

SISSETON-WAHPETON OYATE

CHAPTER 46

FIREWORKS ORDINANCE

46-01-01 TITLE

This ordinance shall be known as the Sisseton-Wahpeton Oyate Fireworks Ordinance.

46-02-01 PURPOSE

This ordinance is enacted in order to provide for the safe and orderly use of fireworks within the Lake Traverse Reservation, and in other areas served by Tribal Businesses offering fireworks for sale, and in order to regulate the sale of fireworks for the welfare of all members of the Sisseton-Wahpeton Oyate.

46-03-01 DEFINITIONS

46-03-02 Fireworks - shall mean 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.

46-03-03 Fireworks Stand - shall mean an establishment at which fireworks are offered for retail sale.

46-03-04 License - shall mean the authorization issued by the Sisseton-Wahpeton Oyate under this ordinance to engage in the transport, possession, discharge or sale of fireworks.

46-03-05 Licensee - shall mean the person to whom a license has been issued under this ordinance.

46-03-06 Tribal Court - shall mean the Tribal Court having civil jurisdiction on the Lake Traverse Reservation.

46-04-01 GENERAL PROHIBITION

It shall be unlawful for any person to transport, possess, discharge, sell, or offer for sale any fireworks within any area under the jurisdiction of the Sisseton-Wahpeton Oyate except as provided in this ordinance.

46-05-01 LICENSING

The sale, offer for sale, transport, or transfer of fireworks shall be unlawful when done by any person unless the person has a valid Tribal fireworks license.

46-05-02 Any person wishing to receive a Tribal Fireworks License shall apply to the Sisseton-Wahpeton Oyate Tribal Council. The application shall provide at least the following information.

1. Name
2. Address
3. Telephone number
4. Where fireworks will be sold
5. A complete inventory of fireworks to be sold

Amendment Passed: January 15, 2025

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46-05-03 Licenses shall be issued by and at the sole discretion of the Tribal Council. Any person whose application is denied shall be notified of such action with a statement of the reasons for the denial.

46-05-04 A person whose application has been approved shall be issued a license upon the payment of the license fee of three hundred dollars (\$300.00). The licensee is required to pay any and all applicable Sisseton-Wahpeton Oyate taxes, including, but not limited to, Sisseton-Wahpeton Oyate business tax.

46-05-05 No license shall be issued to any person unless he or she is an enrolled member of the Sisseton-Wahpeton Oyate and is at least eighteen (18) years of age.

46-05-06 This ordinance will permit any employees or agents of the licensee to sell fireworks for that license, provided that licensee is responsible for all actions of his employees or agents.

46-06-01 **CONDITIONS OF THE LICENSE**

Licenses issued under this ordinance shall be effective for the months of June, July, and August. There is also an option for the individual to pick another single month of his/her choosing under the same license. The month and year must be specified.

46-06-02 Failure of the licensee to abide by the requirements of this ordinance and any additional requirement imposed by the Tribal Council will constitute grounds for revocation of the licensee's Tribal Fireworks License.

46-07-01 **CERTAIN FIREWORKS TOTALLY PROHIBITED**

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate to transport, possess, discharge or offer for sale any of the following:

1. All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks not otherwise banned under the Act that do not comply with the applicable requirements of Section 46-08-01 of this ordinance except fireworks devices which meet all the following conditions:
 - (a) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or Local government agencies); and,
 - (b) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.
2. Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components or a rocket), aerial bombs, and devices that may be confused with candy or other foods such as "dragon eggs" and "cracker balls" (also known as ball-type caps), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

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- (a) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or equivalent State or Local Governmental Agencies); and,
- (b) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

46-08-01

REQUIREMENTS FOR PERMITTED FIREWORKS

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate to transport, possess, discharge or offer for sale any fireworks which do not comply with each of the following requirements where applicable:

1. Fireworks devices shall not contain any of the following chemicals.
 - (a) Arsenic sulfide, arsenates, or arsenites.
 - (b) Boron
 - (c) Chlorates, except:
 - (1) In colored smoke mixture in which an equal amount of sodium bicarbonate is included.
 - (2) In caps and party poppers
 - (3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams is potassium, sodium, or barium chlorate.
 - (d) Gallates or gallic acid
 - (e) Magnesium (magnesium aluminum alloys, called magnalium, are permitted)
 - (f) Mercury salts
 - (g) Phosphorus (red and white), except that red phosphorous is permissible in caps and party poppers
 - (h) Picrates or picric acid
 - (i) Thiocyanates
 - (j) Titanium, except in particle size greater than 100 mesh
 - (k) Zirconium
2. Fuses

- (a) Fireworks devices that require a fuse shall:
 - (1) Utilize only a fuse that has been treated or coated in such a manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from Section 46-08-01, 2.
 - (2) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, without separation from the fireworks device.
- 3. Bases - The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.
- 4. Pyrotechnic leakage - The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.
- 5. Burnout and blowout - The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.
- 6. Handles and spikes
 - (a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see Section 46-08-02). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.
 - (b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/8-inch in diameter or 1/8-inch square.
- 7. Wheel devices - Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such manner that the axle remains attached to the device during normal operation.
- 8. Toy smoke devices and flutter devices
 - (a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition) during normal operation.

- (b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as; m-80 salutes, silver salutes, or cherry bombs.
 - (c) Toy smoke devices shall not incorporate plastic as an exterior material in the pyrotechnic composition comes in direct contact with the plastic.
9. Rockets with sticks - Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid stick to provide a directed and stable flight.
 10. Party Poppers - Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

46-08-02

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate to transport, possess, discharge or offer for sale any fireworks which are not labeled in the following manner:

1. Fountains. Warning (or Caution) Flammable (or emits showers of sparks, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Place on level surface. Light fuse and get away.
2. California Candles. Warning (or Caution) Emits showers of sparks. Use under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Hold in hand at bottom of tube. Point away from body so that neither end points toward body.
3. Spike and handle cylindrical fountains
 - (a) Spike Fountains. Warning (or Caution) Emits showers or sparks. Use under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Stick firmly in ground in an upright position. Do not hold in hand. Light fuse and get away.
 - (b) Handle Fountains. Warning (or Caution) Emits showers of sparks. Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Hold in hand-point away from body. Light fuse.
4. Roman Candles. Warning (or Caution) Shoots flaming balls. Use under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Stick butt end in ground. Do not hold in hand. Light fuse and get away.
5. Rockets with Sticks. Warning (or Caution) Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Place in wooden trough or iron pipe at a 75-degree angle, pointing away from people or flammable material. Do not hold in hand. Light fuse and get away.
6. Wheels. Warning (or Caution) Flammable (or emits showers of sparks, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Attach securely by means of a nail through the hole

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(or place on hard flat surface, for ground spinners). Light fuse and get away.

7. Illuminating-Torches. Warning (or Caution) Flammable (or emits showers of sparks, if more descriptive.) Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Hold in hand-point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).
8. Sparklers. Warning (or Caution) Flammable. Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive). Hold in hand with arm extended away from body. Keep burning end or sparks away from wearing apparel or other flammable material.
9. Mines and Shells. Warning (or Caution) Emits showers of sparks (or shoots flaming balls, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Place on hard smooth surface (or place upright on level ground, if more descriptive). Do not hold in hand. Light fuse and get away.
10. Whistles without report. Warning (or Caution) Flammable. Shoots while in the air (if applicable). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Do not hold in hand. Light fuse and get away.
11. Toy Smoke devices and flitter devices. Warning (or Caution) Flammable (or emits showers of sparks, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Do not hold in hand. Light fuse and get away.
12. Helicopter-type rockets. Warning (or Caution) Flammable (or emits showers of sparks, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Place on hard open surface. Light fuse and get away.
13. Party poppers. Warning (or Caution) Flammable. use only under [close] adult supervision. (Use of the word close is optional). Do not point either end toward face or other person. Hold in hand-jerk string.
14. Missile-type rockets. Warning (or Caution) Flammable (or emits showers or sparks, if more descriptive). Use only under [close] adult supervision. (Use of the word close is optional). For outdoor use only. Place on hand, open surface. Light fuse and get away.

46-08-03 Labeling - General any fireworks device not required to have a specific label as indicated in Section 46-08-02 shall carry a warning label indicating the user where and how item is to be used and necessary safety precautions to be observed. All labels required under this Section shall comply with the requirements of 16 C.F.R. 1500. 121 of the Federal Hazardous Substances Act Regulations.

46-09-01 RULES AND REGULATIONS CONTROLLING SUCH SALES

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Notwithstanding any other portion of this ordinance concerning the sale of fireworks within the Lake Traverse Reservation, the following rules and regulations shall apply where applicable.

- 46-09-02** There shall be no sales to children under 12 years of age, unless accompanied by a parent or written parental permission.
- 46-09-03** No fireworks shall be used within 150 feet of the fireworks sales stand.
- 46-09-04** No firework sales stand shall have on its premises any device, apparatus, receptacle, or burner from which an open flame is emitted including, but not limited to any type of outdoor grill. Each licensee shall in the conduct of their business of selling fireworks, keep and maintain a fire extinguisher of minimum 10 lb. size placed on the side of the stand and visible at all times.
- 46-09-05** There shall be no use of fireworks which are explosive or noise making in residential areas of near residences between the hours of 12:00 a.m. and 6:00 a.m.
- 46-09-06** Fireworks shall not be thrown at or in the direction of any person or groups of persons or passing cars.
- 46-09-07** No fireworks shall be exploded or used within any building nor adjacent to any community building, nor in the parking lot or any other recreational, or play area of the Lake Traverse Reservation nor where there is a group of people congregated.
- 46-09-08** Fireworks will not be used in any area where the use would constitute a fire hazard, nor in any area on any land over which the Tribe has jurisdiction where the use would constitute a fire hazard.
- 46-09-09** No fireworks may be sold or used which have been banned as hazardous substances by the United States Consumer Product Safety Commission.
- 46-09-10** No firecrackers may be sold or used which are over 1 1/2 inches, such as M-80's, M-100's, Silver Salutes, and Cherry Bombs.
- 46-09-11** All Tribal Ordinances regarding the Public Health and Welfare will be in effect and will be enforceable in Tribal Court, in addition to those regulations specified in this ordinance.
- 46-09-12** There shall be no discharging of fireworks on public property unless given prior consent by appropriate authorities.
- 46-09-13** Nothing in this resolution shall be construed as an obligation of the Tribal Council of the Tribal Community to assist in the defense or to be accountable for any legal claims or charges brought against any person resulting from the sale or use of fireworks on the Lake Traverse Reservation.
- 46-09-14** Non-Indians violating this ordinance may be excluded from the Lake Traverse Reservation and all other lands over which the Sisseton-Wahpeton Oyate has jurisdiction.
- 46-09-15** Fireworks which are explosive or noise making may be used in residential areas through June 27th to July 5th, between the hours of 6:00 a.m. to 12:00 am.

46-10-01

PENALTIES AND ENFORCEMENT

If any person is found to have violated any provision of this ordinance shall be guilty of a special class misdemeanor.

46-10-02

The Tribal Court may, in addition to other remedies in this ordinance, grant to the Tribe such other relief as is necessary and proper for the enforcement of this ordinance, including but, not limited to injunctive relief against acts in violations of this ordinance.

46-10-03

Any violation of these sections by a minor child (16) sixteen years of age and under shall be a special class misdemeanor for which parent, guardian or custodian shall be liable.

46-11-01

CONTRABAND - SEIZURE FORFEITURE

All fireworks within the reservation held, owned, or possessed by any person in violation of this ordinance are hereby declared to be contraband subject to forfeiture to the Tribe. Upon application of the Council, the Tribal Judge shall issue an order directing the Tribal Law Enforcement officer to seize contraband fireworks within this reservation. A copy of the court order shall be delivered to the person from whom the property was seized or shall be posted at the place where the property was seized.

46-12-01

FORFEITURE PROCEDURE - SEIZURES - NOTICE - COURT PROCEEDING

Within two weeks following the seizure of contraband under Section 46-11-01 a hearing shall be held in Tribal Court at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

46-12-02

Adequate notice of the hearing shall be given to the person from whom the property was seized if known. If the person is unknown, notice of the hearing shall be posted at the place where contraband was seized and at some other public place. The notice shall describe the property seized and the time, place, and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.

46-12-03

The seizure of contraband under Section 46-11-01 may be in addition to or separate from any other remedy in this ordinance available to the Tribe for violations of this ordinance.

46-13-01

AMENDMENTS

This ordinance may be amended only by a 3/4 vote of the Tribal Council.

46-13-02

Any change in the Federal Rules shall be considered the same change in this ordinance.

46-14-01

SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

46-15-01

SOVEREIGN IMMUNITY

This ordinance does not waive the Sisseton-Wahpeton Oyate's sovereign immunity rights from any Tribal, State, or Federal Court.

Amendment Passed: January 15, 2025

Motion No. 78

Resolution No. SWO-25-007



Sisseton - Wahpeton Oyate

LAKE TRAVERSE RESERVATION

PO BOX 509 • 12554 BIA HWY. 711
AGENCY VILLAGE, SOUTH DAKOTA 57262-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWO-25-007

Amendments to Chapter 46 – Fireworks Ordinance

WHEREAS, The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and

WHEREAS, The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

WHEREAS, the Sisseton-Wahpeton Oyate enacted into law a Firework Ordinance, Chapter 46 on June 6, 1984; and

WHEREAS, the Sisseton-Wahpeton Oyate now amends the Firework Ordinance, Chapter 46 as follows:

46-01-01: Title

This ordinance shall be known as the Sisseton-Wahpeton ~~Sieux~~Tribe Oyate Fireworks Ordinance.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-02-01: Purpose

This ordinance is enacted in order to provide for the safe and orderly use of fireworks within the Lake Traverse Reservation, and in other areas served by Tribal Businesses offering fireworks for sale, and in order to regulate the sale of fireworks for the welfare of all members of the Sisseton-Wahpeton ~~Sioux Tribe~~ Oyate.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-03-04: License

Shall mean the authorization issued by the Sisseton-Wahpeton ~~Sioux Tribe~~ Oyate under this ordinance to engage in the transport, possession, discharge or sale of fireworks.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-03-06: Tribal Court

Shall mean the Tribal Court ~~or Court of Indian Offenses~~ having civil jurisdiction on the Lake Traverse Reservation.

Explanation: Updating to show that Court of Indian Offenses is no longer implemented.

46-04-01: General Prohibition

It shall be unlawful for any person to transport, possess, discharge, sell, or offer for sale any fireworks within any area under the jurisdiction of the Sisseton-Wahpeton Oyate ~~Sioux Tribe~~ except as provided in this ordinance.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

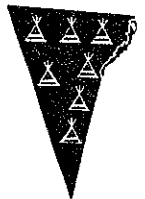
46-05-02: Licensing

Any person wishing to receive a Tribal Fireworks License shall apply to the Sisseton-Wahpeton ~~Sioux~~ Oyate Tribal Council. The application shall provide at least the following information.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-05-04: Licensing

A person whose application has been approved shall be issued a license upon the payment of the license fee of ~~one hundred dollars (\$100.00)~~ three hundred dollars (\$300.00). The licensee is required to pay any and all applicable Sisseton-Wahpeton Oyate taxes, including, but not limited to, Sisseton-Wahpeton Oyate business tax.



Explanation: Licensing fee to reflect inflation from 1984 to 2024.

46-05-05: Licensing

No license shall be issued to any person unless he or she is an enrolled member of the Sisseton-Wahpeton Oyate ~~Sioux~~ Tribe and is at least eighteen (18) years of age.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-06-01: Conditions of the License

Licenses issued under this ordinance shall be effective for the months of June, July, and August. There is also an option for the individual to a pick another single month of his/her choosing under the same license. The month and year must be specified, for a one-hundred and twenty (120) day period from the date of issuance and shall not create any vested rights in the licensee. Licenses may or may not be renewed at the sole discretion of the Tribal Council. Licenses shall not be transferable to any other person.

Explanation: Change of length of license permitted, including an option for another single month.

46-07-01: Certain Fireworks Totally Prohibited

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate ~~Sioux~~ Tribe to transport, possess, discharge or offer for sale any of the following:

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-08-01: Requirements for Permitted Fireworks

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate ~~Sioux~~ Tribe to transport, possess, discharge or offer for sale any fireworks which do not comply with each of the following requirements where applicable:

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

46-08-02: Requirements for Permitted Fireworks

It shall be unlawful for anyone under the jurisdiction of the Sisseton-Wahpeton Oyate ~~Sioux~~ Tribe to transport, possess, discharge or offer for sale any fireworks which are not labeled in the following manner:

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.



46-09-04: Rules and Regulations Controlling Such Sales

No firework sales stand shall have on its premises any device, apparatus, receptacle, or burner from which an open flame is emitted including, but not limited to any type of outdoor grill. Each licensee shall in the conduct of their business of selling fireworks, keep and maintain ~~There shall be~~ a fire extinguisher of minimum 10 lb. size placed on the side of the stand and visible at all times.

Explanation: Extra precaution around firework stands when it comes to open flames.

46-09-05: Rules and Regulations Controlling Such Sales

There shall be no use of fireworks which are explosive or noise making in residential areas of near residences between the hours of ~~10:00 pm~~ 12:00 a.m. and 6:00 a.m.

Explanation: Changed times of firework discharges to reflect what actually occurs.

46-09-12: Rules and Regulations Controlling Such Sales

~~In designated parking areas.~~ There shall be no discharging of fireworks on public property unless given prior consent by appropriate authorities.

Explanation: Prevent firework discharge in public areas without permission.

46-09-14: Rules and Regulations Controlling Such Sales

Non-Indians violating this ordinance may be excluded from the Lake Traverse Reservation and all other lands over which the Sisseton-Wahpeton Oyate Sioux Tribe has jurisdiction.

Explanation: Change to reflect the update to the Sisseton-Wahpeton Oyate name.

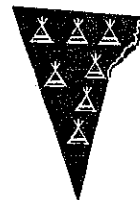
46-09-15: Rules and Regulations Controlling Such Sales

Fireworks which are explosive or noise making may be used in residential areas through June 27th to July 4th ~~5th~~, between the hours of 6:00 a.m. to ~~10:00 p.m.~~ 12:00 am.

Explanation: Changed length of a license permitted, along with new timeframe.

46-10-03: Penalties and Enforcement

Any violation of these sections by a minor child ~~(12)~~ (16) sixteen years of age and under shall be a special class misdemeanor for which parent, guardian or custodian shall be liable.



Explanation: Age of minors changed to 16 to allow parents to be charged special misdemeanor.

46-15-01: Sovereign Immunity

This ordinance does not waive the Sisseton-Wahpeton Oyate's sovereign immunity rights from any Tribal, State, or Federal Court.

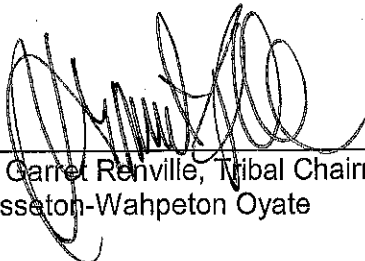
Explanation: Addition of sovereign immunity to show immunity has not been waived in Tribal, State, or Federal Court.

NOW, THEREFORE BE IT RESOLVED, all amended sections are available through the Tribal Secretary's office and is attached to this Resolution.

FINALLY, BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby adopts the amendments to Chapter 46 Firework Ordinance


CERTIFICATION

We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 9 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, January 15, 2025, by a vote of 15 for, 0 opposed, 1 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.



J. Garret Renville, Tribal Chairman
Sisseton-Wahpeton Oyate

ATTEST:



Curtis Bissonette, Tribal Secretary
Sisseton-Wahpeton Oyate

