

**ORDINANCE NO. 14-03**

AN ORDINANCE REGULATING THE SALE AND USE OF FIREWORKS WITHIN THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. **FIREWORKS DEFINED.** The term 'fireworks' shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrocketes, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. Nothing in this ordinance shall be construed as applying to toy paper caps containing not more than twenty-five hundredths of a grain (16.20 milligrams) of explosive composition per cap.

This definition is pursuant to North Dakota Century Code (N.D.C.C.) § 23-15-01(1) and said N.D.C.C. § 23-15-01(1), including all future amendments thereto, is hereby adopted by reference and incorporated herein.

2. **SALE AND USE OF FIREWORKS PROHIBITED, EXCEPTIONS.**

- a. No person in the City shall offer or exhibit for sale or use or explode any fireworks without the permission of the city governing body.
- b. The prohibition of this section shall not apply to the use by and sale to persons twelve years of age or more, from and including June 27<sup>th</sup> through and including

July 5<sup>th</sup> each year. Such sale shall be limited to those items permitted for retail sale by § 23-15-01(2) of the North Dakota Century Code, except that the use or explosion of fireworks commonly known as bottle rockets is prohibited.

i. Said N.D.C.C. § 23-15-01(2), including all future amendments thereto, is hereby adopted by reference and incorporated herein.

c. The explosion of fireworks permitted by this ordinance shall be prohibited except between the hours of:

i. 10:00 A.M. and 11:00 P.M., from and including June 27<sup>th</sup> through and including July 2<sup>nd</sup> of each year;

ii. 10:00 A.M. and midnight on July 3<sup>rd</sup> through and including July 5<sup>th</sup> of each year;

iii. 5:00 P.M. on December 31<sup>st</sup> through 1:00 A.M. on January 1<sup>st</sup> of each year; and

iv. 5:00 P.M. and midnight on January 1<sup>st</sup> of each year.

d. Only persons, firms, or corporations having operated a retail business within the City of Hebron, wherein merchandise was assessed by the local taxing authority, on April 1<sup>st</sup> immediately preceding thereto, and having a retail license as provided in § 23-15-04 of the North Dakota Century Code, may offer for sale or sell at retail within the city limits of the City of Hebron, to persons as provided herein.

3. CITY LICENSING PROCEDURE. Any person engaging in the sale of fireworks, pursuant to this ordinance, and located within the jurisdiction of the ordinances of the City of Hebron, shall first obtain a permit from the City of Hebron, which said permit shall allow the sale of fireworks during the year of issue, and as specified in this ordinance. Said

permit shall be issued for a fee of \$ 10.00, and shall be obtained from the City Auditor of the City.

4. PENALTY SECTION. Violation of this section will be considered a Class B Misdemeanor, for which a maximum penalty of thirty (30) days imprisonment, a fine of One Thousand Five Hundred Dollars (\$1,500.00), or both may be imposed.
5. ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
6. EFFECTIVE DATE. This ordinance shall be in full force immediately upon its final passage and publication of its title and penalty clause.

DATED this 10th day of November, 2014.

  
GRANT WALTH, Mayor

ATTEST:

  
VANESSA REIM, City Auditor

Introduction and First Reading:	<u>October 13, 2014</u>
Second Reading:	<u>November 10, 2014</u>
Final Passage:	<u>November 10, 2014</u>
Publication Date:	<u>December 10, 2014</u>