

ORDINANCE NO. 679

AN ORDINANCE OF THE CITY OF SALEM, SD, AMENDING THE COMPILED ORDINANCES OF SALEM, BY AMENDING CHAPTER 5.03 FIREWORKS AND FIREARMS

BE IT ORDAINED BY THE CITY OF SALEM, SD:

Section 1: That Chapter 5.0301 Sale or Discharge of Fireworks – of the Compiled Ordinances of Salem is hereby amended to read as follows:

Section 5.0301.01: Definitions

Section 5.0301.02: Fireworks Generally

Section 5.0301.03: Novelty Fireworks

Section 5.0301.04: Exceptions for Independence Day

Section 5.0301.05: Reckless Discharge of Fireworks Prohibited

Section 5.0301.06: Public Displays; Permit Required

Section 5.0301.07: Storage of Explosives

Section 5.0301.08: Effect of Burn Ban

5.0301.01: DEFINITIONS:

APA STANDARD DOCUMENT 87-1: The American Pyrotechnics Association, Inc., Standard 87-1, version 12/01/2001.

FIREWORKS: A device considered a firework or pyrotechnic by APA Standard Document 87-1 to include, but not be limited to, firecrackers, skyrockets, roman candles, aerial shells, and ground and handheld fireworks but not to include novelty fireworks.

GROUND AND HANDHELD FIREWORKS: Those types of fireworks classified as ground or handheld fireworks such as cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, and wire sparklers so long as the compositions and masses are consistent with the definitions provided under APA Standard Document 87-1 section 3.1.1 and its subdivisions.

NOVELTY FIREWORKS: Those types of fireworks classified as novelties such as party poppers, snappers, toy smoke devices, snakes, wire sparklers, and including toy caps so long as the compositions and masses are consistent with the definitions provided under APA Standard Document 87-1 sections 3.2 and 3.3.

5.0301.02: FIREWORKS GENERALLY:

A. No person shall offer for sale, expose for sale, or sell at retail any fireworks within City limits.

B. No person shall use, explode, or otherwise discharge any fireworks within City limits, except as expressly permitted by this chapter.

C. Nothing in this section shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation nor applying to the military or navy forces of the United States or

of this State or to the peace officers nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

Section 5.0301.03: NOVELTY FIREWORKS:

The use of novelty fireworks within City limits is permitted. However, novelty fireworks may not be used in a manner prohibited by section 5.0301.05 of this chapter nor in a manner prohibited by chapter 5.0107, "Loud and raucous noise", of this title.

5.0301.04: EXCEPTIONS FOR INDEPENDENCE DAY:

Ground and Handheld Fireworks in All City Limits: A person may use, explode, or otherwise discharge ground and handheld fireworks consistent with manufacturer directions between the hours of twelve o'clock (12:00) noon and eleven fifty-nine o'clock (11:59) P.M. on July 3rd, July 4th, and July 5th so long as such person douses and safely disposes of all waste resulting from such activity. Such ground and handheld fireworks may be used within all City limits but only on private property with the express knowledge and permission of the property owner.

5.0301.05: RECKLESS DISCHARGE OF FIREWORKS PROHIBITED:

No person may use, explode, or otherwise discharge fireworks recklessly or while under the influence of any substance to a degree which renders the person incapable of safely using, exploding, or otherwise discharging fireworks.

5.0301.06: PUBLIC DISPLAYS; PERMIT REQUIRED:

Nothing shall prohibit the use of a public display of fireworks at times or places that would otherwise be prohibited by this chapter. However, prior to making such public display of fireworks, the person intending to do such public display shall first secure a written fireworks permit from the City Council.

5.0301.07: STORAGE OF EXPLOSIVES:

No person shall keep in store any gun or blasting powder, dynamite or other like substance, except in such manner as shall comply with the State Fire Code regulations and in such place or magazine as shall have been recommended by the chief of fire and EMS or designated representative and approved by the City Council for that purpose; provided, that any person engaged in retailing powder may keep for purpose of retailing only a quantity of gun powder not to exceed fifty (50) pounds, at any one time, at his place of business in fireproof boxes or containers, out of doors, remote from fires and open flames and so that it can be readily removed in case of fire.

5.0301.08: EFFECT OF BURN BAN:

At all times, when a burn ban is in effect for McCook County, no fireworks, including novelty fireworks and ground and handheld fireworks, may be used, exploded, or otherwise discharged at any location within City limits, except that the City Council may still allow a public display pursuant to a firework's permit to proceed if the permit is for indoor activity.

Section 2: 5.0302 – *Carrying Concealed Weapons of the Compiled Ordinances of Salem is hereby amended to read as follows:*

1. No person shall carry concealed about his person any slingshot, brass knuckle or knuckles of other material, or any sandbag, dagger, bowie knife, razor or dirk knife.
2. No person shall carry any dangerous/deadly weapon concealed about his or her person or any object concealed about his or her person that could be used as a dangerous/deadly weapon.
3. Any peace officer may wear or carry any such weapons as may be necessary and proper for the discharge of his or her official duties.

Section 3: 5.0303 – *Discharging weapon of the Compiled Ordinances of Salem is hereby amended to read as follows:*

A. No person shall discharge any species of firearm, air gun or other weapon, or throw any missile in the city. The following uses are exempt from this section:

1. Proper use of weapons in a licensed shooting gallery;
2. Use by law enforcement or animal control officers in the discharge of their official duties, or to persons who are authorized by the sheriff's office and have been issued a special access permit by the state department of game, fish and parks for a specific area being hunted;
3. Use by persons engaged in instructional courses using air guns, BB guns or bows and arrows if course is conducted by a certified instructor, is covered by adequate liability insurance, and has been approved by the supervising unit if conducted on city property;
4. Use by persons at field archery courses on city property that conform to target course and safety requirements of the National Field Archery Association.

B. It shall be a defense to a charge of violation of this section that a person was engaged in lawful self defense, as set forth in SDCL 22-5-1, SDCL 22-5-9 and SDCL 22-18-4.

Section 4: 5.0304 – *Drawing Deadly Weapons – is added to the Compiled Ordinances of Salem to read as follows:*

No person, except an officer of the law in the execution of his duty, or a person in self-defense, shall draw a pistol, gun, revolver, knife or any other deadly or dangerous weapon so that the same may be used against or upon another person.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

Adopted this 8th day of October 2024.

Seal

Glenda Blindert
Mayor

ATTEST:

Lori Heumiller
Finance Officer

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Second Reading & Adoption: October 8, 2024
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