

**ORDINANCE #184**

**AN ORDINANCE TO AMEND AN ORDINANCE REGULATING FIREWORKS WITHIN THE TOWN OF EGAN.**

**BE IT ORDAINED** by the Town of Egan, South Dakota, as follows:

**Section 1.** It shall be unlawful for any person or organization within the Town of Egan to manufacture, store, display or sell any fireworks. It shall also be unlawful for any person or organization having stored any fireworks in the Town of Egan prior to the effective date of this Ordinance to move such fireworks to any other building or place within the Town of Egan or to bring in and store additional and/or new fireworks within the Town of Egan.

**Section 2.** The term "fireworks" as used in this article refers to firecrackers, rockets, torpedoes, roman candles, toy pistols, toy cannons, detonating canes, smoke bombs, blank cartridges and other devices designed and intended for pyrotechnic display.

**Section 3.** This Ordinance shall not apply to any public fireworks or pyrotechnic displays approved in writing by the Town Board.

**Section 4.** Notwithstanding other provisions of this ordinance, the holder of any wholesale Class C fireworks license as described in SDCL 34-37-2, shall be allowed to keep in his place of business, regularly open to the public for display purposes only, one package of each type of permissible fireworks as described in SDCL 34-37-5.

**Section 5.** Notwithstanding any other provisions of this ordinance, the holder of any wholesale license issued by the state of South Dakota pursuant to SDCL 34-37-2, shall be allowed for a period not to exceed 7 weeks next preceding the 4<sup>th</sup> day of July each year, to store, transport in and out of the Town of Egan, small quantities of permissible fireworks as enumerated in SDCL 34-37-5, for the purpose of making up orders in conjunction with his wholesale business.

**Section 6.** Fireworks may be discharged July 4<sup>th</sup> between the hours of 8:00 a.m. and 12:00 a.m. July 3<sup>rd</sup> and July 5<sup>th</sup> between the hours of 8:00 a.m. and 10:00 p.m.

**Section 7.** Anyone guilty of violating this Ordinance shall be subject to a fine of not more than One Hundred and no/100 (\$100.00) Dollars and/or confinement for not more than ten (10) days.

**Section 8.** All previous Ordinances, or parts of Ordinances, which are in conflict with the foregoing are hereby repealed and this Ordinance shall become effective and in force from and after its passage, approval and publication as provided by law.

First Reading: February 16, 2011

Second Reading: March 17, 2011

Published: April 6, 2011

Effective: April 26, 2011

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Jim DeLay, Chairman

ATTEST:

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Shelly Roth, FO