

**ORDINANCE NO. 2024-04  
AN ORDINANCE OF THE  
CITY OF WALHALLA, NORTH DAKOTA,  
AMENDING CHAPTER FOUR, ARTICLE 5  
FIREARMS, FIREWORKS AND EXPLOSIVES**

**BE IT ORDAINED** by the City Council of the City of Walhalla, North Dakota:

That Chapter Four, Article 5 of the Ordinances of the City of Walhalla is partially Restated and Amended to read as follows:

4.0504 Fireworks Defined and Sold

As used in this article, the term "fireworks" is defined in, and to be sold subject to the restrictions as set out in North Dakota Century Code section 23-15-01 and any subsequent amendments. (Source: North Dakota Century Code section 23-15-01).

4.0505 Fireworks Hours of Sale or Use

The lawful hours for the sale of fireworks and the use of fireworks within the city limits, or the city's jurisdictional boundaries, are between the hours of 8:00 a.m. and 11:00 p.m. An exception to this provision will be made for July 4th, when the hours will be 8:00 a.m. to 12:00 midnight.

4.0506 Lighting of Fireworks

No person shall light fireworks within 300 feet of a fireworks stand.

4.0507 Fireworks - Retail Sale License

No person shall sell at retail within the city limits or the city's jurisdictional boundaries, as set forth in section 40-06-01 of the North Dakota Century Code, any fireworks without first having obtained a license therefore, from the governing body of the city, as provided in this chapter. Completed applications will be accepted by the city auditor on or before the tenth (10th) day of June of the year for which the license is desired.

An application for the retail sale of fireworks license shall state the specific premises upon which the fireworks shall be sold, and the specific location where fireworks will be stored when not for sale. The application shall be accompanied by a license fee of fifty dollars (\$50.00) payable to the city and proof of a valid policy of liability insurance covering said premises. Unsuccessful applicants shall be so notified and their license fee returned.

The license for the lawful retail sale of fireworks is valid only for the year that it was applied in. No license granted within this chapter shall be transferable to any other individual or premise than that which is shown on the license.

#### 4.0508 Fireworks - Retail Sale License Revocation and Termination

1. All licenses granted shall be subject to ordinances in force at the time of issuing thereof which may be subsequently passed by the city's governing body. Any person who shall violate any provision of this chapter relating to his license may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the governing body or the court before which any action may be brought for the recovery of any fine or penalty.

2. Where not otherwise provided, any license may be revoked by the city governing board at any time for cause. "Cause" shall include, but not limited to the following:

- a. Violation of the laws or regulations of the state, or any of the ordinances of the city dealing with or pertaining to the business or trade licensed.
- b. The willful making of any false statement as to a material fact in the application for license.
- c. Permitting any disorderly or immoral practices upon the premises where the license is licensed to carry on the business or trade.
- d. The death of a licensee.
- e. When the licensee ceases business at the location licensed.
- f. When the licensee ceases to be a legal and bona fide citizen of the state.
- g. Any lapse in the policy of insurance provided to the city covering said premises.

3. When the license is terminated or revoked for cause, the licensee or those claiming under him, shall not be entitled to any return of any portion of the license fee previously paid to the city.

#### 4.0509 Posting of License

Any license issued for the retail sale of fireworks shall be posted in a conspicuous place on the premises for which the license was issued.

#### 4.0510 Types of Fireworks

Any person operating a retail business and who has a valid retail license for the sale of fireworks as provided for in this chapter may offer for sale the items in accordance with section 23-15-01 of the North Dakota Century Code.

#### 4.0511 Storage of Fireworks by a Business

1. Any person operating a retail business and who has a valid retail license for the sale of fireworks as provided for in this chapter shall provide an inventory record to the city detailing the quantity and location of fireworks being stored within the city limits or the city's jurisdictional boundaries. Fireworks that will be stored shall be in ready boxes and kept dry at all times. Except during the lawful dates of retail sale no fireworks shall be stored within 500 feet of a residential dwelling. Any premises used to store fireworks under this section shall be open to inspection by city officials or their designees upon reasonable notice.

2. Any person operating a wholesale business and who has a wholesale license to sell fireworks shall provide an inventory to the city detailing the quantity and location of fireworks being stored within the city limits or the city's jurisdictional boundaries. Fireworks that will be stored shall be in ready boxes and kept dry at all times. Notwithstanding any other provisions of this ordinance no person operating a wholesale business for the sale of fireworks within the city limits or the city's jurisdictional boundaries shall store fireworks within 500 feet of a residential dwelling. Any premises used to store fireworks shall be open to inspection by city officials or their designees upon reasonable notice.

3. Storage of fireworks personal use exception. Except during lawful dates of retail sales, no fireworks can be stored within 500 feet of a residential dwelling. Persons who store fireworks for personal consumption are exempted from this requirement.

4. The storage of fireworks, by any person operating a retail or wholesale business and who has a retail or wholesale license to sell fireworks, is not permitted within the city limits, or the city's jurisdictional boundaries, except during the period from June 10th to July 15th of the year in which said person has a valid license.

#### 4.0512 Penalty

1. In case no other specific penalty is prescribed for the violation of any section or provision of this chapter, any person violating any of the provisions of this chapter shall, upon

conviction thereof, be punished by a fine not to exceed \$1,500 or by imprisonment not to exceed 30 days, or by both fine and imprisonment.

2. Any person violating section 4.0505 relating to use must be assessed a fine of not less than twenty-five dollars (\$25.00) upon the first violation, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) upon a second violation and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) for the third or subsequent violations.

4.0513 Exceptions to Fireworks Restriction

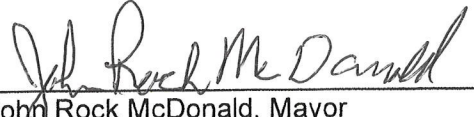
Nothing in this article shall be construed to prohibit the sale or use of fireworks to airplanes, railroads and other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or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

4.0514 Fees

All fees collected pursuant to the above section shall be deposited in the general fund of the City.

Dated this 3rd day of June, 2024.

City of Walhalla

By   
John Rock McDonald, Mayor

ATTESTED TO:

By   
Michael Cook, City Auditor

First Reading: May 5, 2024.

Second Reading and Passage: June 3, 2024.

Published: \_\_\_\_\_, 2024