

CITY OF GWINNER
ORDINANCE NO.2025-3

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GWINNER, SARGENT COUNTY, NORTH DAKOTA:

4-123. SALE AND USE OF FIREWORKS

(a) As used in this section the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes bland cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which retire fire underneath to propel them, fire crackers, torpedoes, sky rockets, Roman candles, dago bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing twenty-five (25) hundredths grains or less of explosive compound are used, and toy pistol caps which contain less than twenty (20) hundredths grains of explosive mixture.

(b) Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the limits of the City of Gwinner unless said person shall have applied and received a permit from the city granting the right to sell within the city limits fireworks. Said permit may be approved by the city after an application has been filled out and a fee of \$250.00 paid to the city.

(c) Fireworks may be sold by permitted individuals between the dates of June 27th beginning at 7 am through July 5th at 11:59 pm and December 26th beginning at 7 am through January 1st at 11:59 pm.

(d) Fireworks may be launched, lit, or ignited by city citizens between the dates of June 27th beginning at 7 am through July 5th at 11:59 pm and December 26th beginning at 7 am through January 1st at 11:59 pm between the hours of Noon and Midnight each day provided above.

(e) This ordinance shall not prohibit supervised public displays of fireworks by any organization or association within the City of Gwinner for which a permit shall have been first obtained from the City Council.

(f) The application for such permit and fee, in such form as may be required by the City Council, shall be filed with the City Auditor and by the Auditor referred to the Chief of the Fire Department for investigation to determine whether the operator of the display is competent, and whether the display is of such character and is to be located, discharged, or fired that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of his investigation to the City

Council who shall determine whether such permit shall be issued or the application rejected. In issuing such permit the City of Gwinner assumes no liability for any damage to persons or property resulting from such displays.

(g) Nothing in this section shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Any person violating this section shall have committed a non-criminal violation and shall pay a fee as follows:

First Offense: \$100.00

Second Offense within one year: \$200.00

Third & subsequent offenses within one year: \$300.00

OFFERED BY ALDERMAN Auston / Kenny and placed on its first reading this 2nd day of June, 2025.

4th PLACED on its second and final reading, passed and approved and adopted this day of June, 2025.

Jamie Gavin
Jamie Gavin, Mayor

ATTEST:
Jessica Peterson
Jessica Peterson, City Auditor

Publication June 13, 2025