

ORDINANCE NO. 989

AN ORDINANCE OF THE CITY OF WILLISTON AMENDING CHAPTER 8, ARTICLE III OF THE WILLISTON CODE OF ORDINANCES REGARDING FIREWORKS AS SET OUT BELOW.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA.

Section 1. That Section 8-13.1 Fireworks – Sale and use. be amended, and as amended be enacted as follows:

Sec. 8-13.1 Fireworks defined.

“Fireworks,” as used in this article, means 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.

The term includes any

- Blank cartridge;
- Toy pistol, toy cannon, toy cane, or toy gun in which an explosive other than toy paper cap is used;
- Balloon that requires fire underneath to propel the balloon;
- Firecracker, torpedo, skyrocket, Roman candle, daygo bomb, sparkler, or other item of like construction;
- Item containing any explosive or flammable compound; or
- Any tablet or other device containing any explosive substance.

This section does not apply to any toy paper cap containing not more than twenty-five hundredths of a grain (16.20 milligrams) of explosive composition per cap.

This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 2. That Section 8-13.2. Same—Use declared a nuisance. be amended, and as amended be enacted as follows:

Sec. 8-13.2 Sale of Fireworks prohibited.

Except as otherwise prohibited in this Article, no person may offer for sale, expose for sale, sell at retail, bring into this state, or cause to be brought into this state, or use or explode any fireworks.

This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 3. That Section 8-13.3. Sale of fireworks be added, and as added be enacted as follows:

Sec. 8-13.3 Sale of fireworks.

1. Any person operating a retail business and who has a retail license as provided in Section 8-13.5 of this Chapter may offer for sale at retail that year any of the fireworks listed in subsection 2 of this section, to any individual who is at least twelve (12) years of age, only during the periods of June 27 through July 5 and December 26 through January 1.
2. The following items may be sold by licensed retail businesses during the retail sale periods:
 - a. A star light, with wood spike cemented in one end, total pyrotechnic composition not to exceed twenty grams in weight (10 ball). However, a person may not offer to sell or offer to distribute a skyrocket, customarily known as a bottle rocket if the outside diameter of the casing is less than five-eighths inch (15.875 millimeters) and the length of the casing is less than three and one-half inches (88.9 millimeters).
 - b. A helicopter type flyer, total pyrotechnic composition not to exceed twenty grams each in weight.
 - c. A cylindrical fountain, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter may not exceed three-fourths inch (19.05 millimeters).
 - d. A cone fountain, total pyrotechnic composition not to exceed fifty grams each in weight.
 - e. A wheel, total pyrotechnic composition not to exceed sixty grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of a drive tube may not be over one-half inch (12.7 millimeters).
 - f. An illuminating torch or a colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight.
 - g. A sparkler or a dipped stick, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate may not exceed five (5) grams.
 - h. A comet or shell, of which the mortar is an integral part, except a comet or shell designed to produce an audible effect, total pyrotechnic composition not to exceed 40 grams in weight.

- i. A soft shell firecracker not to exceed one and one-half inches (38.1 millimeters) in length and one-fourth inch (6.35 millimeters) in diameter, total pyrotechnic composition not to exceed 50 grams each in weight.
- j. A whistle without report, total pyrotechnic composition not to exceed forty grams each in weight.

This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 4. That Section 8-13.4. Public display of fireworks permitted by City or fair association within its limits—Supervised display allowed – Permit required. be added, and as added be enacted as follows:

Sec. 8-13.4 Public display of fireworks permitted by City or fair association within its limits—Supervised display allowed – Permit required.

1. This Article does not prohibit supervised public displays of fireworks by the City of Williston, fair associations, amusement parks or other organizations.
2. Except when a display is given by the City of Williston or fair association within its own limits, no display may be given unless a permit for the display has first been secured.
 - a. Every permit application must be made in writing to the City Auditor at least fifteen (15) days in advance of the date of the display.
 - b. The City Auditor shall promptly refer the application to the Williston Board of City Commissioners.
 - c. The City Commissioners shall make an investigation of the application to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endangering any person.
 - i. The Board of city commissioners or other such officer or person as may be designated by the city commissioners shall conduct the investigation of the application. If the investigation is made by a person other than the board of city commissioners, the investigator shall report his findings to the Board.
 - d. The Board shall report the results of the investigation to the City Auditor.
3. The City Auditor shall issue a display permit only when

- a. The Commission's investigation reports the operator is competent and the display will conform to safety requirements, including any rules and regulations of the State fire marshal and
 - b. Applicant has paid a \$2.00 permit fee.
4. Permits are non-transferrable.
 5. After a permit has been issued, sales, possession, use, and distribution for the permitted display are lawful for that purpose only.

This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 5. That Section 8-13.5. Exceptions. be added, and as added be enacted as follows:

Sec. 8-13.5 Exceptions.

1. This Article does not prohibit:
 - a. A licensed wholesaler, dealer, or jobber from selling at wholesale fireworks that are not prohibited.
 - b. The sale of any kind of fireworks for shipment directly out of state.
 - c. The use of fireworks by transportation agencies for signal purposes or illumination.
 - d. The sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations.
2. An application for license as a distributor must be made to the state fire marshal as provided in N.D.C.C. 23-15-04(2).
3. An application for a license as a retailer must be made to the County Sheriff on forms prescribed by the State Fire Marshal as provided in N.D.C.C. 23-15-04(2).
4. Retail and wholesale licenses are valid only for the calendar year in which they are issued and must be at all times displayed at the place of business of the licensee.
5. Retail licensees must comply with any other licenses required by law or Williston ordinance.
6. A person not licensed as a wholesaler or retailer may not bring any fireworks into the City of Williston.
7. A retailer may not sell any fireworks that have not been purchased from a wholesaler licensed under state law.

8. Licensees must keep available for inspection by Williston police officer or Williston fire chief or other law enforcement a copy of each invoice for fireworks purchased as long as any fireworks included on the invoice are held in the licensee's possession. Each invoice must show the license number of the wholesaler from whom the purchase was made.

This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 6. That Section 8-13.6. Enforcement. be added, and as added be enacted as follows:

Sec. 8-13.6 Enforcement. Williston police officers and the Williston fire chief are charged with enforcing these provisions and shall seize, take, remove, or cause to be removed at the owner's expense all fireworks or combustibles offered or exposed for sale, stored or held for use in violation of this Article.


This ordinance shall be in full force and effect upon its final passage, approval, and publication.

Section 7. That Section 8-13.7 Penalty be added, and as added, be enacted as follows:

Sec. 8-13.7 Penalty. Any person who violates the provisions of this Article is guilty of a class B misdemeanor.

This ordinance shall be in full force and effect upon its final passage, approval, and publication. Commissioner Cymbaluk moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner Bekkedahl. On roll call vote of the Commissioners vote "AYE": Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser, and the following Commissioners vote "NAY": None. Absent and not voting: None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 11th day of March, 2014.



Howard Klug / E. Ward Koeser, President
Board of City Commissioners

ATTEST:



John Kautzman, City Auditor

First Reading: February 25th, 2014

Second Reading: March 11th, 2014

Publish: 3/20/15

Correction of scrivener's error (section numbering): 8/9/16