

CHAPTER 5.05 - FIREWORKS

5.0501 Definitions.

- A. Fireworks. Devices designed to produce audible and/or visible effects by combustion as set forth in SDCL 34-37.
- B. Fireworks Sales. The retail or wholesale sale of fireworks as set forth in SDCL 34-37.

5.0502 Fireworks Sales License Required.

- A. No person shall sell fireworks within the City's jurisdiction without first obtaining an approved Fireworks Sales License.
- B. Any person licensed under this Ordinance must also hold a license under SDCL 34-37-2.
- C. Fireworks shall be considered consumer goods for zoning purposes of the City's municipal code.
- D. The holder of an approved Fireworks Sales License may sell fireworks within the City's jurisdiction at wholesale during the term of the Fireworks Sales License or at retail to individuals during the period beginning May first and extending through August thirty-first and during the period beginning December twenty-sixth and extending through January second.

5.0503 Fireworks Sales License Application.

- A. Any person who is required by this Chapter to possess a Fireworks Sales License shall first submit an Application to the Planning and Zoning Administrator.
- B. A Fireworks Sales License Application shall consist of an application form, a Fireworks Sales License Application Fee, proof of liability insurance coverage of at least \$1,000,000, a scaled site plan of the proposed sales site, a copy of the applicant's South Dakota Sales Tax License, and a copy of the appropriate state fireworks sales license(s).
- C. The Fireworks Sales License Application Fee shall be two hundred dollars (\$200.00) and is non-refundable.
- D. The Planning & Zoning Administrator shall review each Fireworks Sales License Application after the complete Application is received. The Application may be approved or denied based upon the Applicant's proposed sales location, zoning, proposed signage, building code compliance of the sales location, code enforcement compliance history, record of compliance with City fireworks regulations, record of compliance with state fireworks regulations, and/or other factors considered relevant by the Planning & Zoning Administrator.
- E. The action of the Planning & Zoning Administrator may be appealed to the City Council if a written appeal is submitted to the Finance Officer within ten (10) days (inclusive) of the action.

5.0504 Storage and Sales.

- A. No person shall store or sell fireworks within the City's jurisdiction without first obtaining the written permission of the landowner of the sales location.
- B. The storage and sale of fireworks within the City shall be restricted to structures that are no closer than fifty feet (50') to any other structure used for agricultural, commercial, industrial, or residential use.
- C. All structures used for the storage and/or sale of fireworks shall comply with the City's currently adopted building code and shall have adequate means of egress before commencement of and during said storage or sales. One or more inspections by a Building Official may be required as a condition of approval of a Fireworks Sales License. Random, unannounced inspections by a Building Official or Code Compliance Officer may be conducted to ensure continuing compliance with the adopted building code and/or the requirements of this Chapter.

5.0505 Use or Discharge of Fireworks. The use or discharge of fireworks as defined in SDCL 34-37 within the jurisdiction of the City is hereby allowed from June 29 through July 5, from 9:00 a.m. until 11:00 p.m. unless banned by resolution by the City Council. Such resolution may be adopted when the South Dakota grassland fire danger index is, or is expected to remain, at the very high or extreme category.

5.0506 Exemptions to Regulations. Nothing in this Chapter shall be construed to prohibit the manufacture, storage, sale, use, or possession within the City of pyrotechnical signal devices necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military forces of the United States or its various states, or to peace officers, nor blank cartridges for ceremonial, theatrical, or athletic events, nor items commonly known as sparklers or toy paper caps.