

## ORDINANCE NO. 968

AN ORDINANCE, WHICH UPON ADOPTION, SHALL AMEND WHAT HAS BEEN CODIFIED AS CHAPTER 8.20 OF THE DEVILS LAKE MUNICIPAL CODE.

BE IT ORDAINED, by the City Commission of the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter of the City of Devils Lake, that the Ordinances which have been codified as Chapter 8.20 of the Municipal Code, be amended and shall now provide as follows:

8.20.010     Fireworks Definition. As used in this chapter, the term "allowable fireworks" means any substance or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes the following:

- A. Star lights, with wood spike cemented in one end, total pyrotechnic composition not to exceed 20 grams each in weight (10 ball);
- B. Helicopter-type flyers, total pyrotechnic composition not to exceed 20 grams each in weight;
- C. Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed three-fourths inch;
- D. Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
- E. Wheels, total pyrotechnic composition not to exceed 60 grams in weight, for each drive unit, but there may be any number of drivers on any one wheel. The inside base of driver tubes shall not be over one-half inch;
- F. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;
- G. Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate shall not exceed five grams;
- H. Comets and shells, of which the mortar is an integral part, except those designed to produce an audible effect, total pyrotechnic composition not to exceed 40 grams each in weight;
- I. Soft shell firecrackers not to exceed 1½ inches in length not to exceed 50 milligrams each in weight;
- J. Whistles without report, total pyrotechnic composition not to exceed 40 grams each in weight.
- K. Caps, party poppers, and snappers;
- L. Smoke balls and snakes.

8.20.020     Use Dates. No person shall within the city set off, explode or detonate any fireworks before July 2 or after July 4 in any year, except as provided in this chapter. What is defined as allowable fireworks may be set off, exploded or detonated July 2, 3, or 4 at the times stated in this chapter.

8.20.030      Hours of Use. No person shall set off, explode or detonate any allowable fireworks other than during the hours of ten a.m. and eleven p.m. during the dates listed in this chapter.

8.20.031      Sale of Fireworks.  
Allowable fireworks may be sold in the City of Devils Lake from ten a.m. to eleven p.m. on the same days as allowed by State law.

8.20.040      License Application to Sell Fireworks.      Anyone selling fireworks in the city shall file with the city auditor an application on or before May 1<sup>st</sup> of each year. The application shall contain the following:

- A.      Name, address and phone number of the party being responsible for the sale of fireworks;
- B.      The location where the fireworks will be sold;
- C.      A diagram of the building where the fireworks will be sold, showing the location of all exits and fire extinguishers;
- D.      Whether the party responsible for the sale of the fireworks has ever made an application for the sale of fireworks to any other licensing authority, and the name and address of that licensing authority;
- E.      Whether the person responsible for the sale of the fireworks has, within the past five years, been convicted of a criminal offense;
- F.      Any other information deemed relevant by the city; and
- G.      A consent allowing the city to inspect the premises and inventory and also where the fireworks will be sold.

8.20.050      Granting of License. After a personal inspection of the premises where the fireworks will be sold, the license shall be granted or denied by the city commission, upon recommendation of the fire chief. The city commission may condition the granting of any license upon any limitations it deems appropriate. In issuing each license the city assumes no liability for any damage to persons or property resulting from such displays.

8.20.060      Display of License. Any premises selling fireworks shall display the following on site:

- A.      The license issued by the city;
- B.      Any permits or licenses issued by Ramsey County; and
- C.      Any permits or licenses issued by the state, including the sales tax permits.

8.20.070      Penalty. Any party selling or setting off, exploding or detonating any fireworks that are not included as allowable fireworks in this chapter shall be guilty of an infraction. The first offense will result in a warning. The second offense within one week will result in a fine of \$100. The third offense within one week will result in a fine of \$200.

8.20.080 This chapter shall not prohibit supervised public displays of fireworks by any organization or association within the city limits of the City of Devils Lake for which a permit has been issued. Said permit will be issued by the chief of the fire department following an investigation to determine whether the operator of the display is competent, whether the operator is properly insured, and whether the display is of such character, and is to be located, discharged, or fired that it will not be hazardous to property or endanger any person. A permit issued under this section shall be for a display on July 4. If for any reason the display cannot be done on July 4, it can be done on July 5. If the organization or association doing the public display changes, the successor organization or association shall follow the same procedure in obtaining a permit.

8.020.090 Release from Liability. In issuing each permit or license under this chapter, the city assumes no liability for any damage to persons or property resulting from such displays.

Passed First Reading: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

Final Passage and Adoption: \_\_\_\_\_

**CITY OF DEVILS LAKE**

By: \_\_\_\_\_  
Richard Johnson, President  
Devils Lake City Commission

ATTEST:

\_\_\_\_\_  
Linda Lybeck  
City Auditor