

Agenda Items

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 14-402, 14-403, 14-404, 14-405, 14-406, 14-407 OF SAID CODE AND ADDING A NEW SECTION 14-409; UPDATING FIREWORKS RESTRICTIONS AND REGULATIONS; PROVIDING FOR CONFISCATION OF ILLEGAL FIREWORKS

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

Section 1. That section 14-402, BMCC, be amended so that such section shall read as follows:

Sec. 14-402. Supervised public displays; fireworks permit required.

Supervised public displays of fireworks are allowed if a fireworks permit from the city fire marshal has first been obtained. No person shall possess, store, or use, or explode any fireworks at a supervised public display without first obtaining a fireworks permit as provided in this division. Displays shall be in accordance with the adopted fire code and referenced editions of NFPA 1123, Code for Fireworks Display and/or NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience.

Section 2. That section 14-403, BMCC, be amended so that such section shall read as follows:

Sec. 14-403. Fee.

The application ~~on~~ ant for a fireworks permit shall pay to the city for the issuance of the permit at the time of issuance thereof a fee in an amount as prescribed by council resolution.

Section 3. That section 14-404, BMCC, be amended so that such section shall read as follows:

Sec. 14-404. Application.

Application for a fireworks permit shall be made to the Billings fire marshal on a form furnished by the city and submitted for review no less than 14 days prior to the date of the event. The application shall be signed and verified by the ~~person~~ operator in charge of the firing of the display, the owner of the property on which the display will be held, and the person or head of the group or

organization sponsoring the display. The application shall include, but not be limited to, the following:

(1) The name, address, email address, and phone number of the individuals, group, or organization sponsoring the outdoor fireworks display, and the names of the persons operator actually in charge of the firing of the display and the name of the owner of the property on which the display will be held.

(2) The insurance certificate required by section ~~14-406~~ 14-405.

(3) The date and time of day at which the outdoor fireworks display is to be held.

(4) The exact location planned for the outdoor fireworks display.

(5) Confirmation of the license and qualifications of the operator and the number of persons who will assist the operator.

(6) The approximate number, kinds, and sizes of fireworks to be fired.

(7) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.

(8) A diagram of the grounds on which the outdoor fireworks display is to be held. The diagram will indicate:

a. Fireworks discharge point.

b. ~~Distance to secure perimeter and distance to lines behind which the audience will be restrained.~~ Location of all nearby buildings, highways, and roads.

c. ~~Location of building and highways.~~ Boundary which the audience is to be restricted.

d. ~~Location of overhead obstructions.~~ The diagram shall indicate the barriers used and how the grounds will be secured.

e. The diagram shall be drawn to scale or display the distances from the discharge point to nearby buildings, property lines, and the audience boundary.

f. Location of possible overhead obstructions.

(9) The minimum spectator separation distance shall be in accordance with the adopted fire code and referenced editions of NFPA 1123, Code for

Fireworks Display and/or NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience.

~~Secure perimeters shall be set at the following radiuses from ignition point:~~

<i>Shell size</i>	<i>Minimum radius of secured area</i>
3" or less	140 feet
3" to 4"	210 feet
4" to 5"	350 feet
5" to 6"	420 feet
6" to 7"	490 feet
7" to 8"	560 feet
10"	700 feet
12"	840 feet

(10) Written acknowledgment that the fireworks displays shall comply with the requirements of Article 14-400 and all other laws and regulations.

Section 4. That section 14-405, BMCC, be amended so that such section shall read as follows:

Sec. 14-405. Insurance required.

(1) The fire marshal shall not issue a fireworks permit until the applicant has furnished to the city a general liability insurance policy in an amount prescribed by council resolution. The city shall be named as an additional coinsured on said insurance policy. The applicant and the insurance carrier shall notify the city ten (10) days prior to the policy being canceled or of nonrenewal.

~~(2) Said certificate of insurance shall be filed with the city clerk and shall indemnify the city against any damages to private or public property which may be caused by or incident to the public fireworks display.~~

Section 5. That section 14-406, BMCC, be amended so that such section shall read as follows:

Sec. 14-406. Prohibitions.

The person to whom a fireworks permit is issued shall comply with the following conditions:

(1) No spectators or spectator parking areas shall be located within the secured area referred to in section 14-404(8) and (9).

- (2) ~~All provisions and requirements outlined on the fireworks permit. Ground display pieces shall be located at a minimum distance of seventy five (75) feet from the spectators' viewing area and parking area.~~

Section 6. That section 14-407, BMCC, be amended so that such section shall read as follows:

Sec. 14-407. Definitions; specifications.

~~Fireworks defined. The term "fireworks" means any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, dayglo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel them, sky lanterns, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.~~

Fireworks defined: The term "fireworks" means any fireworks defined in 50-37-101 Montana Code Annotated (MCA) or the adopted fire code, including sky lanterns and excluding devices such as, but not limited to, candles, luminaries, gas or charcoal grills, yard torches and novelty items such as party poppers, snaps and toy caps.

(New alternative definition above based on City Council discussion during Second reading on December 8, 2014, Consent Agenda Item # 1(g))

~~Definitions and technical specifications for types of firing devices and related fireworks outdoor display requirements will be governed by the National Fire Protection Association Standard 1123, 1990 Edition, shall be in accordance with the adopted fire code and referenced editions of NFPA 1123, Code for Fireworks Display and/or NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, a copy of which is on file with the fire marshal .~~

Section 7. That the Billings, Montana, City Code be amended by adding a section to be numbered 14-409, to read as follows:

Sec. 14-409. Confiscation.

A representative of the Billings Fire Department or any law enforcement officer shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks in violation of this division.

Section 8. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of these ordinances are declared to be severable.

Section 9. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 10. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

APPROVED on first reading this ___ day of _____, 2014.

ADOPTED and APPROVED on second reading this ___ day of _____, 2014.

CITY OF BILLINGS

By _____
Thomas W. Hanel, Mayor

ATTEST:

By _____
Cari Martin, City Clerk