

CHAPTER 48 – FIREWORKS

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CHAPTER 48 – FIREWORKS

48.1 **SECTION 1: AUTHORITY AND PURPOSE** This ordinance is adopted pursuant to the Constitution of the Red Cliff Band of Lake Superior Chippewa, Article VI Section (p). The purpose of this ordinance is to regulate the sale, storage and use of fireworks within the boundaries of the Red Cliff Reservation.

48.2 **SECTION 2: JURISDICTION**

- (a) The Red Cliff Tribal Court shall have the authority to rule on any and all violations of this ordinance.
- (b) Any person who sells, transports, or uses fireworks within the boundaries of the Red Cliff Reservation automatically consents to the jurisdiction of the Red Cliff Tribal Court.

48.3 **SECTION 3: DEFINITIONS**

- (a) “fireworks” means any device containing any combustible or explosive substance for the purpose of producing a visible or audible display of combustion, explosion, deflagration or detonation, but not including any firearms or ammunition for said firearm.
- (b) “fireworks stand” means an establishment at which fireworks are offered for retail sale.
- (c) “license” means the authorization issued by the Red Cliff Tribal Council under this ordinance to engage in the sale and storage of fireworks.
- (d) “Court or Tribal Court” means the Red Cliff Tribal Court.

48.4 **SECTION 4: GENERAL REGULATIONS**

- (a) No person may transport, sell or possess with the intent to sell any explosive device which is the type or class subject to the regulations of 18 U.S.C.841 et. seq.
- (b) A person who shoots fireworks shall dispose of the fireworks debris.
- (c) No person may give false information on a fireworks license application. Any person violating this section shall immediately have their fireworks license revoked and shall not be eligible for another fireworks license for two years in addition to such other penalty the Court deems just and proper.

48.5

SECTION 5: FIREWORKS LICENSE

- (a) No person may transport for the purpose of selling, sell, or possess with the intent to sell fireworks within the boundaries of the Red Cliff Reservation unless they have applied for and received a fireworks license from the Red Cliff Tribal Council or their designee.
- (b) The fee for a fireworks license shall be \$2.00. The term of the license shall not exceed one (1) year. The fireworks license shall be conspicuously displayed at the location where the fireworks are being sold and, if different from the sale location, at the location where the fireworks are being stored. A fireworks license may not be transferred to another person or entity. No licensee may store fireworks in a building occupied for residential purposes or in any structure within the Red Cliff Housing Authority.
- (c) The location where fireworks are sold and stored shall have fire suppression equipment on the premises. The amount and type of fire suppression equipment shall be determined by the Red Cliff Fire Department.

48.6

SECTION 6: FIREWORKS LICENSE APPLICATION

A fireworks license application shall contain the following information:

- (a) Name of Applicant.
- (b) Home address and home phone number of applicant.
- (c) Location where the fireworks will be sold and phone number of where the fireworks will be sold, and if different from sale location, the location where the fireworks will be stored.
- (d) A list of employees.

48.7

SECTION 7: FIREWORKS SALE PROHIBITION

No licensee or other person may sell fireworks to:

- (a) any person under the age of 18.
- (b) any person whom the licensee has reason to believe is under the influence of drugs and/or alcohol.

48.8

SECTION 8: FIREWORKS USE RESTRICTIONS

- (a) No person under the age of eighteen (18) may possess or use fireworks unless closely supervised by their parent, guardian, or custodian.
- (b) No person under the age of twelve (12) may possess or use fireworks.
- (c) No person may provide fireworks to an individual under the age of 18 with the exception of the individual's parent, guardian, or custodian.
- (d) Fireworks may not be used after 11:00 p.m. except as provided for in 48.8(d), unless authorized by permit of the Red Cliff Tribal Council.
- (e) Fireworks may be used up to 12:00 midnight the weekend before, the weekend after, and/or the weekend of the 4th of July. Fireworks may be used up to midnight of the 4th of July.
- (f) Fireworks may not be used in a manner that creates a substantial risk to persons or property in the immediate area.
- (g) The person who shoots fireworks shall be liable for any damages that result from the shooting of the fireworks. If damage occurs from the use of fireworks by a minor, the parent(s), custodian, or guardian bears the responsibility for the damages.

48.9

SECTION 9: PENALTIES

- (a) Any person convicted of violating this ordinance is subject to a monetary penalty of not more than \$5,000. The Court may impose such other sanctions it deems just and proper including but not limited to community service and restitution, if applicable.
- (b) Any licensee convicted of violating any provision of this ordinance is subject to the immediate revocation of their fireworks license.
- (c) In the enforcement of this ordinance, Law Enforcement may confiscate all unused fireworks. This contraband shall not be returned to a person convicted of a violation of this ordinance.

48.10

SECTION 10: ENFORCEMENT

The Red Cliff Police Department and the Red Cliff Wardens are authorized to enforce the provisions of this ordinance.