

**Ordinance Number 117**

**An ordinance of the Bainville Town Council amending Title 9 Public Peace, Safety and Morals Chapter 9.06 Fireworks Prohibited to redefine the dates for shooting off fireworks.**

**Be it ordained that Chapter 9.06 is hereby amended as follows:**

**9.06 FIREWORKS PROHIBITED**

**Chapter 9.06 FIREWORKS PROHIBITED**

Sections:

- 9.06.005 Fireworks definition**
- 9.06.010 Unlawful to Sell or Give Away**
- 9.06.020 Unlawful to Sell or Dispose of; Exceptions**
- 9.06.030 Unlawful to Shoot or Fire Exceptions**
- 9.06.040 Violations enforcement and seizure of fireworks**
- 9.06.050 Penalty**

**9.06.005 Fireworks definition.**

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.

**9.06.010 Unlawful to Sell or Give Away.**

It shall be unlawful for any person, group or business to sell, give away, or otherwise dispose of, fire, shoot or have in their possession, any fireworks or other pyrotechnics which are prohibited by state law.

**9.06.020 Unlawful to Sell or Dispose of; Exceptions.**

It shall be unlawful for any person, group or business to sell, give away, or otherwise dispose of any fireworks or other pyrotechnics at any place within the town limits at any period of the year, except June 29 through July 5 and December 29 through December 31, inclusive of each year, subject to state and county fire regulations.

**9.06.030 Unlawful to Shoot or Fire; Exceptions.**

It shall be unlawful for any person to shoot or fire any fireworks or other pyrotechnics within the town limits at any period of the year inclusive of each year or otherwise noticed by the Town Council, subject to state and county fire regulations.

**9.06.040 Violations; Enforcement and seizure of fireworks.**

Town police and fire departments are-authorized to:

- A. Seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, being used or held in violation of this chapter or in violation of any state or federal law regulating fireworks.

It shall not be an offense pursuant to this chapter to possess fireworks as set forth in Montana state law for use within the State of Montana.

**9.06.050 Penalty.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in Section 1.08.010 of this Code.

**Effective Date:** This ordinance shall be effective 30 days after second reading and final adoption.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading on the 9<sup>th</sup> day of May, 2016, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

Second reading and final adoption on the 13<sup>th</sup> day of June, 2016, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent.

ATTEST

APPROVED

/s/Nikki Rogers  
Nikki Rogers, CMC  
Clerk-Treasurer

/s/Dennis Portra  
Dennis Portra  
Mayor