

LOWER BRULE SIOUX TRIBAL COURT
LAW AND ORDER CODE

FIREWORKS CODE



UPDATED: JUNE 2024

**LOWER BRULE SIOUX TRIBE
LAW AND ORDER CODE**

FIREWORKS CODE

1. Fireworks Regulated

a. It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate, or to allow any minor under one's physical or actual care, custody, or control to possess, buy, sell, distribute, transport, activate, ignite, or detonate any firecracker or other firework type device on the Lower Brule Sioux Reservation, except as provided in this Code.

b. Definitions-- Fireworks includes any device which is capable of or intended to explode, ignite, become self-propelled, give off any projectile, spark or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of its burning or exploding. This definition includes those devices designated as "consumer fireworks" by the United States Product Safety Commission at 16 C.F.R. Part 1507, effective January 1, 2019, and that are classified as 1.4G, UN0336 under the American Pyrotechnics Association Standard 87-1, 2001 edition, and any supplements.

2. It shall not be an offense under this Section:

A. To use or ignite hand-held sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly and in the intended fashion; or

B. To use or ignite fireworks at a patriotic, religious, or Tribal ceremony, gathering, or celebration in a safe manner provided that a permit to do so has been obtained from the Tribal Council or a lawfully authorized Tribal agency prior to the importation and use of such fireworks; or

C. To buy, use, or ignite fireworks between June 15 and July 5 inclusive, and December 28 and January 1 inclusive, provided that such devices are handled safely with regard to the safety of others and their property. Provided further, that minors under the age of twelve years of age may not buy, possess, use, or ignite fireworks. Provided further that fireworks otherwise permitted may not be used or ignited after midnight on any date other than July 4 and December 31.

3. If a ban on fires has been imposed on the Lower Brule Sioux Reservation or in the surrounding area, igniting or using fireworks is prohibited.

4. If a burning permit is required in the location where the fireworks are to be ignited, such a permit must be acquired before the fireworks may lawfully be ignited.

5. The use or handling of any fireworks in such a manner as to constitute Weapons Offense, Lower Brule Sioux Law and Order Code-Criminal Code, § 1-3C-27, or Aggravated Weapons Offense, § 1-3C-29, or Mishandling a Dangerous Device, § 1-3C-30, or to use fireworks as a weapon in a prohibited location, § 1-3C-28, may be prosecuted under the appropriate provision of the Criminal Code, and any authorized punishment may be imposed.

6. A violation of this Code is a Class C offense. If any person possesses any fireworks in violation of this Code, 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, or in the alternative, the items may be photographed to be introduced in evidence if they are such as to pose a hazard if retained.