



## **ORDINANCE 2107**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA GRANTING AUTHORITY TO THE FIRE CHIEF OF THE CITY OF BOZEMAN TO ISSUE BURN BANS WITHIN THE CITY LIMITS WHEN NECESSARY.**

**WHEREAS**, the City of Bozeman (the “City”) is authorized by the City Charter and Montana law to establish programs and laws to protect the public health, safety and welfare of the citizens of Bozeman; and

**WHEREAS**, pursuant to its Montana Code Annotated Section 7-33-4206, a city or town has the power to regulate or prohibit the building of bonfires or the use of fireworks within the city; and

**WHEREAS**, pursuant to Bozeman Municipal Code Section 2.04.300, the fire chief is the executive head of the fire department; and

**WHEREAS**, pursuant to Bozeman Municipal Code Section 18.04.080, no fire shall be set if wind or weather conditions make it hazardous to burn; open burning permits may be temporarily suspended due to weather conditions; and the fire chief may close or restrict open burning when necessary; and

**WHEREAS**, the City Commission finds a legitimate governmental interest to protect the general health, safety and welfare of the citizens of Bozeman in providing the fire chief the authority to close all types of burning including fireworks when climate conditions including but not limited to, drought, weather forecast and available fire resources are such that any burning could endanger the safety of life and property.

Ordinance No. 2107, Authority for Fire Chief to Issue Burn Ban.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF BOZEMAN, MONTANA:**

**Section 1**

That Chapter 18 of the Bozeman Municipal Code shall be amended as follows and any sections not amended herein shall remain in effect:

**Article 1 – In General**

**Section 18.01.010 – Fire Chief Authority**

Notwithstanding any other provisions of this Chapter and the authority granted in Sec. 2.04.300, the fire chief is authorized to issue a burn ban and may prohibit all fires and burning of combustibles including but not limited to all open burning, fire pits, chimineas, charcoal grills, and fireworks within the city limits. In determining to implement a burn ban, the fire chief may consider, among others, current climate conditions including drought, weather forecast, and available fire resources. Any burn ban issued by the fire chief may take immediate effect without further implementing actions and will remain in effect until rescinded by the fire chief.

**Section 2**

**Repealer.**

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 3**

**Savings Provision.**

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

**Section 4**

**Severability.**

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so

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decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

### **Section 5**

#### **Codification.**

The provisions of Section 1 this Ordinance shall be codified in Chapter 18, Article 1 of the Bozeman Municipal Code, entitled *Fire Prevention and Protection: In General*. Bozeman Municipal Code shall be amended to include new Section 18.01.010, as set forth in Section 1 of this Ordinance.

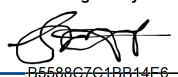
### **Section 6**

#### **Effective Date.**

This ordinance shall be in full force and effect thirty (30) days after final adoption.

**PROVISIONALLY ADOPTED** by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 3<sup>rd</sup> day of May, 2022.

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**CYNTHIA L. ANDRUS**

Mayor

ATTEST:

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**MIKE MAAS**

City Clerk

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**FINALLY PASSED, ADOPTED AND APPROVED** by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 17<sup>th</sup> of May, 2022. The effective date of this ordinance is June, 16, 2022.

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**CYNTHIA L. ANDRUS**

**Mayor**

ATTEST:

DocuSigned by:



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**MIKE MAAS**

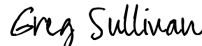
City Clerk



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APPROVED AS TO FORM:

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**GREG SULLIVAN**

City Attorney