

NAVAJO NATION FIREWORKS CODE

SECTION I

Title & Establishment

This enactment shall hereby establish, and shall be known as the NAVAJO NATION FIREWORKS CODE.

SECTION II

Purpose

Insofar as is practicable, it is in the intent and purpose of this Act to regulate the manufacture, possession, sale and use of fireworks within the exterior boundaries of the Navajo Nation and Indian Country. With this enactment, it is hereby declared by the legislative bodies of the Navajo Nation that possession, manufacture, sale and use of fireworks is against the public health, safety, and welfare of the people of the Navajo Nation, when performed outside of these regulations.

SECTION III

Definitions (§ 2732)

- a. "Fireworks" mean any combustible or explosive composition, or any substance or combination of substance, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridge toy pistols, toy cannons, toy canes or toy gun in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any devices containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps if constructed so that the hand cannot come into direct contact with the cap when in place of explosive.
- b. "Person" means individual, firm, corporation, employee or agent.

SECTION IV

Manufacture, possession, sale or use of fireworks (§ 2733).

It shall be unlawful within the exterior boundaries of the Navajo Nation for any person to manufacture, attempt to manufacture, possess, store, offer or expose for sale, sell, use or explode any fireworks, except as provided for in section VI (2735) of this code, and other applicable Navajo Nation and federal laws.

SECTION V

Illegal and prohibited fireworks (§ 2734)

Manufacture, possession, sale and use of the following types of fireworks are strictly prohibited and in violation of this code:

- a. Cherry bomb. Red in color – 1” in diameter
- b. Silver salute. Silver in color – 2” in length.
- c. M-80. Red in color – approximately 1” length

SECTION VI

Exemptions, Permit and Bond (§ 2735)

- a. Exemptions. Nothing in this code shall be construed to prohibit.
 1. Public Exhibition shows. A permit shall be required for all such supervised public displays of fireworks by a jurisdiction, fair association, amusement or other organization, or by any artisan in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Navajo Nation Fire Chief, and shall be of such character and location, not to be hazardous to any property or person.
 2. Manufacture. Nothing in this Code shall be construed to prohibit a resident manufacturer, jobber, dealer to manufacture, sell (at wholesale only), any fireworks, provided such fireworks are intended for direct shipment out of the Navajo Nation; for supervised displays on the Navajo Nation, or any other uses permitted in subsection (A)(3) below.
 3. Other legitimate uses of fireworks as specifically provided for in accordance with this code and other applicable Federal regulations, such uses include but not limited to wildlife management, agricultural, athletic or sport, blasting or other legitimate industrial purposes on the Navajo Nation. All such use must be properly permitted by the Navajo Nation Fire Department.
- b. Permits. Applications for a Fireworks Permit shall be made to the Navajo Nation Fire Department offices at least five (5) working days prior to the proposed date of display or use. For manufacture, or wholesale, applicant shall furnish a valid copy of a Business Permit issued by the Business Regulatory Department, prior to said Fireworks Permit application being accepted by the Fire Chief. After such privilege is granted, it shall be valid only for 48 hours prior to, and 48 hours following the date of display.
- c. Bond. Upon application, the Permittee shall furnish proof of a bond or certificate of insurance in an amount deemed adequate by the Navajo Nation Fire Department to satisfy claims for all personal or property damage arising out of any act or omission on the part of such person in connection with the activities permitted.
- d. Unfired Fireworks. All such fireworks, which are unfired upon expiration of the valid Fireworks Permit, shall be disposed of in a method, which is safe for the type of fireworks remaining, under the supervision of the Navajo Nation Fire Department.

SECTION VII

Enforcement Authority (§ 2736)

- a. The Navajo Nation Fire Chief shall have the power to carry out the intent and purpose of this code; and further, the Navajo Nation Fire Department, commissioned Peace Officers of the Navajo Nation, shall be charged with the enforcement of all of the provisions of this code.
- b. Seizures. The Navajo Nation Fire Department, or any of the aforementioned commissioned Police and Peace officer, shall seize, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustible offered for sale, stored or possessed in violation of this Code.

SECTION VIII

Violations of Code (§ 2737)

Any person, who is determined to be in violation of the provisions of this act, or the provisions of any ordinance complying with this act, shall be guilty of a misdemeanor.