



ANACONDA FIRE DEPARTMENT

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Anaconda, MT 59711

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Date:

The undersigned hereby agrees:

To sell only fireworks, firecrackers, torpedoes and other pyrotechnics as permitted by Section 50-37-105, MCA (1987).

He/She is eighteen (18) years or older and agrees to sell fireworks, firecrackers, torpedoes and any other pyrotechnics only between June 30 and July 5 of the current year.

To absolve and hold blameless Anaconda-Deer Lodge County and its employees of any legal liability resulting from the permit and the applicant provided written permission from the property owner to sell fireworks on the premises.

Any subsequent violation of Ordinance No. 98-Amended shall be just cause for revocation of the permit.

To uphold the provisions set forth in Ordinance No. 98-Amended.

Name

Address

Phone

Chapter 8.16

FIREWORKS

Sections:

- 8.16.010 Sale restricted.
 8.16.020 Sale requirements—Permit issuance.
 8.16.030 Sale without permit unlawful.
 8.16.040 Violation—Penalty.

8.16.010 Sale restricted.

The sale or conveyance of fireworks, firecrackers, torpedoes or other pyrotechnics shall be prohibited within the county of Anaconda-Deer Lodge, Montana, except as provided within this chapter. (Ord. 98 (part), 1989)

8.16.020 Sale requirements—Permit issuance.

Sale of fireworks, firecrackers, torpedoes or other pyrotechnics shall be permitted within Anaconda-Deer Lodge County, only if a permit is issued by the fire coordinator. A permit shall be issued when all of the following requirements have been met.

A. The fire coordinator has conducted a prior inspection of the premises and determines that:

1. The premises are a safe distance from any other structure, and

2. The premises meet all applicable fire code requirements concerning construction, entrances, exits, fire extinguishers and other fire preventative measures as prescribed by the fire code, and

3. The premises includes a "no smoking" sign as provided by Section 50-37-104, MCA (1987); and

B. The applicant for the permit agrees in writing to sell only those fireworks, firecrackers, torpedoes and other pyrotechnics as permitted by Section 50-37-105, MCA (1987); and

C. The applicant for the permit agrees in writing that he/she is eighteen (18) years or older and agrees to sell fireworks, firecrackers, torpedoes and any other pyrotechnics only between June 24, 1989 through July 5, 1989 and commencing with 1990 agrees to sell fireworks, firecrackers, torpedoes and any other pyrotechnics only between June 30th through July 5th of the year the permit is issued in Anaconda-Deer Lodge County; and

D. The applicant for the permit agrees in writing to absolve and hold blameless Anaconda-Deer Lodge County and its employees of any legal liability resulting from the permit, and the applicant provides written permission from the property owner to sell fireworks on the premises; and

E. The applicant for the permit agrees in writing that any subsequent violation of this chapter shall be just cause for revocation of the permit. The fire coordinator may inspect any approved premises, may issue orders of correction pursuant to this chapter, or may revoke the permit for just cause; and

F. The applicant has paid a one hundred dollar (\$100.00) fee for the permit. (Ord. 98 (part), 1989)

8.16.030 Sale without permit unlawful.

Any fireworks, firecrackers, torpedoes, or other pyrotechnics sold or offered for sale without a permit as provided in Section 8.16.020 shall be removed by the fire coordinator in cooperation with the police department, at the expense of the owner. The owner shall be punished as provided by Section 8.16.040. (Ord. 98 (part), 1989)

8.16.040 Violation—Penalty.

Any person, firm, corporation or association found guilty of violating the provisions of this chapter shall, upon conviction, be punished by a fine in any sum not exceeding three hundred dollars (\$300.00), or by imprisonment in the county jail for not more than thirty (30) days, or both. In the case of violation by a firm, corporation or association, the manager or other person in charge shall, prima facie, be held responsible and be punished as herein provided. (Ord. 98 (part), 1989)

ARTICLE 78 — FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS MATERIAL

SECTION 7801 — GENERAL

7801.1 Scope. Fireworks and temporary storage, use and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with Article 78.

7801.2 Definitions.

7801.2.1 General. For the definitions of AERIAL SHELL; BINARY EXPLOSIVE; BREAK (Aerial Shell); DESIGNATED LANDING AREA; EXPLOSIVE; EXPLOSIVE MATERIALS; FIREWORKS; FIREWORKS, 1.4G; FIREWORKS, 1.3G; FIXED GROUND PIECE; GROUND PIECE; HIGH EXPLOSIVE; LOW EXPLOSIVE; MORTAR; PYROTECHNIC OPERATOR; PYROTECHNIC SPECIAL EFFECTS MATERIAL; READY BOX; and SAFETY CAP, see Article 2.

7801.2.2 Limited application. For the purpose of Article 78, certain terms are defined as follows:

DISPLAY is an outdoor display of aerial shells or ground display pieces.

TEMPORARY STORAGE is storage of pyrotechnic special effects material on site for a period of time of 72 hours or less.

7801.3 Permits.**7801.3.1 Fireworks.**

7801.3.1.1 Manufacturing. The manufacturing of fireworks is prohibited except under special permits as required by local and state regulations. See Section 105, Permit e.1.

7801.3.1.2 Displays. Permits are required to conduct a fireworks display. See Section 105, Permit f.2. Permit application shall be made not less than 14 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of buildings, highways and other lines of communication; the lines behind which the audience will be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. At the time of permit application, the chief shall be consulted regarding requirements for standby fire apparatus.

7801.3.2 Pyrotechnic special effects material. A permit is required to manufacture, compound, store or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105, Permit p.3.

SECTION 7802 — FIREWORKS

7802.1 General. Storage, use and handling of fireworks shall be in accordance with Section 7802.

EXCEPTIONS: 1. The use of fireworks by railroads or other transportation agencies for signaling or illumination

2. The sale or use of blank cartridges for theatrics, signaling or ceremonial purposes.

3. The use of fireworks by the United States Armed Forces

7802.2 Seizure of Fireworks. The chief is authorized to seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of Article 78.

7802.3 Prohibition. The storage, use and handling of fireworks are prohibited.

EXCEPTIONS: 1. Storage and handling of fireworks are allowed as required for explosives in Article 77.

2. The use of fireworks for display is allowed as set forth in Section 7802.4.

TABLE 7802.3-A—MINIMUM MORTAR SEPARATION DISTANCES

MORTAR DIAMETER (inches)	MINIMUM SEPARATION FROM SPECTATOR VIEWING AREAS, VEHICLES AND BUILDINGS (feet)
× 25.4 for mm	× 0.3048 for m
less than 3	140
3	210
4	280
5	350
6	420
7	490
8	560
10	700
12	840
greater than 12	Approved

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FIREWORKS 3**7802.4 Displays.**

7802.4.1 General. Fireworks displays shall be in accordance with Section 7802.4. Only fireworks 1.4G (Class C Common) and fireworks 1.3G (special fireworks) are allowed to be used. When fireworks 1.3G (special fireworks) are used, see Section 7703.

7802.4.2 Pyrotechnic operator. Fireworks display operations shall be under the direct supervision of a pyrotechnic operator. The pyrotechnic operator shall be responsible for all aspects of a display related to pyrotechnics.

7802.4.3 Bond. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the chief for the payment of damages which could be caused either to a person or persons or to property by reason of the permitted display and arising from acts of the permittee, agents, employees or subcontractors.

7802.4.4 Mortars for aerial shell displays.

7802.4.4.1 Site criteria. Mortars for aerial displays shall be separated from spectator viewing areas, vehicles and buildings as set forth in Table 7802.3-A.

EXCEPTION: The chief is authorized to modify separation distance requirements based on characteristics of specific sites.

The designated landing area shall be an approved large, clear, open area. Spectators, vehicles and combustible materials shall not be allowed within the designated landing area. The designated landing area shall not be within 100 feet (30 480 mm) of tents, canopies and membrane structures.

7802.4.4.2 Construction. Mortars shall be approved for use with the aerial shells to be fired. Mortars shall be constructed of heavy cardboard, paper or metal other than cast iron.

7802.4.4.3 Inspection. Prior to placement, mortars shall be inspected for defects such as dents, bent ends, damaged interiors and damaged plugs. Mortars found to be defective shall not be used.

7802.4.4.4 Positioning. Mortars shall be positioned so that aerial shells are directed over the designated landing area and away from ground pieces. Mortars shall not be angled toward spectator viewing areas.

ANACONDA FIRE DEPARTMENT

RETAIL FIREWORK STAND INSPECTION CHECKLIST

Name of "Stand"			
Location of "Stand"			
Owner Operator			
Address of Owner/Operator			
Telephone # /Emergency Contact #			
1	"Stand consists of a temporary, open-air structure, booth or other portable stand-alone structure designed and constructed of wood or metal, allowing NO PUBLIC ENTRY. <i>ARM 23.7.101.A(16) and 23.7.201(2)</i>	YES	NO
2	"Stand" properly located:		
	a. 100 feet from church or hospital		
	b. 50 feet from flammable liquid dispenser/storage		
	c. 50 feet from inhabited buildings or area		
	d. 50 feet from public roadway. <i>ARM 23.7.201(b)</i>		
3	"NO SMOKING" signs shall be posted in conspicuous locations. Signs shall be four inches in height and 1/2 inch in stroke. <i>§50-37-104, MCA; ARM 23.7.201(5)</i>		
4	Pressurized water extinguisher with a minimum rating of 2A or one garden hose connected to an available water supply. <i>ARM 23.7.201(8)</i>		
5	All weeds, dry grass and combustible material shall be cleared for a minimum distance of 25 feet in all directions from a fireworks stand. <i>ARM 23.7.201(9)</i>		
6	It is unlawful for an individual under the age of 18 to possess for sale, sell, or offer for sale within the state permissible fireworks enumerated in <i>§50-37-105. §50-37-103(2)</i>		
7	Electrical wiring shall be in a safe condition or upgraded to comply with the National Electrical Code. <i>ARM 23.7.201(10)</i>		
8	No open flame devices of any kind within 25 feet of the "stand". <i>ARM 23.7.201(11)</i>		
9	Owner/Operator has been provided with a copy of the sections of Montana Code Annotated and Administrative Rules of Montana regarding "Fireworks".		
10	Parking of vehicles used to transport Class A or B explosives or flammable and combustible liquids is prohibited within 100 feet of a fireworks stand. <i>ARM 23.7.201</i>		
11	No fireworks shall be discharged within 100 feet of a fireworks stand. <i>§50-37-103(6), MCA; ARM 23.7.201(4)</i>		
12	Campers, camp trailers, motorhomes or similar vehicles shall be parked no closer than 25 feet next to a fireworks stand. The exit door of the camper, camp trailer, motorhome or similar vehicle shall be positioned away from the fireworks stand, so the vehicle exit door will be located 25 feet plus the width of the camper, camp trailer, motorhome or similar vehicle from the fireworks stand.		
13	SLEEPING IN THE FIREWORKS STAND IS PROHIBITED.		
ADDITIONAL COMMENTS/CORRECTIONS:			
APPROVED:		DISAPPROVED:	

A re-inspection may be conducted within _____ days.