

TITLE 6
FIRE REGULATIONS

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CHAPTER 1
FIRE DEPARTMENT

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6-1-1: **ESTABLISHED:** The fire department shall consist of a chief of the fire department, an assistant chief of the fire department and such honorary members and volunteer organizations as the city council may elect or denominate; and the members of the police department shall be ex officio members of the fire department. (1983 Code § 2.10.010)

6-1-2: **FIRE CHIEF; ASSISTANT FIRE CHIEF:**

- A. Appointment Of Assistant Chief: The chief of the fire department shall appoint an assistant chief of the fire department, whose appointment shall not take effect until approved by the city council.
- B. Term Of Office:
 - 1. Fire Chief: The term of office of the chief of the fire department shall be one year from the date of his appointment, or until his successor is appointed and qualified.

2. Assistant Fire Chief: The term of office of the assistant chief of the fire department shall be the same as that of the chief of the fire department.

- C. Duties Of Assistant: In case of the absence of the chief of the fire department, the assistant chief shall exercise all the powers and perform all the duties of the chief, and when the chief is present, the assistant chief shall actively assist in executing all orders of his superior officer. (1983 Code § 2.10.020)

6-1-3: **REMOVAL OF MEMBERS:** The city council may, at any time, by a majority vote, remove or discharge any member of the fire department, or any member of any volunteer organization which may have become a part of the fire department, or may dispense with the service of any such volunteer organization as a whole. (1983 Code § 2.10.030)

6-1-4: **ORGANIZATION:** Any volunteer fire company organized and becoming a part of the fire department hereby created may adopt such constitution, bylaws, rules and regulations for its government as it shall deem best, consistent with the city ordinances, and may select such officers as its members may deem necessary and proper for the administration of its affairs, subject, however, to the supervision and control of the city council; and such company may, on or before May 1 of each year, recommend to the mayor one of its members for the office of chief of the fire department and if such member be satisfactory to the mayor, he shall appoint him chief of the fire department, subject to the approval of the city council. (1983 Code § 2.10.040)

6-1-5: **FIRE CHIEF IN CHARGE OF FIRES:** The fire department, under the direction of the chief or other proper officer, shall, upon alarm of fire, depart with the utmost dispatch to the place of fire, with the hose and other apparatus under its care, and there work the same, under the direction of the chief or other officer in charge, and shall place and work such hose and other apparatus in the most effective manner until the fire has been extinguished. The officer in charge shall be responsible for the workings of the fire department, and his orders must be promptly and strictly obeyed by each and every member of the fire department. (1983 Code § 2.10.050)

6-1-6: **SUPERVISION OF DEPARTMENT:** The light, fire and water committee of the city council, subject to the orders of the city council, shall have exclusive supervision of all rooms occupied by the fire department, where such rooms are the property of the city or where the rent of such rooms is paid in whole or in part by the city; and of all fire apparatus of whatever kind or description, owned by the city and used by the fire department, and all such fire apparatus and property shall be kept in such places as the city council may provide and designate. (1983 Code § 2.10.060)

6-1-7: **EQUIPMENT REPORT:**

- A. Report Of Inventory: It shall be the duty of the chief of the fire department to make a complete inventory of all fire apparatus and property belonging to the city and report the same, in writing, to the city council; and, from time to time thereafter, to report any addition or loss of such fire apparatus or property.

- B. Monthly Report On Condition: At least once a month or more often, in his discretion, or when required by the city council, the chief shall carefully examine the condition of such fire apparatus or property to see that the same is at all times in good condition and repair, and to report to the city council any defects or injury to said apparatus or property, or any attention, repairs, or additions needed thereto.

- C. Monthly Report Of Fire And Alarms: The chief shall further report, in writing, at the regular monthly meeting of the council, an accurate list of all fires and fire alarms, if any, that may have taken place during the month next preceding that at which said report is made, with the cause of such fires, if known, and the number and description of all buildings destroyed or damaged, and the estimated loss or damage to all property.

- D. Management And Control Of Apparatus: Subject to the provisions of this chapter, the chief of the fire department shall have the management and control of all fire apparatus and property and of all hydrants provided by the city for the extinguishment and control of fires and the prevention thereof, and he shall be responsible for the proper use of the same. (1983 Code § 2.10.070)

6-1-8: UNLAWFUL USE OF EQUIPMENT:

- A. **Use Beyond City Limits:** It shall be unlawful for any officer in command of the fire department to allow any of the fire apparatus or property of the city to be taken beyond the city limits without permission of the mayor.
- B. **Use For Private Purposes:** It shall be unlawful for any person having charge of any fire apparatus or property of the city to allow the same to be applied or used for private purposes without the permission of the mayor. (1983 Code § 2.10.080)

6-1-9: FIRE PREVENTION; REMOVAL OF DANGEROUS BUILDINGS: The chief of the fire department, or, in his absence, anyone acting in the capacity of chief of the fire department, may during the progress of any fire, whenever in his judgment such action is necessary to check or control the same, order any fence, building, or structure to be torn or cut down and removed; and he shall, with the consent of the mayor, or with the consent of any two (2) members of the city council, have the power and authority to cause any building or structure to be destroyed for the purpose of checking or extinguishing the fire; and he may tear down, or cause to be torn down, any portion of any building which may remain after a fire if, in his judgment, such portion of any building so remaining standing shall be dangerous to persons or property. (1983 Code § 2.10.090)

6-1-10: INTERFERENCE WITH FIREFIGHTERS AND OTHER OFFICERS: It shall be unlawful for any person to wilfully interfere or hinder any city officer or firefighter in the performance of his duty at, going to, or returning from any fire, or while attending to his duties as a member of the fire department, or to wilfully or negligently drive any vehicles across, along, or upon any fire hose, or to wilfully cut, deface, destroy, or injure, any telegraph wire or pole or signal box or bell, or any of the property belonging to or connected with fire department, or any fire alarm telegraph. (1983 Code § 2.10.100)

6-1-11: VIOLATIONS; PENALTY: Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (1983 Code § 2.10.110)

CHAPTER 2
FIRE PREVENTION

SECTION:

- 6-2-1: Fire Code
- 6-2-2: Fire Prevention Committee; Fire Investigation Team
- 6-2-3: Limits Of Prohibited Areas For Storage Of Flammable Or Combustible Substances
- 6-2-4: Modifications
- 6-2-5: New Materials, Processes Or Occupancies Requiring Permits
- 6-2-6: Inspection Fees And Related Administrative Charges
- 6-2-7: Appeals
- 6-2-8: Penalty

6-2-1: **FIRE CODE:**

- A. Adoption: There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the uniform fire code as recommended by the International Conference of Building Officials and the Western Fire Chiefs Association being particularly the 2003 edition and appendices thereof and the whole thereof and all subsequent editions and amendments thereto, except those portions controlled by state statute and such portions as are hereinafter deleted, modified or amended by section 6-2-3 of this chapter. (Ord. 85-1, 6-3-1985; amd. 2009 Code)
- B. Copies On File: No less than three (3) copies have been and are now filed in the city fire department and a copy in the city office and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city and within the one mile zoning jurisdiction of the city. (Ord. 85-1, 6-3-1985)

6-2-2: FIRE PREVENTION COMMITTEE; FIRE INVESTIGATION TEAM:

- A. Fire Prevention Committee: This chapter and the fire prevention code shall be enforced by the fire prevention committee of the city fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. Appointment Of Fire Chief¹: The fire chief shall be appointed by the mayor upon his recommendation and approval of the city council.
- C. Composition Of Committee: The fire chief shall be responsible to appoint an assistant within the department to be on the fire prevention committee and appoint from within the fire department, or recommend to the city council, hiring of a paid fire marshal to administer and carry out the terms of this chapter. These parties shall comprise the fire prevention committee.
- D. Fire Investigation Team: The fire prevention committee shall also be designated as the fire investigation team and additional fire personnel as deemed necessary by the fire chief. The fire investigation team shall be responsible to thoroughly investigate the circumstances of all incendiary or suspicious fires within its jurisdiction. The fire chief shall, if he deems fit, request a city police officer to assist the team in its investigation. (Ord. 85-1, 6-3-1985)

6-2-3: LIMITS OF PROHIBITED AREAS FOR STORAGE OF FLAMMABLE OR COMBUSTIBLE SUBSTANCES: The storage of flammable or combustible liquids in above and below ground tanks, the storage of liquified petroleum gases, and the storage of explosives and blasting agents is prohibited within the city limits; provided, however, said uses may be allowed in M-2 zoned areas as defined in the zoning ordinance as a conditional use, as approved upon conditions and recommendations of the city-county planning board. Said conditions and recommendations shall not be below minimum standards and conditions as required by the uniform fire code in effect at the time said conditions and recommendations are made by the city-county planning board. Storage of flammable liquids (i.e., gasoline and diesel fuels) in the B-2, B-3 and M-1 districts may be allowed as permitted in the city zoning ordinance² provided

1. See also section 6-1-4 of this title.

2. See title 10 of this code.

all requirements set forth within this chapter are complied with. (Ord. 85-1, 6-3-1985)

6-2-4: **MODIFICATIONS:** The fire prevention committee shall have power to modify any of the provisions of the uniform fire code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The details of such modification, when granted or allowed, and the decision of the fire prevention committee thereon shall be entered upon the records of the department and a signed copy shall be furnished by the applicant. (Ord. 85-1, 6-3-1985)

6-2-5: **NEW MATERIALS, PROCESSES OR OCCUPANCIES REQUIRING PERMITS:** The city building inspector and the fire prevention committee shall act in conjunction to determine and specify, after giving effected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The fire marshal shall post such a list in a conspicuous place in the fire department and in the city office, and distribute copies thereof to interested persons. (Ord. 85-1, 6-3-1985)

6-2-6: **INSPECTION FEES AND RELATED ADMINISTRATIVE CHARGES:** It shall be the responsibility of the fire prevention committee to establish inspection fees and other related administrative fees with consideration to the relative costs of services rendered pursuant to this chapter and as required by state statute. A statement of such fees shall be submitted every two (2) years to the city council for their approval. Upon approval, said fees shall thereafter be charged and collected by the fire prevention committee and thereafter deposited in a fire inspection fund as established by the director of finance. (Ord. 85-1, 6-3-1985)

6-2-7: **APPEALS:** Whenever the fire prevention committee shall disapprove an application or refuse to grant a permit as applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongfully interpreted, the applicant may appeal such decision of the fire prevention committee within thirty (30) days to the fire prevention committee who shall notify the state fire marshal who shall be

requested to render an opinion after review of the facts (and inspection, if necessary). (Ord. 85-1, 6-3-1985)

6-2-8: **PENALTY:**

- A. Misdemeanor: Any person or entity who shall violate any of the provisions of this code hereby adopted or who fail to comply therewith, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 85-1, 6-3-1985; amd. 2009 Code)
- B. Separate Offense: The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- C. Enforced Removal: The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 85-1, 6-3-1985)

CHAPTER 3
OPEN BURNING

SECTION:

- 6-3-1: Definitions
- 6-3-2: When Permit Required; Fees
- 6-3-3: Other Burning Allowed With A Permit
- 6-3-4: Burning Allowed Without A Permit
- 6-3-5: Materials Prohibited For Open Burning
- 6-3-6: Burn Barrels Prohibited
- 6-3-7: Permit Holder Responsibilities
- 6-3-8: Safety Conditions
- 6-3-9: Enforcement; Penalty

6-3-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**BEST AVAILABLE
CONTROL
TECHNOLOGY:**

Those techniques and methods of controlling emissions of air contaminants from an open burning source and that limit those emissions to the maximum degree taking into consideration impacts on energy use, the environment, the economy, and any other costs, including the cost to the source, including, but not limited to:

- A. Scheduling burning during periods and seasons of good ventilation;
- B. Considering atmospheric dispersion forecasts;
- C. Utilizing predictive modeling results from the Montana department of environmental quality to minimize smoke;

D. Limiting the amount of burning to be performed during any one period of time;

E. Using ignition and burning techniques that minimize smoke production;

F. Selecting fuel preparation methods to minimize dirt and moisture content;

G. Promoting fuel arrangements that create an adequate air to fuel ratio;

H. Prioritizing burns as to air quality impact and assigning control techniques accordingly; and

I. Promoting alternative treatments and uses of materials so that they do not have to be burned.

MAJOR OPEN BURNING:

Open burning that, on a statewide basis, will emit more than five hundred (500) tons of carbon monoxide or fifty (50) tons of any other pollutant regulated under the administrative rules of Montana (ARM) title 17, chapter 8, in a calendar year, except hydrocarbons. Major open burning requires a permit from the state of Montana.

MINOR OPEN BURNING:

Open burning that emits less pollutants than major open burning and must comply with this chapter, any other applicable state, federal, or county law including the ARMs and uses the "best available control technology" (BACT).

OPEN BURNING:

The burning or combustion of any material directly in the open air or in a receptacle other than a furnace, multiple chambered incinerator, or a wood waste burner commonly used by the wood products industry. (Ord. 2000-1, 2-22-2000)

6-3-2: WHEN PERMIT REQUIRED; FEES:

- A. March Through November: For burning between the periods of March 1 through November 30, a Gallatin County open burn permit

must be obtained prior to engaging in any open burning within the city limits. When limits for atmospheric conditions or hours restrict burning, these limits will be designated in the permit restrictions.

- B. December Through February: For any major open burning during any time of the year or for open burning during the months of December, January, and February, a person may make a written application to the state department of environmental quality for permission to burn.
- C. Permit And Permission Required: Where burning is conducted on public property or the property of someone other than the permit applicant within the city limits, the permit applicant will obtain a burn permit as well as written permission from the owner, or the owner's authorized agent.
- D. Fees: The fees for the permits will be set in accordance with a schedule adopted by the Gallatin County commission. (Ord. 2000-1, 2-22-2000)

6-3-3: OTHER BURNING ALLOWED WITH A PERMIT:

- A. Agricultural Open Burning: Essential agricultural open burning on a farm or ranch is allowed during the months of March through November with a burning permit and only for the purposes of eliminating excess vegetative matter from irrigation ditches or cultivated fields or improving range conditions or wildlife habitat when no reasonable alternative method of disposal is available.
- B. Prescribed Wild Land Open Burning: Prescribed wild land open burning, if conducted on forest land or relatively undeveloped rangeland, is allowed with a burning permit only for the purpose of improving wildlife habitat or range conditions; reducing fire hazards from forestry practices; controlling forest pests and diseases; promoting forest regeneration; or promoting other accepted forestry practices. (Ord. 2000-1, 2-22-2000)

6-3-4: BURNING ALLOWED WITHOUT A PERMIT:

- A. Definition: For the purposes of this section, a "recreation fire" is defined as any fire not contained in an incinerator, outdoor fireplace, barbecue grill or pit and which is burned for pleasure, religious, ceremonial, cooking or similar purposes.

6-3-4

6-3-5

- B. March Through November: From March 1 through November 30, a permit is not required for small recreational fires in controlled areas. However, from September 1 through November 30, the burner must call to see if there are restrictions.
- C. Fire Size: The fire must not exceed three feet (3') in diameter and two feet (2') in height. (Ord. 2000-1, 2-22-2000)

6-3-5: **MATERIALS PROHIBITED FOR OPEN BURNING:** Open burning within the city limits is totally prohibited for:

- A. Food wastes;
- B. Styrofoam, plastic wastes and other materials generating noxious odors;
- C. Poultry litter, animal droppings, dead animals or dead animal parts;
- D. Rubber materials including, but not limited to, tires;
- E. Treated lumber and timbers;
- F. Pathogenic wastes;
- G. Asbestos or asbestos containing materials;
- H. Materials resulting from "salvage operations" to reclaim or salvage any product or material, except materials from the forest practice commonly referred to as a "salvage cut" in timber harvesting;
- I. Hazardous wastes, which are a waste or combination of wastes that, because of the quantity, concentration of physical, chemical or infectious characteristic, if any, cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed as defined in the code of federal regulations; and
- J. Any other materials specifically prohibited by Montana Code Annotated and the ARMs. (Ord. 2000-1, 2-22-2000)

6-3-6: **BURN BARRELS PROHIBITED:** The use of burn barrels is totally prohibited within the city limits. (Ord. 2000-1, 2-22-2000)

6-3-7: **PERMIT HOLDER RESPONSIBILITIES:**

- A. Call Gallatin County: A permit holder must call the Gallatin County open burning number each day burning is planned at least thirty (30) minutes before the planned burn and give the following information:
1. Name, permit number, and phone number;
 2. Material to be burned;
 3. Starting time of burning, during daylight hours;
 4. Location of burn;
 5. If on forest service property, the legal description including section, township, and range; and the number of acres to be burned.
- B. Fire Suppression Equipment And Personnel: Before setting a fire, permit holders must ensure that adequate fire suppression equipment and personnel are present for fire control for the duration of the burn. The permit holder will not leave the immediate fire area until the fire has completely burned out, with no remaining embers or smoke.
- C. Delegation Of Responsibility: The permit holder may delegate any of these duties to a designated responsible person; however, the permit holder is ultimately responsible for any violations. (Ord. 2000-1, 2-22-2000)

6-3-8: **SAFETY CONDITIONS:**

- A. Wind Or Weather Conditions: No fire shall be set if wind or weather conditions make it hazardous to burn. If wind or other weather conditions change making the fire hazardous, the fire must be extinguished as quickly as possible.
- B. Temporary Suspension Of Permit: When there is high fire danger, because winds or other conditions make burning hazardous, or when

fire suppression resources are not available, permits may be temporarily suspended until good ventilation exists and to allow assignment of burn priorities, if others request permission to burn on the same day.

- C. Closure Or Restriction Of Open Burning: The city fire chief or designee may close or restrict open burning when necessary. All permit holders must extinguish fires upon request of any city or county law enforcement officer or firefighter. Failure to do so will be a violation of this chapter. (Ord. 2000-1, 2-22-2000)

6-3-9: **ENFORCEMENT; PENALTY:**

- A. Enforcement: The city police department has the authority to investigate complaints, issue written notices of violation, orders to take corrective action, and citations to enforce this chapter. (Ord. 2000-1, 2-22-2000)
- B. Violation; Penalty: A violation of this chapter is a misdemeanor subject to penalty as provided in section 1-4-1 of this code. (Ord. 2000-1, 2-22-2000; amd. 2009 Code)

CHAPTER 4
FIREWORKS

SECTION:

- 6-4-1: Definition
- 6-4-2: Prohibited
- 6-4-3: Minors
- 6-4-4: Sale Permitted
- 6-4-5: Discharge
- 6-4-6: Public Display Permit
- 6-4-7: Violation; Penalty

6-4-1: **DEFINITION:** "Fireworks" means and includes any combustible or explosive composition, or any substance, or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes skyrockets, Roman candles, helicopters, dago 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 the same; firecrackers, torpedoes, sparklers, or other fireworks of like construction; and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance. Nothing in this chapter shall be construed as applying to toy paper caps containing not more than twenty five hundredths (0.25) grain of explosive composition per cap, nor to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events. (Ord. 2003-4, 5-5-2003)

6-4-2: **PROHIBITED:** It shall be unlawful for any adult individual, minor child, firm, partnership, corporation or association to possess for sale, sell or offer for sale, at retail, or discharge within the city

any "fireworks", as defined herein, except as specifically permitted herein. (Ord. 2003-4, 5-5-2003)

6-4-3: **MINORS:** It shall be unlawful for any parent, guardian, or custodian of any minor child to permit or consent to the possession or discharge by the minor child in his charge or custody of any "fireworks", as defined herein, except as specifically permitted herein. Possession or discharge by any minor child of any fireworks within the city shall be presumed to be with the permission and consent of such parent, guardian, or other person having the custody of such minor child. (Ord. 2003-4, 5-5-2003)

6-4-4: **SALE PERMITTED:** It shall be lawful for an adult individual, firm, partnership, corporation or association to offer for sale, expose for sale, sell at retail or wholesale, within the city, those and only those permissible "fireworks" enumerated, described and defined in Montana Code Annotated section 50-37-105, between the hours of nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M., each day, from June 24 through July 5 and December 29 through December 31 of each year. A copy of the city fireworks ordinance requirements shall be posted in a conspicuous location at all sites offering fireworks for sale. (Ord. 2003-4, 5-5-2003)

6-4-5: **DISCHARGE:**

- A. Prohibited: It shall be unlawful to discharge, at any time, any "fireworks", as defined herein, within the boundaries of any park that the city owns and/or maintains. In addition, it is unlawful to discharge, at any time, any "fireworks", as defined herein, within the boundaries of any properties under the ownership and/or control of Belgrade School District 44.
- B. Permitted: It shall be lawful for an adult individual, minor child, firm, partnership, corporation or association to possess and discharge within the city, those and only those "permissible fireworks" enumerated, described and defined in Montana Code Annotated section 50-37-105, between the hours of ten o'clock (10:00) A.M. and eleven o'clock (11:00) P.M., each day, from July 1 through July 5 and on January 1 from twelve o'clock (12:00) midnight to one o'clock (1:00) A.M. of each year. (Ord. 2003-4, 5-5-2003)

6-4-6: PUBLIC DISPLAY PERMIT:

- A. **Power To Grant:** The city council shall have the power to grant permits for supervised public displays of "fireworks", as defined herein, to be held at any time and at any location within the city by the city, fair associations, amusement parks and other organizations or groups. Applications must be approved by the city fire marshal and chief of police and issued by the city manager.
- B. **Application:** Application for permits shall be made, in writing, at least fifteen (15) days in advance of the date of the display.
- C. **Permit Granted:** After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.
- D. **Transferability:** No permit granted under this section shall be transferable.
- E. **Liability Insurance:** The permit holder shall have liability insurance in the minimum amount of one million dollars (\$1,000,000.00) to insure against those damages which may be caused either to a person or persons or to property by reason of the fireworks display, and arising from any acts of the licensee, his agents, employees, or subcontractors. The city shall be named as an additional insured under the policy. Proof of insurance shall be provided to the city before the permit is issued. (Ord. 2003-4, 5-5-2003)

6-4-7: VIOLATION; PENALTY: Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. It is the intent of the city council that the criminal offenses listed in this chapter be offenses involving legislative intent. Those offenses shall not require proof of any one of the mental states described in Montana Code Annotated subsections 45-2-101(33), (37) and (58). (Ord. 2003-4, 5-5-2003)

