

ORDINANCE NO. 5864

AN ORDINANCE AMENDING SECTION 8.24.020(5) OF THE RAPID CITY MUNICIPAL CODE WITH REGARD TO THE SALE OF FIREWORKS WITHIN ONE MILE OF THE CITY LIMITS.

WHEREAS, the City of Rapid City currently prohibits the sale of fireworks within the City; and

WHEREAS, the ordinance prohibiting the sale of fireworks specifically states that the sale of fireworks within one mile of the City limits is also prohibited; and

WHEREAS, pursuant to SDCL 9-29-1, the City has the power to exercise jurisdiction for all authorized purposes within one mile of the City limits; and

WHEREAS, as a general matter the City does not regularly enforce its ordinances outside of the City limits; and

WHEREAS, other governmental entities currently exercise control over the territory contained in the City's one mile limit; and

WHEREAS, the language in the ordinance has caused confusion over which governmental entities are primarily responsible for the regulation of the sale of fireworks outside of the City limits; and

WHEREAS, the City Council has deemed it to be in the best interests of the City that the language prohibiting the sale of fireworks within one mile of the City limits be removed from the ordinance; and

WHEREAS, the removal of this language does not change the City's jurisdiction pursuant to SDCL 9-29-1, but is done only lessen confusion about enforcement of the prohibition on the sale of fireworks outside the City limits in subsequent years; and

WHEREAS, the City Council has also directed staff that in lieu of aggressive enforcement of the ordinance outside the City limits, staff work with the County Planning Department to prevent the sale of fireworks within one mile of the City limits.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 8.24.020 of the Rapid City Municipal Code be amended to read as follows:

8.24.020 IFC Chapter 33, Section 3301.1.3 Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks permitted in Section 3304.
2. Manufacture, assembly and testing of fireworks as permitted in Section 3305.
3. The use of fireworks for display as permitted in Section 3308.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable local or state laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.
5. The sale or use of certain novelty fireworks within the city ~~or within 1 mile of the city~~ are permitted, and are limited to the following:
 - A. Party poppers (not to exceed 0.25 grain).
 - B. Snappers (not to exceed 0.02 grain).
 - C. Sparklers (not to exceed 3.5 oz.).
 - D. Toy caps (not to exceed 0.25 grain).
 - E. Flitter sparklers (not to exceed 0.2 oz.).

Any person violating this chapter shall be subject to the general penalty provision of § 1.12.010.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: