

ORDINANCE NO. 1348

An Ordinance to Amend and Re-enact
Section 10-2-10 of the Mandan Code of Ordinances
Relating to Fireworks

Be it Ordained by the Board of City Commissioners as follows:

Sec. 10-2-10. – Amendments to International Fire Code.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.

Penalty:

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty dollars (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to

appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

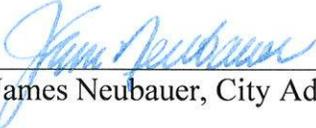
Section 5601.2.4 Financial responsibility, deleted in its entirety and replaced with:

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

By: 

Tim Helbling, President, Board of
City Commissioners

Attest:



James Neubauer, City Administrator

First Consideration: August 4, 2020

Second Consideration and Final Passage: August 18, 2020

Publication: September 1, 2020