

ORDINANCE NO. 72

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, PROVIDING FOR FIREWORKS REGULATION IN THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA:

**A. TERMS DEFINED**

"Fireworks" as used in this Ordinance shall have the same meaning as prescribed by applicable South Dakota State Statute, SDCL Chapter 34-37, as amended.

**B. REGULATIONS FOR FIREWORKS**

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

1. Sale by any person, business, group or other organization with the approval of the City Council.
2. The possession or use of signaling devices by railways or public officials in the course of their duties.
3. 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.
4. 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.
5. The sale or use of blank cartridges for ceremonial purposes, athletic, theatrical, or sporting events.
6. The discharge or firing of target pistols, guns or rifles at any duly authorized, sanctioned and approved target range.
7. Toy pistols or firing of target pistols, guns or rifles at any duly authorized, sanctioned and approved target range.
8. Items known commonly as "sparklers".

**C. REGULATIONS FOR FIREWORKS: EXCEPTION TO THE ORDINANCE**

Possession and Transportation: It is deemed illegal for any non-South Dakota resident to possess and transport fireworks other than during the time period of June 27 through July 5, of each calendar year.

Use and Discharge: It is deemed illegal to discharge fireworks other than July 3 from the hours of 10:00 a.m. until midnight, July 4 from the hours of 10:00 a.m. until midnight, and July 5, from the hours of 10:00 a.m. until midnight. However, items known commonly as "bottle rockets" are prohibited at all times; and fireworks which rise in the air during discharge or which dart or travel above the surface of the ground during discharge shall at all times be within the property boundaries of that area in which they were originally discharged.

**D. 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 climate conditions or other such emergencies.

**E. PUBLIC DISPLAY PERMITS**

The City Council may, upon application, issue a fireworks permit to individuals, groups or organizations for organized, public fireworks displays.

**F. PENALTY FOR VIOLATIONS.**

Violation of this Ordinance shall result in a minimum of twenty-five dollars (\$25.00) plus costs, and each subsequent violation in the same calendar year shall result in a minimum increase in the fine of twenty-five dollars (\$25.00) per subsequent violation (i.e. twenty-five dollars (\$25.00) for the first offense, fifty-dollars (\$50.00) for the second offense, seventy-five dollars (\$75.00) for the third offense, etc. plus costs).

**G. SEVERABILITY**

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

Adopted this 1st day of May, 1995.

First Reading: April 3, 1995.  
Second Reading: May 1, 1995.  
Passage and Adoption: May 1, 1995.  
Publication: May 10, 1995.  
Effective Date: May 30, 1995.

*R. E. Boney-Bernard*

Mayor

ATTEST:

*Spurley Larson*  
Municipal Finance Officer

(MUNICIPAL SEAL)