

**ORDINANCE NO: 100**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, PROHIBITING THE DISCHARGE OR SALE OF FIREWORKS WITHIN TOWN LIMITS AND PROVIDING EXCEPTIONS AND PENALTY FOR VIOLATION.**

**BE IT ORDAINED** by the Town Council of the Town of Sheridan, Montana that:

**Section 1.** The discharge or detonation of any manner of fireworks, other than sparklers, composed of combustible, incendiary or explosive materials, including but not limited to firecrackers, sky rockets, bombs or pyrotechnic displays, within the jurisdictional limits of the Town of Sheridan is prohibited except on July 4 during the period from 12:00 noon until 12:00 midnight and as provided in Section 3.

**Section 2.** The sale of any manner of fireworks composed of combustible, incendiary or explosive materials including but not limited to firecrackers, sky rockets, bombs or pyrotechnic displays is prohibited within the jurisdictional limits of the Town of Sheridan, except as provided in Sub-Section (1).

(1) A not-for-profit organization may apply for a Town Permit authorizing the organization to sell ordinary Class C Acommon fireworks” during the period beginning at 8:00 AM on July 1 and ending at 8:00 PM on July 4.

(2) Prior to issuing a Town Permit to sell fireworks within Town limits the applicant must provide proof of general liability insurance in an amount acceptable to the Town and which includes the Town as an additional insured. Additionally, the facility to be used for storing and selling fireworks must be inspected by a Town official to insure that the facility is a reasonably safe structure to store or sell fireworks, including an adequate, on-site fire suppression capability. A permit shall not be issued until this inspection has been completed to the satisfaction of the inspecting official.

**Section 3.** The Mayor of Sheridan may issue a Town Permit to a qualified representative of any organization or association for the supervised public display of ordinary Class C Acommon fireworks@between the hours of 5:00 pm and midnight on July 4 for the purpose of recognizing and celebrating Independence Day. Any person, organization or association seeking a Town Permit for the public display of fireworks shall comply with the provisions of 50-37-107, M.C.A. and shall provide proof of general liability insurance in an amount acceptable to the City, and which includes the City as an additional insured.

**Section 4.** Any person or organization violating the provisions of this ordinance is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$500. In the case of a violation by an organization, the officers of the organization shall be deemed to be responsible individually and subject to the penalty provided.

**Absolute Liability**

**Section 5.** It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 45-2-104, M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 45-2-101, M.C.A.

**Repealer**

**Section 6.** All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

**Severability**

**Section 7.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

**Effective Date**

**Section 8.** This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

**References:**

Title 50, Chapter 37, Montana Code Annotated.

**PASSED AND ADOPTED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13<sup>th</sup> day of August , 2007.

**ATTEST:**

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Dean Derryberry, Mayor

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Gail Leary, Town Clerk

**PASSED, ADOPTED AND FINALLY APPROVED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 27<sup>th</sup> day of August , 2007.

**ATTEST:**

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Dean Derryberry, Mayor

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Gail Leary, Town Clerk

**APPROVED AS TO FORM:**

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Douglas Smith, City Attorney