

## **Title 9**

### **PUBLIC PEACE, SAFETY AND MORALS**

#### **Chapters:**

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## Chapter 9.04 Discharge of Firearms Prohibited

### Sections:

[9.04.010 Use of Firearms in Town Prohibited](#)

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**9.04.010 Use of Firearms in Town Prohibited.** It shall be unlawful for any person to willfully shoot or fire off a gun, pistol, or any firearm within the town limits, unless a special permit is obtained from the town council.

**9.04.020 Exceptions.** Nothing in this chapter shall be construed to embrace the firing of a gun, pistol, or other firearm when done in the lawful defense of the person, property, or family, or in the necessary enforcement of the law.

**9.04.030 Violations; Penalty.** Any person violating any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

(Ord 8, 1917)

## Chapter 9.06 Fireworks Prohibited

### Sections:

9.06.005	Fireworks definition
9.06.010	Unlawful to Sell or Give Away
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### **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.

(Ord. 117, 2016)

## Chapter 9.08 Gambling Prohibited

### Sections:

[9.08.010](#) [Certain Gambling Games Prohibited](#)

[9.08.020](#) [Violations; Penalty](#)

**9.08.010 Certain Gambling Games Prohibited.** It shall be unlawful for any person to run, operate, deal, conduct or play at any game of fan tan, monte, tan, craps, seven-and-a-half, twenty-one, faro, roulette, hokey-pokey, or any game of chance played with cards, dice or any device whatsoever prohibited by this chapter and the laws of the state of Montana.

**9.08.020 Violations; Penalty.** Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

(Ord 43, 1928)

## Chapter 9.10 Outdoor Burning Regulations

### Sections:

- [9.10.010 Definitions.](#)
- [9.10.020 Fire Nuisance Prohibited.](#)
- [9.10.030 Open burning restricted.](#)
- [9.10.040 Recreational Fires](#)
- [9.10.050 Enforcement Authority.](#)
- [9.10.060 Violation--Penalty.](#)

**9.10.010 Definitions.** For the purpose of this chapter, the following definitions apply:

- A. "Bonfire" means a fire conducted by a state-accredited school, a nonprofit organization, a government entity, or a religious organization for the purpose of celebrating a particular organization-related event, where only cordwood or untreated dimensional wood will be used as fuel.
- B. "Fire nuisance" means any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.
- C. "Manufactured firewood," means wood products that are made specifically for use as fuel for fires. "Manufactured firewood" includes items such as "presto logs" and does not include materials such as plywood or pressboard.
- D. "Non-profit organization" means an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1954.
- E. "Outdoor Burning" means combustion of any material out-of-doors, with or without a receptacle. "Outdoor Burning" does not include, the use of a barbeque fueled by natural gas, propane or wood, or charcoal briquettes for cooking purposes on private property, or the use of heating devices using refined liquid or gaseous fuel.

**9.10.020 Fire Nuisance Prohibited.** Within the Bainville town limits, a person may not cause a fire nuisance, as determined by the fire or health department.

### **9.10.030 Open burning restricted.**

- A. Outdoor Burning is unlawful within Bainville town limits except as specifically authorized below.
- B. Notwithstanding subsection A above, outdoor burning may be allowed within the town limits if:
  - 1. A valid permit has been issued by the County dispatch or its authorized agent;
  - 2. The fire has been approved by the town fire department;
  - 3. The fire does not cause a fire nuisance as determined by the fire department;
  - 4. The fire is conducted in accordance with the Uniform Fire Code; and
  - 5. The fire is for one of the following purposes:
    - a. eliminating a fire hazard that cannot be abated by any other means; or
    - b. firefighter training; or

- c. thawing frozen ground to allow excavation of utilities; or
- d. eliminating hazards in an emergency; or
- e. burning a bonfire as long as the time, location and fuel are approved by the County Dispatch prior to conducting the bonfire; or
- f. eliminating natural vegetation or untreated dimensional lumber as long as the material is not trade waste, was generated on the property where it will be burned, and will be burned on parcels of at least one acre under single ownership. or
- g. maintaining an irrigation ditch, as long as the fire will not come within 50 feet of structures.
- h. for agricultural activities that meet the definition of MCA 76-2-902.

#### **9.10.040 - Recreational fires.**

Recreational fires are outdoor open fires used only for private recreational purposes which do not create a public nuisance. Recreational fires specifically do not include burning of leaves, yard waste, garbage, trade waste or other refuse. Only untreated, unpainted clean wood may be burned in recreational fires and all federal, state or local laws regulating open burning must be followed at all times. The following requirements must be adhered to for any recreational fire.

- A. All recreational fires must be contained within a nonflammable fire ring, fire pit or cooking device. The fire pit may be constructed on site or manufactured for the purpose of burning wood.
- B. No round fire ring, fire pit or cooking device used for a recreational fire may exceed four feet in diameter. The inside dimensions of any fire ring, fire pit or cooking device of any shape used for a recreational fire must fit within a square four feet on each side.
- C. All recreational fires must be controlled and managed at all times by an adult who shall tend the fire as long as it is burning
- D. All fires and hot embers must be extinguished before the fire ring, fire pit, or cooking device is left unattended.

#### **9.10.050 Enforcement Authority.**

The County Sheriff's department has the primary responsibility of enforcement of all provisions of this chapter. The County Sheriff's office will have authority to enforce the provisions of this chapter.

**9.10.060 Violation--Penalty.** It is a misdemeanor for any person to do any act forbidden by this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500) for each offense. Each day any violation of any provisions of this chapter continues shall constitute a separate offense. There shall be no penalty of imprisonment for any violation. No person shall be arrested for violating a provision of this ordinance.

(Ord. 119, 2016)

## Chapter 9.12 Noise

### Sections:

[9.12.010](#)     [Generally](#)

[9.12.020](#)     [Prohibited Acts](#)

[9.12.030](#)     [Exemptions](#)

[9.12.040](#)     [Permit For Relief](#)

[9.12.050](#)     [Violations; Remedies](#)

### 9.12.010     **Generally**

It is unlawful for any person to make or cause to be made any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity within the Town.

### 9.12.020     **Prohibited Acts**

It is unlawful to perform any of the following acts within the Town:

- (A)     ***Sound amplifying equipment.*** Using, operating or permitting the use of any radio receiving set, musical instrument, television, stereo or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- (B)     ***Yelling, shouting.*** Yelling, shouting, hooting, whistling or loud verbalizations between the hours of 11:00 p.m. and 7:00 a.m. so as to annoy or disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- (C)     ***Exhausts.*** Discharging into the open air the exhaust of any stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (D)     ***Defect in vehicle or load.*** Operating any truck, trailer, automobile, motorcycle or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise;
- (E)     ***Loading, unloading, opening containers.*** Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person between the hours of 11:00 p.m. and 6:00 a.m.;
- (F)     ***Construction projects or repair of buildings.*** Operating equipment or performing any construction or repair work on buildings, structures or projects or operating any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction type device in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- (G)     ***Exemption clause.*** Any of the above acts performed for emergency work for the safety, welfare and public health of the citizens of the Town will not be construed to be in violation of this chapter.

### 9.12.030     **Exemptions**

The following uses and activities shall be exempt from noise level regulations:

- (A)     Noise of safety signals and warning devices;

- (B) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- (C) Noise resulting from emergency work or noise for which a special permit has been granted, as hereafter provided for;
- (D) Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 7:00 a.m. and 10:00 p.m.;
- (E) Noise caused by home or building repair or grounds maintenance between the hours of 7:00a.m. and 9:00 p.m.;
- (F) Athletic events held in parks or other events approved by permit.
- (G) Noises resulting from Bainville School District functions, including sporting events, parades & school activities within the Town limits.
- (H) Noises resulting from maintenance of the Bainville School Building, any maintenance buildings, the two (2) bus barns and the parking lots & access roads for the same structures. School residential housing is not included in this exemption.

**9.12.040 Permit For Relief**

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Town. Any permit granted by the Town shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Town may grant the permit applied for if it finds:

- (A) That additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this chapter;
- (B) The activity, operation or noise source will be of temporary duration, and cannot be performed in the manner that would comply with other subsections of this section;
- (C) That no other reasonable alternative is available to the applicant;
- (D) The Town may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or surrounding neighborhood.

**9.12.050 Violations; Remedies**

- (A) Whenever in any section of this chapter or rule or regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who is convicted of a violation of any such section shall, for each offense, be punished by a fine of not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue constitutes a separate offense.
- (B) As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area is a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.  
(Ord. 125, 2022)