

City of Hartford
ORDINANCE # 650

AN ORDINANCE OF THE CITY OF HARTFORD, SOUTH DAKOTA, AMENDING CHAPTER 5.04 – Fireworks Firearms, and Explosives of THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF HARTFORD, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HARTFORD, SOUTH DAKOTA, THAT SECTION 5.0402 through 5.0406 BE AMENDED/ADDED AS FOLLOWS:

5.0402 Firework Definitions.

- A. Fireworks. Devices designed to produce audible and/or visible effects by combustion as set forth in SDCL 34-37.
- B. Firework Sales. The retail or wholesale sale of fireworks as set forth in SDCL 34-37.

5.0403 Firework Sales License Required.

- A. No person shall sell fireworks within the City’s jurisdiction without first obtaining an approved Fireworks Sales License in accordance with Chapter 4.01 of this ordinance.
- B. Any person licensed under this Ordinance must also hold a license under SDCL 34-37-2.
- C. The holder of an approved Fireworks Sales License may sell fireworks within the City’s jurisdiction for wholesale during the term of the fireworks Sales License or at retail to individuals during the period beginning June 26th and extending through July 5th and during the period beginning December 28th and extending through January 1st.
- D. All licenses are good for one year from January 2nd of the application year through January 1st of the following year.

5.0404 Firework Sales License Application.

- A. Any person who is required by this Chapter to possess a Fireworks Sales License shall first submit an Application to the Zoning Administrator.
- B. A Fireworks Sales License Application shall consist of an application form, a Fireworks Sales License Application Fee, proof of liability insurance coverage for firework sales of at least \$1,000,000 in the applicant’s name, a site plan of the proposed sales site, a copy of the applicant’s South Dakota Sales Tax license, and a copy of the appropriate state fireworks sales license(s).
- C. A Fireworks Sales License Application Fee shall be \$100.00 and is non-refundable.
- D. Firework sales are not permitted in Residential or Manufactured Housing Residential Zoning Districts.
- E. The Zoning Administrator shall review each Fireworks Sales License Application after the complete Application is received. The Application may be approved or denied based upon the Applicant’s proposed sales location, zoning, proposed signage, building code compliance of the sales location, code enforcement compliance history, record of compliance with the City fireworks regulations, record of compliance with state fireworks regulations, and/or other factors considered relevant by the Zoning Administrator.

- F. The action of the Zoning Administrator may be appealed to the City Council if a written appeal is submitted to the Finance Office within ten (10) days inclusive of the action.

5.0405 Firework Storage and Sales.

- A. No person shall store or sell fireworks within the City's jurisdiction without first obtaining the written permission of the landowner of the sales location.
- B. The storage and sale of fireworks within the City shall be restricted to structures that are no closer than fifty feet (50') to any other structure used for agricultural, commercial, industrial or residential use.
- C. All structures used for the storage and/or sale of fireworks shall have adequate means of egress before commencement of and during said storage or sales.
- D. Applicant must comply with SDCL 34-37.

5.0406 Use or Discharge of Fireworks. The use or discharge of fireworks as defined in SDCL 34-37 within the jurisdiction of the City is hereby only allowed from July 2nd through July 5th from 10am to 11pm each day and also on December 31st from 10pm until 12am on January 1st unless banned by the City Council. The provisions of this Chapter shall not apply to police officers, military forces of the United States, or any person, firm or corporation duly licensed by the City in accordance with Chapter 4.10 of this ordinance, to discharge fireworks for public entertainment t any public celebration of the City.

ADOPTED this 3rd day of April, 2018.

Jeremy Menning
MAYOR

ATTEST:

Audra Sternke
Municipal Finance Officer

FIRST READING AND HEARING - April 3, 2018
SECOND READING AND ADOPTION - April 17, 2018
PUBLICATION - April 26, 2018
EFFECTIVE DATE - May 16, 2018

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