m. However, fireworks which rise in the air during discharge or which dart or travel above the surface of the ground during discharge shall not be allowed.

Legislative History:
Ordinance No. 131, §3.

7-1-4

EMERGENCY BAN BY THE CITY COUNCIL

The use or discharge of all fireworks may be banned by resolution of the City Council because of dry climatic conditions or other such emergencies.

Legislative History:
Ordinance No. 131, §5.

7-1-5

PUBLIC DISPLAY PERMITS

The City Council may, upon application, issue a fireworks permit to individuals, groups or organizations for organized, public fireworks displays. The permit may be for any date of the year upon such terms and conditions as established by the City Council.

Legislative History:
Ordinance No. 131, §6.
Ordinance No. 473, 08/03/10.

Authority:
SDCL 34-37-13.

7-1-6

SEVERABILITY

If any section, sentence, clause or other part of this Chapter shall be declared to be void and of no effect, for any reason whatsoever, such decision shall not affect the validity of any other portion thereof.

Legislative History:
Ordinance No. 131, §7.

7-1-7

VIOLATIONS/RESPONSIBILITY

Any person in violation of this ordinance shall be subject to a fine and/or confiscation of all fireworks in the person's possession. When violations have occurred and individual violators can not be identified, the property owner or tenant, or any occupant will be responsible for any and all violations that have occurred on said property and may be fined accordingly.

Legislative History:
Ordinance No. 387, 07/04/06