

CHAPTER FIVE

FIREARMS, FIREWORKS, AND EXPLOSIVES

ARTICLE 1 - Firearms, Fireworks and Explosives

5.0101 Firearms not to be Furnished to Minors

It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of this City.

5.0102 Exploding Firearms

It shall be unlawful for any person or persons to fire or discharge within the city limits of this City, any cannon, gun, fowling piece, pistol or other firearms of any description without the written permission of the City governing board which permit shall limit the time of such firing and be subject to revocation by the City governing board at any time after being granted. Provided, however, that nothing in this Section shall be construed to apply to the firing of any gun or other firearms when done in cases of actual necessity or in the performance of lawful duty or by militia companies or veterans' organizations when on parade.

5.0103 Blank Cartridges, Pistols, Etc. - Manufacture, Use, and, Sale of

No person except a licensed dealer shall manufacture, use, sell, or keep for sale within the City any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three (3) inches in length and exceeding one-half (1/2) inch in diameter.

5.0104 Fireworks Defined

As used in this Article, 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 explosion or detonation and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, dago bombs, or other fireworks of like construction, and any fireworks containing any explosive or compound, or any tablets, or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" does not include toy pistols, toy guns, in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive compound are used, and toy pistol caps which contain less than twenty-five hundredths (0.25) of a grain of explosive composition per cap.

5.0105 Fireworks - Sale of

1. The sale of any rocket, firecracker, torpedoes, roman candles, or of any such “Fourth of July” explosives whatsoever, or fireworks within the municipal city limits is expressly prohibited at any time whatsoever.
2. Any person operating a retail business outside of the municipal limits and who has a retail license as provided in Section 23-15-04 of the North Dakota Century Code may offer for sale and sell at retail that year, to any individual who is at least twelve (12) years of age, only during the periods of June 27th through July 5th and December 26th through January 1st.

(Source: Section 40-05-01(38) of the North Dakota Century Code)

5.0106 Fireworks - Discharging of

The use, firing, or discharging of any fireworks as defined in Subsection 5.0104, or of any such “Fourth of July” explosives whatsoever within the City limits is limited to the hours of 8:00AM to 10:00PM on June 27th through July 2nd and 8:00AM to 1:00AM on July 3rd through July 5th and 11:00PM December 31st to 1:00AM January 1st.

Furthermore, the use, firing, or discharging of any fireworks as defined in Subsection 5.0104, or of any such “Fourth of July” explosives is prohibited whenever a “burn ban” is issued by the City of New England or Hettinger County and is considered a Class B Misdemeanor.

(Source: Section 40-05-01(38) of the North Dakota Century Code)

5.0107 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.

5.0108 Littering

Any person failing to remove fireworks residue from their street or sidewalk within twenty-four (24) hours shall be guilty of littering and each day in which the litter is not abated shall be deemed a separate offense.

ARTICLE 2 - Penalty for Violation of this Chapter

5.0201 Penalty - Violations of Firearms, Fireworks, and Explosives Chapter

Any person violating the provisions of this Chapter shall be guilty of an infraction and upon conviction thereof, shall be subject to a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Each occurrence of such violation shall be deemed a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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