

**ORDINANCE 2965**

**AN ORDINANCE AMENDING OCCGF TITLE 9 CHAPTER 90  
PERTAINING TO FIREWORKS**

**WHEREAS**, the City Commission adopted a Fireworks Policy in 1994; and

**WHEREAS**, the fireworks policy was difficult to enforce and following each 4<sup>th</sup> of July celebration the City Commission heard from many constituents calling for a change; and

**WHEREAS**, the City Commission requested staff to conduct a non-scientific survey asking for public input on a fireworks policy; and

**WHEREAS**, the results of the survey clearly indicated the community wanted the ability to discharge fireworks, but also supported shortening the number of days fireworks could be discharged and for the City to enforce such an ordinance.

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

Section 1. That OCCGF Title 9, Chapter 90, is amended as depicted in Exhibit A wherein all language with a bold-face font will be added and all language with a strikeout is removed.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 20th day of March, 2007.**

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

State of Montana                    )  
County of Cascade                 : ss  
City of Great Falls                )

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2965 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 20th day of March, 2007, and approved by the Mayor of said City on the 20th day of March, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 20<sup>th</sup> day of March, 2007.

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana                    )  
County of Cascade                 : ss  
City of Great Falls                )

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 20<sup>th</sup> day of March, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2965 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

**Ordinance 2965**  
**Exhibit A**  
**Chapter 9.90**  
**FIREWORKS POLICY**

**Sections:**

- 9.90.010 Selling ~~purchasing,~~ and discharging dates **and times**
- 9.90.~~020~~ **030** Permissible, ~~banned~~ fireworks
- 9.90.~~030~~ **020** Possession illegal
- 9.90.035 Littering - illegal**
- 9.90.040 Enforcement
- 9.90.050 ~~Public Displays~~
- 9.90.060 **Fireworks prohibited on all public property** ~~City park ban~~
- 9.90.070 Fireworks stands **operator requirements and** permit fees

**9.90.010 Selling ~~purchasing,~~ discharging dates **and times****

- A. The selling and discharging of fireworks within the incorporated limits of Great Falls shall be July 2 through July 4 from 8 am to midnight. ~~to begin in 1995.~~ (Ord. 2664, 1994).
- B. Fireworks may be discharged on December 31 from 10 pm to 12:30 am January 1. Fireworks may not be sold within the incorporated city limits except as provided in 9.90.010 (A).
- C. The Fire Chief, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in 9.90.010 A and B, and authorize such use if the circumstance is community wide and of national, state and local significance.
- D. **Professional Fireworks Displays using display fireworks.** ~~These rules and regulations do not exempt the~~ Public displays of fireworks by a licensed, bonded pyrotechnic operator **are exempt from 9.90.010A-C.** 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 ~~Class C or Class B~~ **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. (Ord. 2664, 1994).

**9.90.020 Possession illegal**

- A. Possession of fireworks not allowed to be sold or discharged ~~within the City limits~~ by the State of Montana shall be illegal. (Ord. 2664, 1994).
- 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 9.20.020(B) "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 10 feet away from the individual being directly supervised at time of the firework's discharge.

**9.90.030 Permissible ~~and prohibited~~ fireworks**

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

- A. ~~The following type of Class C common fireworks are allowed to be sold and displayed within the City limits:~~

- 1. ~~A cardboard or heavy paper cylindrical tube or cone that:
  - a. ~~produces a shower of color and sparks that reach a maximum of 15 feet;~~
  - b. ~~may whistle or pop; and~~
  - c. ~~is not designed to explode or leave the ground;~~~~

2. ~~A pyrotechnic wheel device:
 
  - a. ~~may be attached to a post or tree; and~~
  - b. ~~contains up to six "driver" units or tubes;~~~~
3. ~~Any device that:
 
  - a. ~~spins, jumps, or emits popping sounds when placed on the ground;~~
  - b. ~~does not exceed a height of 15 feet when discharged; and~~
  - c. ~~does not travel laterally more than 10 feet on a smooth surface when discharged;~~~~
4. ~~Sparklers under 12 inches in length and do not have a magnesium make up, glow worms, snakes, party popper, trick noisemakers;
 
  - a. ~~"Trick noisemakers" include:
 
    1. ~~tube or sphere containing pyrotechnic composition that produces a white or colored smoke as its primary effect when ignited; and~~
    2. ~~device that produces a small report intended to surprise the user, including a:
 
      - a) ~~"booby trap" which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;~~
      - b) ~~"snapper" which is a small paper wrapped device containing a minute quantity of explosive composition coated on bits of sand that explodes producing a small report;~~
      - c) ~~"trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;~~
      - d) ~~"cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited;~~
      - e) ~~"auto burglar alarm" which is a tube that contains pyrotechnic composition that produces a loud whistle and smoke when ignited and may contain a small quantity of explosive to produce a small noise;~~~~
    5. ~~certain mortar type aerial devices and multi shot cakes that are found acceptable by the Fire Chief or authorized representative, would be allowed to be sold and set off within the City limits.~~~~~~
- B. ~~The following type of fireworks that are not allowed to be sold and set off within the City limits are:
 
  1. ~~explosive:
 
    - a. ~~Firecracker, cannon cracker, salutes, cherry bomb, M 80, or similar explosives;~~~~
  2. ~~aerial type fireworks that use combustible or explosive material and rises more than 15 feet in height;~~
  3. ~~fireworks that discharge balls of fire over 15 feet in height;~~
  4. ~~a tube or cone aerial firework that propels comets shells, saluted, flash shells, or similar devices more than 15 feet in height;~~
  5. ~~a chaser, whistler, or other devices that darts or travels more than 10 feet laterally on a smooth surface or exceeds 15 feet in height when discharged.~~~~
- C. ~~Fireworks shall not be sold to any person under the age of 12 years, unless accompanied by an adult. (Ord. 2673, 1994).~~

**9.90.030 Possession illegal**

~~Possession of fireworks not allowed to be sold or discharged within the City limits State of Montana shall be illegal. (Ord. 2664, 1994).~~

**9.90.035 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.**

**9.90.040 Enforcement**

- A. City Police Officers 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 Great Falls Municipal 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 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.** (Ord. 2664, 1994).
- 1st Offense - \$100**
  - 2<sup>nd</sup> Offense - \$200**
  - 3<sup>rd</sup> Offense - \$300**
  - 4<sup>th</sup> and higher - \$1000**

**9.90.050 — Public Displays**

~~These rules and regulations do not exempt the public display of fireworks by a licensed, bonded Pyrotechnic Operator. Permits 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 Class C or Class B explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations. (Ord. 2664, 1994).~~

**9.90.060 Fireworks prohibited on all public property ~~City park ban~~**

~~All fireworks are banned from all City parks. (Ord. 2664, 1994).~~ **Fireworks may not be discharged in any city park or on any public sidewalk, street, public right-of-way, public easement or alley.**

**9.90.070 Fireworks stands and permit fees**

- A. **Anyone, group or organization wishing to sell fireworks within the incorporated boundaries of the City of Great Falls 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 are based upon square footage as follows: (Ord. 2664, 1994).**

SIZE	FEES
0 – 300 sq. ft.	<del>\$100</del> <b>\$125</b>
301 – 1,000 sq. ft.	<del>\$300</del> <b>\$375</b>
1,001 – 2,000 sq. ft.	<del>\$500</del> <b>\$625</b>
2,001 – 3,000 sq. ft.	<del>\$700</del> <b>\$875</b>
3,001 sq. ft. or larger	<del>\$900</del> <b>\$1125</b>