

## ORDINANCE NO. 968

AN ORDINANCE, WHICH UPON ADOPTION, SHALL AMEND WHAT HAS BEEN CODIFIED AS CHAPTER 8.20 OF THE DEVILS LAKE MUNICIPAL CODE.

BE IT ORDAINED, by the City Commission of the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter of the City of Devils Lake, that the Ordinances which have been codified as Chapter 8.20 of the Municipal Code, be amended and shall now provide as follows:

8.20.010      Fireworks. Fireworks having a decibel level of \_\_\_\_\_dB or greater may not be sold or used within the City limits.

8.20.020      Use Dates. No person shall within the city set off, explode or detonate any fireworks before July 2 or after July 4 in any year, except as provided in this chapter. Fireworks may be set off, exploded or detonated July 2, 3, or 4 at the times stated in this chapter.

8.20.030      Hours of Use. No person shall set off, explode or detonate any allowable fireworks other than during the hours of ten a.m. and eleven p.m. during the dates listed in this chapter.

8.20.031      Sale of Fireworks.  
Fireworks may be sold in the City of Devils Lake from ten a.m. to eleven p.m. on the same dates as allowed by State law.

8.20.040      License Application to Sell Fireworks. Anyone selling fireworks in the city shall file with the city auditor an application on or before May 1<sup>st</sup> of each year. The application shall contain the following:

- A. Name, address and phone number of the party being responsible for the sale of fireworks;
- B. The location where the fireworks will be sold;
- C. A diagram of the building where the fireworks will be sold, showing the location of all exits and fire extinguishers;
- D. Whether the party responsible for the sale of the fireworks has ever made an application for the sale of fireworks to any other licensing authority, and the name and address of that licensing authority;
- E. Whether the person responsible for the sale of the fireworks has, within the past five years, been convicted of a criminal offense;
- F. Any other information deemed relevant by the city; and
- G. A consent allowing the city to inspect the premises and inventory and also where the fireworks will be sold.

8.20.050      Granting of License. After a personal inspection of the premises where the fireworks will be sold, the license shall be granted or denied by the city

commission, upon recommendation of the fire chief. The city commission may condition the granting of any license upon any limitations it deems appropriate. In issuing each license the city assumes no liability for any damage to persons or property resulting from such displays.

8.20.060      Display of License.    Any premises selling fireworks shall display the following on site:

- A.    The license issued by the city;
- B.    Any permits or licenses issued by Ramsey County; and
- C.    Any permits or licenses issued by the state, including the sales tax permits.

8.20.070      Penalty.            Any party selling or setting off, exploding or detonating any fireworks in violation of this chapter shall be guilty of an infraction. The first offense will result in a warning. The second offense within one week will result in a fine of \$100. The third offense within one week will result in a fine of \$200.

8.20.080      Public Displays.      This chapter shall not prohibit supervised public displays of fireworks by any organization or association within the city limits of the City of Devils Lake for which a permit has been issued. Said permit will be issued by the chief of the fire department following an investigation to determine whether the operator of the display is competent, whether the operator is properly insured, 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. A permit issued under this section shall be for a display on July 4. If for any reason the display cannot be done on July 4, it can be done on July 5. If the organization or association doing the public display changes, the successor organization or association shall follow the same procedure in obtaining a permit.

8.020.090      Release from Liability.      In issuing each permit or license under this chapter, the city assumes no liability for any damage to persons or property resulting from such displays.

Passed First Reading: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

Final Passage and Adoption: \_\_\_\_\_

**CITY OF DEVILS LAKE**

**ATTEST:**

By: \_\_\_\_\_

Richard Johnson, President  
Devils Lake City Commission

\_\_\_\_\_

Linda Lybeck  
City Auditor

For reference:

The following are common noises and the decibel reading for each sound:

Normal conversation	60 dB
Car engine	70 dB
Jackhammer	100 dB
A band playing	110 dB
Legal limit of fireworks	120 dB
Aircraft take off	180 dB