

ORDINANCE NO. 5

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS AT THE LAKE HANSON BEACH AND PARK AREA IN HANSON COUNTY, SOUTH DAKOTA

BE IT ORDAINED BY HANSON COUNTY:

A. Definitions. Terms as used in this ordinance, unless the context otherwise requires, shall mean:

(1) "Fireworks"-any item or device designed primarily to produce visible or audible effects(a) by the combustion, or (b) by the generation of pressure through decomposition, heat, or other means, of a substance or mixture of substances contained in the item or device.

(2) "Lake Hanson Beach and Park Area"-that area platted as "Recreation Parks No. 1", which is a part of Lot 4 in Section 21, Township 101 North, Range 58 West of the 5th P.M. in Hanson County, South Dakota, and which is commonly known as the Lake Hanson Beach and Campground area, and contains approximately ten(10) acres, more or less.

B. Prohibition. No person shall light, set off, fire, or use any fireworks of any kind, at any time, in the Lake Hanson Beach and Park Area.

C. Penalty. Any person found guilty of violating the terms or provisions of this Ordinance shall be subject to a maximum penalty of a fine of One Hundred Dollars(\$100.00), or thirty(30) days jail sentence in the Hanson County jail, or by both such fine and imprisonment.

D. Severability Provision. If any provision of this Ordinance is declared invalid, for any reason, or the applicability thereof to any person or circumstances held to be invalid, the validity of the remainder of this Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

First reading: May 29, 1985

Second reading: June 6, 1985

Votes for: 3

Votes against: 0

Publication date: June 6, 1985

Effective date: June 27, 1985

WHEREAS, it is the determination of the board of Hanson County commissioners that it is in the best interest of the health, safety, and welfare of the residents of Hanson County, South Dakota, to control and limit the use of fireworks in certain areas within Hanson County; and

WHEREAS, based upon past activities, it is the feeling of the Hanson County board of commissioners that public safety requires the regulation of the use of fireworks in certain areas;

Now, therefore,

It was moved by Letcher, and seconded by Pierson, that the following ordinance be adopted: