

ORDINANCE NO. 14-0001

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF WHITEHALL, JEFFERSON COUNTY, MONTANA, AMENDING WHITEHALL TOWN CODE TITLE 9 CHAPTER 2 AND ADOPTING A NEW SECTION .045 TO ALLOW FOR THE SALE AND USE OF LEGAL FIREWORKS; PROVIDING REGULATIONS FOR THE SALE AND USE OF FIREWORKS; AND PROVIDING FOR PENALTIES IN THE EVENT OF ILLEGAL USE.

WHEREAS, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Whitehall and its residents; and

WHEREAS, the Mayor and Council desire to allow the Town residents to use legal fireworks as set forth under state law; and

WHEREAS, the Mayor and Council desire to regulate the sale and use of said fireworks to avoid unnecessary injury, annoyance and debris;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Whitehall that Title 9, Chapter 2, is hereby amended to include Section .045 "Sale, Use and Regulation of Fireworks" to read:

9-02-045 : Sale, Use and Regulation of Fireworks

A. Sale and use dates and times.

1. Fireworks may be sold and discharged in conformance with state law. Specifically, the use of permissible fireworks will be limited to the hours of 10:00 a.m. to 10:00 p.m. inclusive from June 24th to July 5th inclusive; except that the usage times on July 3rd and July 4th are extended to include from 10:00 a.m. to midnight. The use of permissible fireworks is also allowed on December 31st between the hours of 11:00 p.m. and 1:00 a.m. the following day.
2. The Fire Chief, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in 9-02-045(A)(1) , and authorize such use if the circumstance is community wide and of national, state and local significance. .

3. The Fire Chief, or designee, shall determine if special circumstances make it unwise to allow the use of fireworks as provided in 9-02-045(A)(1) and may restrict use of the same.
- B. Possession Illegal. It shall be unlawful for any parent, guardian, or custodian of any child, 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 9-02-045(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 ten (10) feet away from the individual being directly supervised at time of the firework's discharge.
 - C. Permissible Fireworks. Shall be the same as those authorized by the State of Montana.
 - D. 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.
 - E. Enforcement. Town Police shall enforce these rules and regulations. Any person violating any provision of this section shall, upon conviction, be subject to penalty at provided in 1-03-010 of this Code.
 - F. Effective Date. This ordinance shall take effect immediately upon passing.

PASSED and DATED this ___ day of _____, 2014.

AYES: _____ NAYES: _____ ABSENT: _____

_____,
Mayor DALE DAVIS Date


Clerk SUMMER FELLOWS Date