

# CITY OF POLSON

## EMERGENCY ORDINANCE No. 2023-003

### **AN EMERGENCY ORDINANCE OF THE CITY OF POLSON, MONTANA, BANNING RECREATIONAL FIRES.**

**WHEREAS**, the City of Polson has an interest in maintaining the health, safety, and welfare of the citizens of the City and its visitors;

**WHEREAS**, the City of Polson finds that because of extremely dry weather conditions, surrounding Lake County fires, and very high temperatures there exists a very high to extreme fire danger in the Polson community; FURTHER, Montana Department of Natural Resources & Conservation Proclamation Special Fire Restrictions - Stage II was implemented on August 1st, 2023;

**WHEREAS**, the need for immediate action is necessary as fire danger continues to rise;

**WHEREAS**, the City Fire Chief and the City Police Interim Chief have recommended to this Commission that recreational fires within the City limits be banned for a period of forty-five (45) days pursuant to M.C.A. 7-5-104 (Emergency Ordinance);

**WHEREAS**, the Commission seeks to adopt this ordinances as quickly as possible and to that end hears this matter as an emergency measure; and

**WHEREAS**, for the following reasons regarding the safety of our citizens, emergency responders, and property that the Polson City Commission take the following action the suits the best public interest.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS** that this Emergency Ordinance shall take effect immediately upon its adoption by the City Commission of the City of Polson, Montana. No second reading shall be required. This Emergency Ordinance shall be effective for a period of forty-five (45) days from the date of its adoption unless and until the term of this Emergency Ordinance is altered or is extended not to exceed the length as indicated in M.C.A. 7-5-104;

**BE IT FURTHER ORDAINED** that the following section of the City of Polson Municipal Code be added:

#### **Chapter 14. – FIRE PREVENTION AND PROTECTION**

#### **ARTICLE 6. – RECREATIONAL FIRES PROHIBITED.**

#### **Section 14.06.010 – Recreational Fires Prohibited (Emergency).**

- (A) Recreational fires (i.e., fire pits, bonfires, camping fires, outdoor fireplaces, portable fireplaces, chimera, burn barrels, etc.) within the city limits of the City of Polson are banned for a period of sixty (60) days from the effective date hereof.
- (B) Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases or liquids and cooking devices using electricity as a heating source are not considered recreational fires.
- (C) Violations of this Emergency Ordinance shall be cited and punished in accordance with Section 1.01.210.

**BE IT FURTHER ORDAINED** that the contents of this Ordinance shall be controlling when comparing all Ordinances or parts of Ordinances in so far as the same may precede or conflict with the above ordinance; and

**BE IT FURTHER ORDAINED** that this ordinance is enacted as an emergency measure. This emergency ordinance shall expire in accordance with its terms, herein, without further action of the Commission.

**Dated:** 7th day of August 2023. **Effective:** 7th day of August 2023.

Reading and preliminary adoption on the 7th day of August, 2023:

\_\_7\_\_ ayes

\_\_0\_\_ nays:

\_\_0\_\_ absent:

Attest:

Approved:

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Cora E. Pritt, City Clerk

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Eric Huffine, Mayor