

# CITY OF TEA

## ORDINANCE 305

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.03 FIREWORKS, FIREARMS, AND EXPLOSIVES (b) FIREWORKS PROHIBITED AND (c) EXCEPTIONS PROVIDED

BE IT ORDAINED by the City Council of the City of Tea, Lincoln County that Section 6.03 -(b) and (c) be amended as Follows.

(b) ***Fireworks Prohibited***. Regulation of Use of fireworks.

~~The use, throwing, lighting, firing, display, or sale of fireworks within the City shall be prohibited. The term fireworks as referred to in this section shall include firecrackers, torpedoes, roman candles, toy cannons, detonating canes, blank cartridges, sky rockets or other pyrotechnic displays, but shall not include or apply to ammunition for firearms nor to dynamite and devices for exploding the same used in any industry or for the same.~~

- i) The discharge of consumer firecrackers or other fireworks which conform to state law shall be allowed between the hours of 8:00 a.m. 12:00 pm. to 12:00 p.m. on the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> days of July and from 10:00 pm December 31 to 12:30 am January 1. The City Council may amend the days and times by resolution. (Ord. 18 8-22-55, Ord. 138, SDCL 34-37-1 (1))
- ii) The discharge of fireworks may not occur on any City owned property unless authorized by the City Council
- iii) A permit for other discharge of fireworks may be issued by the City Council to individuals, groups or organizations for organized, public fireworks displays, based upon such terms and conditions as established by the City Council.

(c) Sale of Fireworks

- i) No person shall sell fireworks within the City of Tea without first obtaining an approved Fireworks Sales License.
- ii) Any person licensed under this Ordinance must also hold a license under SDCL 34-37-2.
- iii) Fireworks shall be considered consumer goods for zoning purposes of the City's municipal code.
- iv) The holder of an approved Fireworks Sales License may sell fireworks within the City of Tea from June 27 to July 5th

(d) Fireworks Sales License Application

- i) Any person who is required by this Chapter to possess a Fireworks Sales License shall first submit an Application to the Planning & Zoning Administrator

- ii) A Fireworks Sales License Application shall consist of an application form, a Fireworks Sales License Application Fee, proof of liability insurance coverage of at least \$1,000,000, a scaled site plan of the proposed sales site, a copy of the application's South Dakota Sales Tax License and a copy of the appropriate state fireworks sales license(s)
- iii) The Fireworks Sales License Application Fee shall be two hundred dollars (\$200.00) and is non-refundable
- iv) The Planning & 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 sale location, zoning, proposed signage, building code compliance of the sales location, code enforcement compliance history, record of compliance with City fireworks regulations, record of compliance with state fireworks regulations, and/or other factors considered relevant by the Planning & Zoning Administrator.
- v) The action of the Planning & Zoning Administrator may be appealed to the City Council if a written appeal is submitted to the Finance Officer within ten (10) days (inclusive) of the action

~~(e) Exceptions Provided:~~

~~The provisions of this Title shall not apply to police officers of the City or to any person, firm or corporation duly licensed by the City Council in accordance with Title 4.1 of this Ordinance, to discharge fireworks for public entertainment at any public celebration in the City. (SDCL 9-33-1)~~

\_\_\_\_\_  
Casey Voelker, Mayor

ATTEST:

\_\_\_\_\_  
Dawn R. Murphy, Finance Officer

First Reading: April 3, 2023

Second Reading:

Publication:

Effective Date (20 days after last publication):

Published once at the approximate cost of \$\_\_\_\_\_.

**CITY OF TEA**  
**ORDINANCE 305**

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.03 FIREWORKS, FIREARMS, AND EXPLOSIVES (b)  
FIREWORKS PROHIBITED AND (c) EXCEPTIONS PROVIDED

BE IT ORDAINED by the City Council of the City of Tea, Lincoln County that Section 6.03 (b) and (c) be amended as Follows.

*(b) Regulation of Use of fireworks.*

- i) The discharge of consumer fireworks which conform to state law shall be allowed between the hours of 12:00 pm. to 12:00 a.m. on the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> days of July and from 10:00 pm December 31 to 12:30 am January 1. The City Council may amend the days and times by resolution. (Ord. 18 8-22-55, Ord. 138, SDCL 34-37-1 (1))
- ii) The discharge of fireworks may not occur on any City owned property unless authorized by the City Council
- iii) A permit for other discharge of fireworks may be issued by the City Council to individuals, groups or organizations for organized, public fireworks displays, based upon such terms and conditions as established by the City Council.

*(c) Sale of Fireworks*

- i) No person shall sell fireworks within the City of Tea without first obtaining an approved Fireworks Sales License.
- ii) Any person licensed under this Ordinance must also hold a license under SDCL 34-37-2.
- iii) Fireworks shall be considered consumer goods for zoning purposes of the City's municipal code.
- iv) The holder of an approved Fireworks Sales License may sell fireworks within the City of Tea from June 27 to July 5th

*(d) Fireworks Sales License Application*

- i) Any person who is required by this Chapter to possess a Fireworks Sales License shall first submit an Application to the Planning & Zoning Administrator
- ii) A Fireworks Sales License Application shall consist of an application form, a Fireworks Sales License Application Fee, proof of liability insurance coverage of at least \$1,000,000, a scaled site plan of the proposed sales site, a copy of the application's South Dakota Sales Tax License and a copy of the appropriate state fireworks sales license(s)

- iii) The Fireworks Sales License Application Fee shall be two hundred dollars (\$200.00) and is non-refundable
- iv) The Planning & 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 sale location, zoning, proposed signage, building code compliance of the sales location, code enforcement compliance history, record of compliance with City fireworks regulations, record of compliance with state fireworks regulations, and/or other factors considered relevant by the Planning & Zoning Administrator.
- v) The action of the Planning & Zoning Administrator may be appealed to the City Council if a written appeal is submitted to the Finance Officer within ten (10) days (inclusive) of the action

\_\_\_\_\_  
Casey Voelker, Mayor

ATTEST:

\_\_\_\_\_  
Dawn R. Murphy, Finance Officer

First Reading: April 3, 2023

Second Reading:

Publication:

Effective Date (20 days after last publication):

Published once at the approximate cost of \$\_\_\_\_\_.