

# ORDINANCE No.936

**AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE TITLE 7-FIRE REGULATIONS, CHAPTER 4-FIREWORKS, PERTAINING TO THE POSSESSION, PERMITTING AND DISPLAY OF FIREWORKS IN THE CITY LIMITS AND TO CORRECT THE DEFINITIONS SECTION OF TITLE 7-FIRE REGULATIONS, CHAPTER 1-FIRE AND PREVENTION CODE, SECTION 2-DEFINITIONS**

**WHEREAS**, The Red Lodge City Charter provides for the exercise of self-government powers; and

**WHEREAS**, The public health and safety of the community is the responsibility of the Red Lodge City Government; and

**WHEREAS**, The Red Lodge Municipal Code currently prohibits the display, sale, possession, use or detonation of fireworks in the city limits; and

**WHEREAS**, The City Council of Red Lodge seeks to remove redundancy and mistakes in our Municipal Code; and

**WHEREAS**, The City of Red Lodge desires to safely accommodate the community and allow for reasonable possession of fireworks within the City limits.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL:**

**1.** The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:

- A. Title 7- Chapter 4 – Section 1 (7-4-1) **Fireworks Defined** shall be amended to correct the spelling of daygo bombs to the correct spelling of “daygo” bombs:

The term “fireworks” means any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

- B. Title 7- Chapter 4 – Fireworks- Section 2 (7-4-2) **Selling Prohibited** shall be amended to read:

It is unlawful for any person to display, sell, expose for sale, use or explode any fireworks as defined by Section 1 (7-4-1) within the City limits.

- C. Title 7- Chapter 4- Section 3 (7-4-3) - **Permit for Public Display** shall be amended to **Possession of Fireworks**

It shall be legal to possess all legal fireworks as defined by M.C.A. §50-37-35 by anyone over 18 years of age.

- D. Title 7- Chapter 4, Section 4 (7-4-4) **Bond** shall be repealed.

- E. Title 7-Chapter 4-Section 5 (7-4-5) **Violation** shall be renumbered to (7-4-3) and amended to:

A person convicted of violating Section 7-4-2 shall be fined no less than \$100.00. Upon subsequent violation a person shall be fined no less than \$150.00 and no more than \$500.00.

**2. The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:**

- A. Title 7-Fire Regulations, Chapter 1 Section 2 **Definitions** shall be amended as follows:

“Authority having jurisdiction” means the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire prevention services by the City of Red Lodge.

“Corporation Counsel” means the City Attorney for the City of Red Lodge.

“Fire Chief” means the chief officer of the fire department servicing the jurisdiction, or a duly authorized representative.

“Fire Code Official” means the Fire Chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

“Fire Department” means the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire protection services by the City of Red Lodge.

“Firefighter” means any member of the fire department servicing the jurisdiction.

“Fireworks” any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

“Jurisdiction” means the City of Red Lodge and all areas within the incorporated City limits.

**3. Repealer:**

- a. Title 5 Chapter 4 Section 4- Explosives, Firing Off is hereby repealed.
- b. All other Ordinances, Resolutions and Documents pertaining to above noted Sections of the City Municipal Code are repealed upon the effective date of this Ordinance.

**4. Effective Date.**

This Ordinance shall be effective 30-days after approval of second reading by the City Council of the City of Red Lodge, Montana.

**First Reading** by the Council on the 24<sup>th</sup> day of April, 2018.

**Second Reading** by the Council on the 8<sup>th</sup> day of May, 2018.

**PASSED and APPROVED** this 8<sup>th</sup> day of May, 2018.

City of Red Lodge

By: 

William Larson, Mayor

ATTEST: 

Loni Hanson, City Clerk