

## Ordinance 2023-12-5

### AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES PASSED ON NOVEMBER 15, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE EDGEMONT CITY COUNCIL OF THE CITY OF EDGEMONT, FALL RIVER COUNTY, SOUTH DAKOTA, amends Chapter 21 of Edgemont Code of Ordinances as follows:

**Section 21.02.00:** The term Approved Fireworks as referred to in the Ordinance shall refer to stationary "cones and fountains" and novelty devices, i.e. party poppers, snappers, sparklers, toy caps and flitter sparklers.

No consumer fireworks legally or illegally sold in the State of South Dakota that are thrown, propelled or otherwise travel may be discharged.

Additionally, no consumer fireworks that explode or provide a "report" such as, but not limited to firecrackers, aerial mortars, bottle rockets, sky rockets and the like may be discharged within Edgemont City Limits.

**Section 21.02.01:** The sale of fireworks shall be unlawful within the city of Edgemont without the prior approval of the Edgemont Common Council.

**Section 21.02.02:** Discharge of Approved Fireworks is limited to July 4<sup>th</sup> from 10:00 am to 11:59 pm and New Years Eve from 11 pm to 12:01 am.

Fireworks may only be permitted when the Buffalo Gap Grasslands Fire Danger is low or moderate. Discharge of approved or unapproved fireworks at any other time is a violation of this chapter and subject to the general penalty provision.

**Section 21.02.03:** No person may discharge approved or unapproved fireworks within the city of Edgemont carelessly, recklessly and in disregard of the rights of safety of others, or in any manner so as to endanger or be likely to endanger any person or property.

**Section 21.02.04:** No person may discharge any approved or unapproved fireworks within any private or public area within the City of Edgemont that is posted, or marked no trespassing or with signs prohibiting the discharge of fireworks.

**Section 21.02.05:** The City of Edgemont reserves the right to allow the supervised and controlled public display of fireworks by an organization or association of persons, provided that such organization or association, prior to making such display of fireworks, shall make a written application to the Edgemont Common

Council and secure a written permit for the display. The application for the permit shall set forth the name of the organization or association of persons desiring the permit, proof of insurance proper permit fee, location and date of the proposed display of fireworks and how and by whom it will be supervised. The permit application shall be reviewed by Edgemont Common Council and Edgemont Volunteer Fire Department Chief before approval. There will be no discharge of fireworks within the Edgemont City Park or other city owned properties without permission of Edgemont Common Council.

**Section 21.02.06:** A violation of this chapter shall be a class II misdemeanor, (30 days in jail or \$500.00 or both.) SDCL 22.6.2.

In addition, any person starting a fire could be charged under SDCL 22.33.9.3 Reckless burning statute - class 4 felony.

The city of Edgemont shall have the authority to change this ordinance by resolution. Any ordinance or parts of ordinances in conflict with the ordinance are hereby receded. This ordinance shall become effective upon its passage and publication.

Dated this 2<sup>nd</sup> day of January, 2024, at Edgemont, Fall River County, South Dakota.

By:

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Rheta Reagan  
Mayor

Attested:

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Aaron Eberle  
Finance Officer

1<sup>st</sup> Reading: December 19, 2023  
2<sup>nd</sup> Reading: January 2, 2024  
Date Adopted: January 2, 2024  
Date Published: January 11, 2024  
Effective Date: January 31, 2024