

**ORDINANCE 3062**

**AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY  
OF GREAT FALLS (OCCGF) TITLE 9 CHAPTER 9  
ARTICLE 90 PERTAINING TO FIREWORKS**

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

**WHEREAS**, the City Commission expressed a desire to allow fireworks to also be sold in advance of the New Year Holiday; and,

**WHEREAS**, current Montana law specifies certain permissible dates when fireworks may be sold.

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

Section 1. That Title 9, Chapter 9, Article 90 of the Official Code of the City of Great Falls (OCCGF) pertaining to Fireworks be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a strike-out and adds any language which is bolded; and,

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading December 7, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading December 21, 2010.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3062 in three 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

(Seal of the City)

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Lisa Kunz, City Clerk

## Chapter 9 FIREWORKS

### Article:

90 Fireworks

### Article 90 FIREWORKS

#### Sections:

9.90.010	Selling and discharging dates and times
9.90.020	Possession illegal
9.90.030	Permissible fireworks
9.90.035	Littering - illegal
9.90.040	Enforcement
9.90.060	Fireworks prohibited on all public property
9.90.070	Fireworks stands operator requirements and permit fees

#### 9.90.010 Selling and 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 **and December 29 through December 31** from 8 am to midnight. (Ord. 3062, 2010; Ord. 2965, 2007; Ord. 2664, 1994).
- B. Fireworks may be discharged **from July 2 through July 4 from 8 am to midnight and** 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). (Ord. 3062, 2010).
- 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. 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 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. 2965, 2007; Ord. 2664, 1994).

#### 9.90.020 Possession illegal

- A. Possession of fireworks not allowed to be sold or discharged by the State of Montana shall be illegal. (Ord. 2965, 2007; 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 9.90.020(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. (Ord. 2965, 2007)

#### 9.90.030 Permissible fireworks

Shall be the same as those authorized by the State of Montana. (Ord. 2965, 2007)

#### 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. (Ord. 2965, 2007)

#### 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

**9.90.060 Fireworks prohibited on all public property**

Fireworks may not be discharged in any city park or on any public sidewalk, street, public right-of-way, public easement or alley. (Ord. 2965, 2007; Ord. 2664, 1994).

**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. 2965, 2007; Ord. 2664, 1994).

SIZE	FEES
0 – 300 sq. ft.	\$125
301 – 1,000 sq. ft.	\$375
1,001 – 2,000 sq. ft.	\$625
2,001 – 3,000 sq. ft.	\$875
3,001 sq. ft. or larger	\$1125