

ORDINANCE NO. 454

AN ORDINANCE AMENDING ORDINANCE 401, REGULATING THE USE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. FIREWORKS DEFINED. The term 'fireworks' shall be defined as set forth in § 23-15-01 of the North Dakota Century Code, including any future revisions thereto.
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 or pursuant to the provisions herein.
 - b. Only persons, firms, or corporations having operated a retail business within the City of Beulah, wherein merchandise was assessed by the local taxing authority, on April 1st 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 Beulah, to persons as provided herein.
 - c. Sale and use of fireworks shall be limited to those permitted for retail sale and during those times provided by § 23-15-01 of the North Dakota Century Code, except that the use or explosion of fireworks commonly known as bottle rockets is prohibited.
 - d. No person shall discharge any fireworks that cannot be readily purchased locally or any commercial fireworks that require a license to purchase.

- e. The explosion of fireworks permitted by this ordinance shall be prohibited except between the hours of:
 - i. 12:00 P.M. (noon) – 12:00 A.M. (midnight) on July 2nd, 3rd, and 4th of each year;
 - ii. 1:00 P.M. December 31st – 1:00 A.M. January 1st each year; and/or
 - iii. Pursuant to a Special Fireworks Discharge Zone Permit, as provided below.
- f. The explosion of fireworks is strictly prohibited when there is a burn ban in place.
- g. All rubbish related to fireworks shall be cleaned up on or before July 5th of each year.

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 Beulah, shall first obtain a permit from the City of Beulah, 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, as set by Resolution of City Council, and shall be obtained from the City Auditor of the City.

4. SPECIAL FIREWORKS DISCHARGE ZONE PERMIT. A special fireworks discharge zone permit may be obtained from the City of Beulah, with approval of City Council for the display/discharge of fireworks. Such permit shall be issued for a fee, as set by Resolution of the City Council.

- a. Pursuant to § 23-15-03 of the North Dakota Century Code, a permit may be obtained from the City of Beulah for public displays of fireworks by cities, fair associations, amusement parks, and other organizations when an application is made at least fifteen days in advance of the display to the City Auditor. The above

limitations on the dates for use of fireworks shall not apply to such displays, if approved by City Council.

b. Other groups and individuals may obtain a permit for the display/discharge of fireworks in the Special Fireworks Discharge Zone by submitting an application at least fifteen days in advance of the display to the City Auditor.

i. The Special Fireworks Discharge Zone shall be designated by City Council.

ii. Permits may be issued for display/discharge of fireworks in scheduled hourly increments between June 27th – July 5th of each year.

5. RECKLESS DISCHARGE. It shall be unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of physical injury or death to another person or damage to the property of another. Violation of this section shall be a non-criminal offense with a set fine to be set by resolution of the City Council.
6. PENALTY SECTION. Violation of this Ordinance will be considered an offense, except as provided for Malicious Discharge, 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.
7. ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
8. EFFECTIVE DATE. This ordinance shall be in full force immediately upon its final passage and publication of its title and penalty clause.

DATED this 26th day of April, 2023.



Jeff Gooss, Mayor

ATTEST:


Heather Ferebee, City Auditor

Introduction and First Reading: April 12, 2023

Second Reading: April 26, 2023

Final Passage: May 3, 2023

Publication Date: May 3, 2023