

**ORDINANCE NO. 620**

**AN ORDINANCE TO AMEND CHAPTER 9.18 OF THE POLSON MUNICIPAL CODE TO REGULATE THE USE OF FIREWORKS :**

Whereas, the Polson Municipal Code, at Chapter 9.18 thereof, regulates the sale and use of fireworks materials within the corporate limits of the City of Polson; and,

Whereas, the City of Polson finds that the circumstances surrounding the use of fireworks materials within the City corporate limits can be unsafe and potentially injurious to life and property, and should be further regulated; and,

Whereas the City of Polson, in the interest of the health, safety, and welfare of the citizens of Polson, desires herein to amend the Polson Municipal Code; and,

Whereas, the City of Polson finds that an imminent threat to public health and safety exists and therefore intends to provide herein for an effective date not later than June 23, 2006.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:**

1. Chapter 9.18.010 is amended to include:  
“(F) It shall be unlawful for any individual, business entity, or association:
  1. to use any fireworks designed to move vertically within two thousand feet of any part of the Polson Municipal Airport without first notifying the Fixed Base Operator of such intention for use no later than twenty-four hours prior to such use, or to follow any instructions issued by such Operator as to such use;
  2. to fail to remove to appropriate trash collection receptacles any waste or packaging resulting from the use of fireworks;
  3. to use any fireworks in which explosions or noise constitute any part of the such display after the hour of 11:30 p.m. during any day in which the use of fireworks is approved by State law, except this limitation shall not apply on July 3 or July 4 of any year;
  4. notwithstanding the provisions of subpart (3), fireworks may be used on New Year’s Eve from the hours of 11:30 p.m. to 12:30 a.m. immediately following;

Violation of subpart (1) hereof shall constitute a misdemeanor. Violations of subparts (2) through (4), inclusive, shall constitute a civil infraction for which a warning may first be given, at the discretion of the citing officer, but on second or subsequent offenses shall result in a fine not to exceed \$100.00. In addition to the Polson Police Department, the Polson Fire Department is authorized to issue citations as to offenses comprehended in this Chapter.”

**REPEALING CLAUSE:** All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

**FIRST READING:** May 15, 2006

**SECOND READING:** June 5, 2006

**NOW, THEREFORE,** the foregoing Ordinance shall become effective on June 23, 2006.

**PASSED AND ADOPTED THIS fifth day of June, 2006.**

\_\_\_\_\_  
Randy Ingram, Mayor

ATTEST:

\_\_\_\_\_  
Aggi Loeser, City Clerk