

LEWIS AND CLARK COUNTY FIREWORKS ORDINANCE

ORDINANCE NUMBER 2015-1

WHEREAS, the Lewis and Clark City-County Parks Board has adopted rules and regulations regarding the use of fireworks in Lewis and Clark County parks; and

WHEREAS, the Lewis and Clark County Commission wishes to establish an ordinance empowering the City-County Parks Board to enforce its rules and regulations; and

WHEREAS, the Lewis and Clark County Commission, by adopting this ordinance, intends to give law enforcement the authority to cite individuals who violate the ordinance with a misdemeanor;

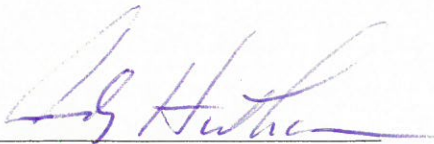
NOW THEREFORE:

This Ordinance provides authority to the City-County Parks Board to regulate fireworks in designated areas of County parks between the hours of 8:00 am and 1:00 am on July 2nd, 3rd, 4th, 5th and 6th. Authorized times for the discharge of permissible fireworks shall end at 1:00 am on July 6th.

1. **AUTHORITY:** The Lewis and Clark County Commission promulgates this Ordinance under the authority of Montana Code Annotated, Title 7, Chapter 16, Part 23 (MCA §7-16-2322(a)), to provide that violations of the Park Board rules relating to fireworks constitute criminal offenses and are punishable as misdemeanors with a fine of \$500.
2. **APPLICABILITY:** This Ordinance applies to all County parks under the general authority of the Lewis and Clark County Commission. The Parks Board Rule restricts fireworks use only in designated areas.
3. **DEFINITIONS:**
 - a. **Fireworks** means;
 - i. any combustible or explosive composition or
 - ii. any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation including sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns, balloons which require fire underneath to propel them, firecrackers, torpedoes, sparklers, devices containing explosive or flammable compounds, or tablets or devices containing an explosive substance.
 - b. **Permissible Fireworks** means fireworks that:

- i. meet the definition of "common fireworks" as set forth in the U.S. Department of Transportation's Hazardous Materials Regulations, 49 CFR, parts 173.88 and 173.100, as they read on January 1, 1985, and
 - ii. comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in 16 CFR, part 1507, as it read on January 1, 1985.
- c. **Designated Areas means** posted areas in County parks under the authority of the Lewis and Clark County Commission and the City-County Parks Board.
- d. **Violation means** a violation of this Ordinance as determined by an authorized law enforcement official.
- e. **Authorized Times means** between 8:00 am and 1:00 am on July 2nd, July 3rd, July 4th, July 5th, and July 6th. Authorized times for the discharge of permissible fireworks shall end at 1:00 am on July 6th.
4. **Authorized Use of Legal Fireworks:** Use of fireworks may occur only in posted and designated areas in parks within authorized times. In the event that an area is not designated or posted, use of fireworks is not restricted.
5. **Authorized Times for the Discharge of Permissible Fireworks:** This Ordinance sets forth the authorized times for the discharge of permissible fireworks in designated areas between July 2nd and July 6th and between the times of 8:00 am and 1:00 am. Authorized times for the discharge of permissible fireworks shall end at 1:00 am on July 6th.
6. **Penalties:** The penalty for violation of this Ordinance is a fine up to \$500.
7. **Enforcement:** Any federal, state, or county law enforcement agency having jurisdiction in and over the park, may enforce this ordinance.
8. **Severability:** If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision.

First Reading & Adoption:

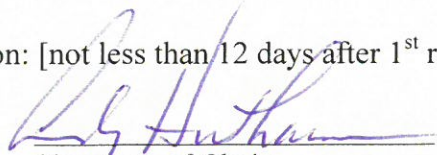


Signature of Chair
Commissioner Andy Hunthausen

5-14-15
Date

Second Reading & Adoption: [not less than 12 days after 1st reading]:

5-26-15
Date

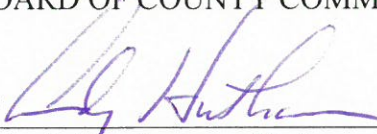


Signature of Chair
Commissioner Andy Hunthausen

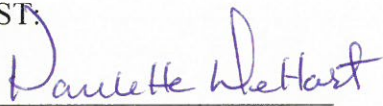
[Effective date of ordinance 30 days after second reading and adoption]

DATED this 26th Day of May, 2015

LEWIS AND CLARK COUNTY
BOARD OF COUNTY COMMISSIONERS

/s/ 
Andy Hunthausen, Chairman

ATTEST:

By 
Paulette DeHart, Clerk of the
Board of County Commissioners