

2024 LAWS/ORDINANCES

Pennington County, SD – Under South Dakota Codified Law 34-37-19, County resolution allows the discharge of fireworks from **June 27 – midnight on July 7, 2024, and Dec. 28 - Jan. 1, 2025 ONLY.** We also ask the public to clean up fireworks litter after discharge.

**In addition, the Pennington County Sheriff's Office asks for a voluntary curfew of 11pm in the Rapid Valley area during the legal period to set off fireworks. Deputies will have extra patrol in the area to ensure the safe and courteous discharge of fireworks.

www.pennco.org/fireworks or call 211 or (605) 394-4131 option #5 for answers to fireworks related questions.

The following municipalities in Pennington County have ordinances governing the discharge of fireworks in their boundaries:

- **BOX ELDER:** Allows for the discharge of fireworks inside Box Elder city limits and on private property with the permission of the landowner: July 1 - 4, 2024 between 9 am-11 pm. If the grassland fire danger rating exceeds the "High" level, private or citizen use of fireworks is prohibited.
- **HILL CITY:** NO DISCHARGE OF FIREWORKS PERMITTED in Hill City limits, other than novelty fireworks. Novelty fireworks are party poppers, snappers, sparklers, and toy caps.
- **KEYSTONE:** NO DISCHARGE OF FIREWORKS PERMITTED in Keystone city limits, other than novelty fireworks. Novelty fireworks are party poppers, snappers, sparklers, and toy caps.
- **NEW UNDERWOOD:** No person, firm or corporation may offer fireworks for sale to individuals at retail before the twenty-seventh day of June and after the fifth day of July. Retail sales are not permitted after twelve o'clock a.m. or prior to seven o'clock a.m. from the twenty-seventh day of June through the fifth day of July. It is unlawful for a person to discharge fireworks in the City limits except during the period beginning June 27th and extending through July 5th and during the period beginning December 28th and extending through January first. A violation of this section is a Class 2 misdemeanor. In dry years the Council may, by Resolution ban use of fireworks within the city limits. Call for more information **(605) 754-6777**.
- **WALL:** NO DISCHARGE OF FIREWORKS PERMITTED in Wall city limits, other than novelty fireworks. Novelty fireworks are party poppers, snappers, sparklers, and toy caps.
- **RAPID CITY:** NO DISCHARGE OF FIREWORKS PERMITTED inside the city limits or one (1) mile outside the city limits, except the "novelty" type. "Novelty" is loosely defined as snaps, caps, pull-a-parts, and fireworks you can toss on the ground. If you need further clarification contact: Rapid City Fire Department, Fire and Life Safety Division (605) 394-5233
- **CUSTER COUNTY:** NO DISCHARGE OF FIREWORKS PERMITTED in the city of Custer (City Municipal Code: 9.04.080)
- **BLACK HILLS FIRE PROTECTION DISTRICT: NO DISCHARGE OF FIREWORKS PERMITTED**
 - STATE-CODIFIED LAW PROHIBITS THE SALE AND DISCHARGE OF FIREWORKS within the boundaries of the Black Hills Fire Protection District. This boundary is basically anything west of Highway 79 from Hot Springs to approximately I-90, Exit 61. The boundary follows I-90 east of Black Hawk and Piedmont.
- *The illegal use of fireworks is an offense punishable by a fine of up to \$500, 30 days in jail, or both. City and County law enforcement will have an increased evening presence in areas within the one-mile radius of the Rapid City, city limits, including portions of Rapid Valley. Citations may be issued after 11:00 pm or any time of day when someone is reckless or negligent with fireworks.*
- *Fireworks should be discharged in a safe manner on the individual's own property or with the permission of the landowner. Fireworks are not permitted to be discharged on public land or public roadway as well as at or from a moving vehicle. Those participating in the discharge of fireworks are strongly encouraged to clean up all litter created.*

PENNINGTON COUNTY RESOLUTION

A RESOLUTION PROHIBITING THE USE OF FIREWORKS AS PROVIDED IN SDCL § 34-37-19

WHEREAS, the use of fireworks is a time-honored tradition in this Country that the Pennington County Commission must balance with the health and safety of citizens and protection of property when wann and dry weather conditions create an environment that is dangerously prone to the threat of fire; and

WHEREAS, South Dakota Codified Law (SDCL) § 34-37-19 authorizes the County Commission, by resolution, to prohibit the use of fireworks outside the boundaries of any municipality during specific days of the year and under certain conditions related to the South Dakota grassland fire danger index; and

WHEREAS, the Commissioners of Pennington County deem it necessary, in the interest of public health and safety, to adopt this Resolution to reduce the threat posed to the citizens and property of Pennington County by fires.

NOW, THEREFORE BE IT RESOLVED, that pursuant to SDCL § 34-37-19, Pennington County does hereby prohibit the use of fireworks outside the boundaries of any municipality in those areas of the County where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in the County during the period from June twentieth (20th) to July second (2⁰⁰), inclusive, and during the period from December twenty-eighth (28th) to January first (1st), inclusive; and

BE IT FURTHER RESOLVED, that during the time periods stated in§ 34-37-19, this Resolution shall be suspended if the grassland fire danger index falls below the very high category in the County and again becomes effective if the grassland fire danger index reaches the extreme category; and

BE IT FURTHER RESOLVED, that a violation of this Resolution is a Class 2 Misdemeanor punishable by up to 30 days in the Pennington County Jail, a \$500.00 fine or both; and

BE IT FURTHER RESOLVED, that this Resolution does not apply inside the Black Hills Forest Fire Protection District or to land in Pennington County owned or under the jurisdiction of the Federal Government or State of South Dakota; and

BE IT FURTHER RESOLVED, that any prior Resolution(s) of the Pennington County Commission adopted pursuant to the provisions of SDCL § 34-37-19 are hereby repealed.

Approved by the Pennington County Commission this 4th day of May, 2021.

CITY OF BOX ELDER 2022 RESOLUTION

Prepared By:
City of Box Elder
420 Villa Drive
Box Elder, SD 57719
(605) 923-1404

RESOLUTION 22-13

A RESOLUTION TO APPROVE THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF BOX ELDER FOR THE FOURTH OF JULY HOLIDAY DURING THE YEAR 2022 FOR CITY OF BOX ELDER, MEADE COUNTY AND PENNINGTON COUNTY, SOUTH DAKOTA

WHEREAS, the City of Box Elder has Ordinance 510 which bans the use or discharge of fireworks as defined in SDCL 34-37 within the jurisdiction of the City unless allowed by resolution by the Council;

WHEREAS, the South Dakota grassland fire danger index is below or is expected to remain below the very high or extreme category in those areas in and around the City of Box Elder, South Dakota; and

WHEREAS, the Common Council of the City of Box Elder deems that fireworks should be allowed in and around the Fourth of July holiday (July 2nd through July 4th), and New Year's day (December 31st, 2022 through January 1st, 2023).

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Box Elder, South Dakota, that the discharge of fireworks will be allowed within the City Limits of Box Elder for the Fourth of July, and New Year's Holiday, as designated in Section 14-104 and SDCL 34-37. Local fireworks discharge may commence on the following dates and during the following times:

- July 1st beginning at 9:00 am and ceasing at 11:00 pm.
- July 2nd beginning at 9:00 am and ceasing at 11:00 pm.
- July 3rd beginning at 9:00 am and ceasing at 11:00 pm.
- December 31st, 2022 beginning and 9:00 am and ceasing at 1:00 am on January 1st, 2023.

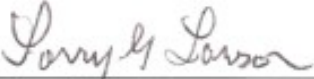
Citizens are responsible for all firework discharge clean up. Children, 18 and under, must be supervised by a parent or guardian when discharging fireworks. The parent or guardian is responsible for any liability for the child discharging fireworks. In the event that the grassland fire danger exceeds the "High" level, private or citizen use of fireworks would be prohibited.

Furthermore, fireworks may be discharged only on private property, with the permission of the landowner. Discharge of fireworks on public property is strictly prohibited.

Dated at Box Elder, South Dakota, this 17th day of May, 2022.

BOX ELDER COMMON COUNCIL

Seal:



Larry Larson
Mayor

Attest:



Nicole Schneider
Finance Officer



Prepared By:
City of Box Elder 420
Villa Drive
Box Elder, SD57719 (605)
923-1404

RESOLUTION 22-12

A RESOLUTION TO IMPROVE A FIREWORKS DISPLAY WITHIN THE CITY LIMITS OF BOX ELDER DURING THE YEAR 2022 FOR CITY OF BOX ELDER, PENNINGTON COUNTY, SOUTH DAKOTA

WHEREAS, the City of Box Elder has Ordinance 510 which bans the use or discharge of fireworks as defined in SDCL 34-37 within the jurisdiction of the City unless allowed by resolution by the Council;

WHEREAS, the South Dakota grassland fire danger index is below or expected to remain below the very high or extreme category in those areas in and around the City of Box Elder, South Dakota; and

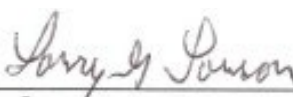
WHEREAS, the Common Council of the City of Box Elder deems that a public fireworks display be permitted during the period of 9:00 a.m. July 2nd through 11:00 p.m. July 4th, 2022, and on September 10th, 2022 from 6:00 p.m. to 11:00 p.m. for Patriot Day. At a minimum, the display provider, be required to have the Fire Department present for fire protection & prevention; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Box Elder, South Dakota, that public fireworks displays will be allowed within the City Limits of Box Elder on 9:00 a.m. July 1st through 11:00 p.m. July 3rd, 2022, and on September 10th, 2022 from 6:00 p.m. to 11:00 p.m. for Patriot Day, as designated in Section 14-104 and SDCL 34-37.

Dated at Box Elder, South Dakota, this 17th day of May, 2022.

BOX ELDER COMMON COUNCIL

Seal:



Larry Larson
Mayor

Attest:



Nicole Schneider
Finance Officer



SOUTH DAKOTA CODIFIED LAW

https://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=34-37-19&Type=Statute

SDCL 34-37-16. Possession of unauthorized fireworks as misdemeanor--Seizure-- Destruction.

A person is guilty of a Class 1 misdemeanor if the person possesses any fireworks, other than those enumerated in § 34-37-5. If any person possesses any fireworks in violation of § 34-37-5, a warrant may be issued for the seizure of the fireworks. Any fireworks seized under this section shall be safely stored to be used as evidence.

Upon conviction of any person charged under this section, any seized fireworks shall be destroyed. If a person charged under this section is found not guilty, any seized fireworks shall be returned to the person.

This chapter does not apply to the transportation of fireworks by regulated carriers.

SDCL:34-37-16.1. Periods during which use of consumer fireworks permitted--Violation as misdemeanor.

Except as otherwise provided in this chapter, a person is guilty of a Class 2 misdemeanor if the person uses consumer fireworks except during the period from June twenty-seventh to the first Sunday after July fourth, and during the period beginning December twenty-eighth to January first.

County Commissioners may only prohibit the discharge of fireworks by resolution. SDCL 34- 37-19 allows the County Commissioners to regulate fireworks from June 20 through July 2; and from December 28 through January 1 by resolution if the grassland fire danger index reaches the extreme category.

SDCL 34-37-19. County regulation of fireworks--Use of South Dakota grassland fire danger index--Violation as misdemeanor.

Any county may, by resolution, regulate or prohibit the use of fireworks outside the boundaries of any municipality in those areas where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in that county during the period from June twentieth to July second, inclusive, and during the period from December twenty-eighth to January first, inclusive. During any such period, the county's action is suspended if the grassland fire danger index falls below the very high category and again becomes effective if the grassland fire danger index reaches the extreme category. Any violation of a resolution adopted pursuant to this section is a Class 2 misdemeanor.