

## **Ordinance #258 (A)**

### Anaconda-Deer Lodge County Amended Fireworks Ordinance

BE IT ORDAINED BY THE COMMISSION OF ANACONDA-DEER LODGE COUNTY AS FOLLOWS.

- I. The Code of Ordinances, Anaconda-Deer Lodge County, Montana, Chapter 10, article IV, Section 10-84 shall be amended as follows:

#### **SEC. \_\_\_\_\_ 10-84 SELLING AND DISCHARGING DATES AND TIMES.**

- A. ~~The selling and discharging of fireworks within the incorporated limits of Anaconda-Deer Lodge County shall be June 24<sup>th</sup> through July 5<sup>th</sup> from 8 am to midnight.~~

The selling and discharging of fireworks within the incorporated limits of the County shall be July 1 through July 4 from 8:00 a.m. to midnight

- B. In addition to section (A) above, fireworks may be discharged within Anaconda-Deer Lodge County on the following times and events:
- a. December 31 from 10:00 p.m. to 12:30 a.m. January 1.
  - b. The day before, the day of, and the day after the local high school graduation.
  - c. By special event permit approved by the Commission and reviewed by the Fire Chief or his designee.
- C. Professional Fireworks Displays using display fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from **CODE SECTION**. Permits for any public display by a licensed bonded pyrotechnic operator from the Fire Department are required to conduct a public fireworks display. "Display Fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.
- D. The Chief Executive Officer may, at his discretion and in the interest of public safety, order an emergency ban on the use and sale of fireworks pending an approval of the Chief Executive Officers actions at the next subsequent Commission meeting.

#### **SEC. \_\_\_\_\_ 10-85 - POSSESSION ILLEGAL.**

- A. Possession of fireworks not allowed to be sold or discharged by the State of Montana shall be illegal.
- B. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age seven (7) or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of **CODE SECTION**

"direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than ten (10) feet away from the individual being directly supervised at time of the firework's discharge.

**SEC. \_\_\_\_\_ 10-86 - PERMISSIBLE FIREWORKS.**

Shall be the same as those authorized by the State of Montana.

**SEC. \_\_\_\_\_ 10-87 - LITTERING ILLEGAL.**

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including but not limited to parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

**SEC. \_\_\_\_\_ 10-88 - ENFORCEMENT.**

- A. Law Enforcement and Firefighters shall enforce these rules and regulations.
- B. Any official charged with enforcing these rules and regulations may;
  - 1. Issue a Notice to Appear to Anaconda-Deer Lodge County Justice Court for violations of this Chapter.
  - 2. Seize illegal fireworks that are offered for sale, sold, or in the possession of any individual in violations of this chapter.
  - 3. Recommend to the Planning and Community Development Department that any wholesaler/retailer found in violation of this chapter have his/her license revoked.
- C. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines.

1st Offense—Fifty dollars (\$50.00).

2nd Offense—One hundred dollars (\$100.00).

3rd Offense—Three hundred dollars (\$300.00).

4th and higher—Five hundred dollars (\$500.00).

**SEC. \_\_\_\_\_ 10-89 - FIREWORKS PROHIBITED IN PUBLIC PARKS & RESTRICTIONS:**

- A. Fireworks may not be discharged in any Anaconda-Deer Lodge County park.
- B. Fireworks may not be discharged on the Kennedy Common.

- C. Any fireworks discharged on any other ADLC property cannot interfere with the use by the public.

**SEC. \_\_\_\_\_ 10-90 - FIREWORKS STANDS AND PERMIT FEES.**

- A. Anyone, group or organization wishing to sell fireworks within the incorporated boundaries of Anaconda-Deer Lodge County shall obtain a special permit. The fees collected from the permit shall cover the costs to issue said permit; to inspect the fireworks stands; and costs of enforcement.
- B. Operators of fireworks stands shall educate all patrons on the
1. Legal, safe use of fireworks
  2. The dates and times allowed for fireworks to be discharged, and
  3. The requirement to clean up all debris left from discharged fireworks.
- C. Fireworks stand permit fees shall be \$100.00.
- D. All firework stands will be inspected by the Fire Chief or his designee of the fire district in which the stand is placed before opening for business. The Fire chief or his designee may randomly inspect firework stands in their respective fire district.

Dated this 2<sup>nd</sup> day of August 2022.



Mike Huotte, ADLC Commission Chairman



Lori Sturm, ADLC Commission Clerk

First Reading/Introduction:	July 5, 2022
Second reading/Public Hearing:	August 2, 2022
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