

**CITY OF ELLENDALE, NORTH DAKOTA  
APPLICATION FOR FIREWORKS DISPLAY PERMIT  
And  
HOLD HARMLESS AND INDEMNIFICATION**

Permit fee \$ 25.00

Date Paid \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone number: \_\_\_\_\_

Mailing address of Applicant \_\_\_\_\_

Date of event: \_\_\_\_\_ Proposed time of fireworks display \_\_\_\_\_

Address of the location: \_\_\_\_\_

Name of person igniting the fireworks: \_\_\_\_\_

Describe what precautions will be taken to ensure the safety for the public during the display:  
\_\_\_\_\_  
\_\_\_\_\_

***Attach: 1) Licensure, 2) Insurance, 3) and any other pertinent documentation.***

**INDEMNIFICATION AND HOLD HARMLESS:**

To the fullest extent permitted by law, Applicant shall indemnify and hold harmless City of Ellendale (hereafter "City"), and the officers, agents, representatives, assigns and employees City from and against liabilities, claims, losses, damages, expenses, including but not limited to attorney's fees and disbursements, arising out of or resulting from (i) performance of Applicant's activities permitted by this Permit, including but not limited to any such claim, damage, loss or expense that is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, and/or (ii) any other act or failure to act caused by or that arise in whole or in part by any negligent acts, error or omissions of Applicant, or anyone directly, or indirectly employed or contracted by Applicant, or anyone whose acts may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part or in whole by the party indemnified hereunder. It is expressly agreed that the rights, duties and obligations contained in this Indemnification shall survive the completion or any termination of the activities permitted by this Permit and shall remain in full force and effect. City and Applicant are not liable, in contract or tort or otherwise, for any special, indirect, consequential, or liquidated damages including specifically, but without limitation, loss of profit or revenue, loss of capital, delay damages, loss of goodwill, claim of third parties, or similar damages ("damages"); notwithstanding the foregoing, Applicant shall be liable hereunder to the extent that City is held liable by a third-party for damages caused in part or in whole by City or its agents and/or caused in part or in whole by Applicant or its independent contractors, or agents. In no event shall City's liability arising out of or related to any liability from any source exceed the amount paid or payable to City under this Indemnification and Hold Harmless.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Are you 18 years \_\_\_\_\_  
of age or older?

Application Reviewed By:

\_\_\_\_\_  
Chief of Police

Date

\_\_\_\_\_  
Chief of Fire Department

Date

Special conditions or instructions:  
Pending weather and Fire Index; \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Mayor	Date	Attest City Auditor	Date
			07/2020

4.0405 Fireworks Defined

As used in this article, the term “fireworks” means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by explosion or detonation and includes blank cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs or other fireworks of like construction, and any fireworks containing any explosive or compound, or any tablets, or other device containing any explosive substance and commonly used as fireworks. The term “fireworks” shall not include toy pistols, toy guns in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, and toy pistol caps which contain less than twenty-five hundredths of a grain of explosive composition per cap. (Source: North Dakota Century Code Section 23-15-01)

4.0406 Fireworks – Sale of

The sale of any rocket, firecracker, torpedo, roman candle or of any such “Fourth of July” explosives whatsoever or fireworks within the City limits is expressly prohibited at any time whatsoever, except as provided by state statute.

4.0407 Fireworks – Discharging Of

The use, firing or discharging of any rocket, firecracker, torpedo, roman candle or of any such “Fourth of July” explosives whatsoever or fireworks within the City limits is limited to the hours of 8:00 AM to 1:00 AM daily, beginning at 8:00 AM on June 27th until 11:59 PM on July 5th and 10:00 AM to 10:00 PM daily beginning at 10:00 AM on December 26th until 10:00 PM on January 1st except that on December 31st they shall begin at 10:00 AM and be allowed to continue until 1:00 AM January 1st.

Individual or private displays of fireworks outside the foregoing time periods may be made if a permit for the same is obtained as hereinafter set forth. Supervised public displays of fireworks may be made at any time by the city, fair association, public park entity, economic development entities, and other such public organizations if a permit for the same is obtained as hereinafter set forth. Except when such display is given by the municipality within its own limits, no display may be given unless a permit therefor has first been secured. Every application for such a permit must be made in writing to the city auditor at least fifteen days in advance of the date of the display in accordance with the permit application process established by the city from time to time. The application shall be referred to the governing body of the city which shall make an investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. Such governing body shall report the results of this investigation to the city auditor and if it reports that in its opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal hereinafter provided for, such auditor shall issue a permit for the display when the applicant pays the permit fee which shall be set from time to time by the city council. After such permit has been granted, sales, possession, use, and distribution of fireworks for such display are lawful for that purpose only. No permit granted hereunder is transferable. The state fire marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter to ensure that fireworks displays are given safely.

4.0408 Exceptions to Fireworks Restriction

Nothing in this article shall be construed to prohibit the sale or use of fireworks to airplanes, railroads and other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations.