

Title 7

HEALTH AND WELFARE

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7.01.010: DEFINITIONS

- A. "**Component Part**" means any identifiable part of a discarded, ruined, wrecked, or dismantled motor vehicle, including, but not limited to, fenders doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.
- B. "**Inoperative**" means a motor vehicle, trailer, camper, boat or other water craft which is not in operating **condition**, or which for a period of 30 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for its operation, or, on which there are displayed neither valid license plates or a valid tax decal.
- C. "**Junk**" means old appliances, equipment, or parts thereof, old iron or scrap metal, automobile or truck tires, cardboard, old lumber or scrap wood, rags, rope, paper, debris, rubble, batteries, rubber debris, mattresses, or any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage, for conversion to some other use or for reduction into components and is not part of a commercial or public salvaging or recycling operation.
- D. "**Junk Vehicle**" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, that is not lawfully and validly licensed and remains inoperative or **incapable** of being driven.
- E. "**Livestock**" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, **ostriches**, rheas, emus and domestic ungulates (hoofed mammals). [Ref: MCA §15-1-101]
- F. "**Motor Vehicle**" means a vehicle designed to be propelled by its own power and designed or used to transport persons or property upon public highways, streets, or alleys.
- G. "**Person**" means any individual, firm, partnership, company, association, corporation, governmental entity or other private entity, whether organized for profit or not.
- H. "**Poultry**" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

I. **"Public View"** means any point six feet above the surface of the center of a public road from which a condition of violation can be seen.

J. **"Public Nuisance Defined"**

1. **Public Nuisance** means:

- a. A **condition** which endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons, including but not limited to, the following:

The enumeration, below, shall not be deemed exclusive, but merely illustrative, it being the intent and purpose of this subsection to include as nuisances, all actions or things of the character described in subsection 1.a., above.

- 1.) **Accumulating**, maintaining or storing in public view on any lot or other parcel of land, any abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, household fixtures or equipment, or junk. If such material is being accumulated as part of an ongoing, active salvage business other than an approved licensed motor vehicle wrecking facility, the salvage business must be located in a properly zoned area for such a business and shall be fully shielded from public view;
- 2.) **Accumulating**, maintaining or storing in public view on any lot or other **parcel** of land any junk vehicle, component part of a motor vehicle, or any abandoned, wrecked, dismantled, or inoperative trailers, campers, boats or other water craft. Any person possessing one or more junk vehicles, regardless of ownership, shall shield the vehicles from public view or remove the vehicles to a licensed motor vehicle wrecking facility or to a licensed motor vehicle graveyard, as defined by MCA §75-10-501 annotated;
- 3.) **Dumping**, piling, or stacking of bricks, concrete blocks, waste wood and similar material on any lot or other parcel of land, and said material should be stacked in neat piles and all waste materials from the cleaning of such items, such as mortar, wood splinters, broken and unusable bricks, are removed;
- 4.) **Accumulating**, maintaining or storing of a significant amount of cardboard **boxes**, broken packing boxes, paper, or other similar items on any lot or other piece of land;
- 5.) **Maintaining** or **accumulating** on any lot or other parcel of land, garbage, **refuse**, decaying vegetation, animal bedding, waste or feces, cesspool, septic tank, water holes, unsealed water tanks, stagnant water, or any other condition which is or may reasonably become infested or inhabited by rodents, reptiles, vermin or wild animals or may furnish a breeding place for mosquitoes or flies;

- 6.) Maintaining, or causing or permitting the same on any lot or other parcel of **land**, any building or premises which is determined to be dangerous or dilapidated. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous or dilapidated building, if such conditions or defects exist to the extent that the life, health, property, value of property or safety or the occupants or the public are jeopardized:
 - a.) **Broken** or missing window or windows which have remained in such condition for a period exceeding 15 days.
 - b.) **Broken** or missing exterior door or doors which have remained in such condition for a period exceeding 15 days.
 - c.) Holes in the roof or exterior walls, other than normal construction, **which** have remained in such condition for a period exceeding 15 days.
 - d.) Fire or other casualty damage in public view which remains **unrepaired** for a period exceeding six months.

A **building** which is undergoing construction or remodeling for which a valid building permit has been issued by the city shall not be deemed in violation of this subsection so long as work thereon is prosecuted with reasonable diligence and so long as the building permit has not expired.

- b. Any **premises** where persons gather for the purpose of engaging in unlawful conduct;
 - c. A condition which renders dangerous for passage any public highway or right-of-way or waters used by the public.
2. A person commits the offense of maintaining a public nuisance if such person knowingly creates, conducts or maintains a public nuisance. The owner of a parcel of property and the occupant of the parcel of property are jointly and severally liable for any violation of this section. There is a rebuttable presumption that the person named as owner of the property on the current assessment list of the state department of revenue is the owner of the property for purposes of this chapter.
 3. Any act which affects an entire community or neighborhood or any considerable number of persons (as specified in subsection 1.a. of this section) is no less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.
 4. **This** section shall be applicable in and enforced on all classifications of property listed under **Title 11**, pertaining to zoning.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.020: LIVESTOCK AND/OR POULTRY AS A NUISANCE

- A. It shall be unlawful for any person to keep any livestock and/or poultry, domestic or otherwise, in the city unless written authorization from the city is issued.
 1. Any persons desiring to keep livestock in the city must have a minimum of 1 acre for each animal, up to two (2).

- a. A permit is issued by the City and MUST be inspected and approved by the City Code Enforcement Officer with final approval by the Public Works Committee.
- b. No livestock shall be kept within one hundred (100) feet of any neighboring house or dwelling.
- 2. Poultry, domestic or otherwise, in the city must have a permit issued by the City and MUST be inspected and approved by the City Code Enforcement Officer with final approval by the Public Works Committee. A Permit will be allowed for up to 6 poultry with absolutely no roosters allowed.
- B. At no time shall a person allow animal waste or carcasses to accumulate or be permanently disposed of on the property.
- C. If, at any time, a complaint is received (in writing) from any surrounding neighbor that the permitted animal(s) affect public safety, comfort or health the City Agencies may, rescind the permit and the owner must remove the animal(s) from the property within 5 days of notice.
 - 1. It shall be unlawful for any person to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.
 - 2. When livestock or poultry has been removed for a time period exceeding 90 days, the permit will be invalid and the owner must reapply for a new one.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.030: ACCUMULATIONS UPON PREMISES AND IN STREETS

- A. It shall be unlawful for any person, within the limits of the City to throw or deposit rubbish, debris or junk of any kind in any of the streets or alleys, or upon the lots adjoining to any streets or alleys, or allow the same to accumulate upon the premises occupied by any person so as to become offensive, injurious or dangerous to health.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.040: DEPOSITING OF DEBRIS IN PUBLIC WAYS AND IN CREEKS AND RIVERS PROHIBITED

- A. It shall be unlawful for any person, to dump, deposit or otherwise place in any public way creek or river, or in the bed thereof, within the City limits, any waste matter, garbage, refuse, junk, dead animals, putrid or decaying matter of any kind, or other discarded materials or substances.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.050: WEEDS AND GRASS(ES) - PROHIBITED

- A. It shall be unlawful for any person or property owner to knowingly permit any grass or ~~noxious or non-noxious weeds~~ herbaceous plants to grow that might create a fire hazard, blight or public safety hazard.

- 1. Grasses and herbaceous plants (excluding cultivated gardens) shall not be allowed to exceed eight (8) inches in height.

- B. It is unlawful for property owners to permit noxious weeds to propagate. (MCA 7-22-2116)

C. Property owners are also responsible for caring for and maintaining their property, to include the area adjacent to their property (i.e. boulevards) up to the middle of the alley and the street.

D. Notice of violations will be posted at the violating property or sent via (certified) mail to the registered property owner. Failure to correct the violation within 14 days may result in a citation which includes a flat fee per violation as set by resolution and the City taking corrective action and charging any cost to the property owner.

1. Fee for violation correction to be set by resolution.

a. This fee will be based on a base rate per square footage of correction.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7]; Ordinance xxx – x/x/xxxx: Effective x/x/xxxx)

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7.01.060: MAINTENANCE OF SIDEWALKS/OBSTRUCTIONS

A. Refer to City Code Chapter 12.06.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.070: ABATEMENT BY THE CITY.

- A. If within the time allowed the nuisance has not been abated by a person responsible, the City Agencies may order the nuisance to be abated by taking any action deemed appropriate including but not limited to removing and disposing of any items creating the nuisance in any manner deemed appropriate by the City, and the City may retain any proceeds of such disposition.
- B. City Agencies shall post a notice at the site of the nuisance and personally serve the responsible party or send the person responsible for the nuisance a certified letter advising that the abatement process begin within ten (10) days of receipt of the letter.
- C. The City Agencies, or contractors acting under the direction of the City Agencies, shall have the right at reasonable times to enter into or upon the subject property in accordance with the law to abate the nuisance and remove and dispose of all items creating the nuisance. If a person in lawful control of the property or the subject part thereof refuses to give the City permission to enter upon the property to abate the nuisance, the City Agency shall comply with legal requirements prior to entering the property.
- D. If the City Agencies, in their reasonable discretion, determines that the alleged public nuisance presents an emergency, then they shall issue a citation and may take immediate action to abate the public nuisance. In such circumstances, the City employees shall have authority to contact Law Enforcement Agencies and to request their assistance in abating the nuisance.
- E. If the City Agencies, in their reasonable discretion, determines that the alleged public nuisance is not an emergency, then they shall provide a notice to the owner or occupant, if any, advising the owner and occupant of the complaint and requesting that the alleged public nuisance be abated within a period of not more than ten (10) days. The City Agencies shall re inspect at the end of the ten (10) day period. If the owner or occupant has not abated the alleged public nuisance within the time required by the notice, then

the City Agencies shall issue a citation and take those actions reasonably necessary to abate the alleged public nuisance.

- F. Notice to the owner shall be given by certified mail, return receipt requested, addressed to the owner or owners as named in the most current assessment list. Notice to the occupant shall be given by personal service, by certified mail, return receipt requested, addressed to the occupant at the physical address of the property, or by posting notice in a conspicuous place upon the property. Notice is deemed given upon its mailing, personal service or posting.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.01.080: VIOLATIONS/PENALTY.

- A. Violations of any of the above provisions will be subject to a fine as set forth by resolution.
- B. Any person or entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a civil infraction which shall be punishable by fine.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which the City has incurred in connection with the infraction. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

Chapter 7.02: GARBAGE COLLECTION

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7.02.010: DEFINITIONS

- A. **Garbage:** Refuse, rubbish, waste and trash from residential or commercial activities, including every kind of refuse, accumulation of animal, fruit or vegetable matter, liquid or otherwise, waste sweepings, paper, ashes and all other refuse and filth.

Garbage does not include yard trash, such as branches or clippings, which is customarily a product of yard or garden tending.

- B. **Receptacle or Refuse Container:** Containers that hold or contains garbage.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.020: REFUSE CONTAINER TO BE PROVIDED

- A. It shall be the duty of the City of Deer Lodge to provide a refuse container for residential and commercial collection.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.030: ALL GARBAGE TO BE PLACED IN RECEPTACLES

- A. It shall be the duty of every property owner, agent or occupant of any and every building used for human habitation or place of business within the City to cause all garbage from said premises to be put into receptacles for that purpose.
- B. All garbage should be properly bagged or contained and no bulky materials such as wood, cardboard boxes, metal or yard trash shall be placed in the receptacles.
- C. The property owner, agent or occupant shall be charged with keeping garbage placed in receptacles intact. If for any reason garbage is dumped or displaced from its receptacle the said property owner, agent or occupant shall immediately restore said garbage to its

receptacle. Upon notification by any law enforcement agency of garbage being dumped or displaced it shall be immediately cleaned up and placed in the appropriate receptacle.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.040: DESTRUCTION OF RECEPTACLE OR REFUSE CONTAINER

- A. It shall be unlawful for any person, agent or owner to willfully destroy or damage garbage receptacles. Receptacles damaged or destroyed in any manner will be replaced and shall be the responsibility of the offending property owner, agent or occupant to incur any and all associated costs.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.050: RECEPTACLES TO BE PLACED FOR CONVENIENT REMOVAL

- A. Every property owner, agent or occupant of any and every building as described in this chapter shall cause the said receptacles to be placed in a convenient area upon or near said premises as is most suitable for the removal by the person or persons authorized to do so.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.060: NO PERSON TO INTERFERE WITH GARBAGE OR GARBAGE COLLECTION

- A. No person other than the owner or authorized collector shall interfere with or disturb any garbage receptacle, nor shall any unauthorized person molest, hinder, delay, or in any other manner interfere with any garbage collector in the discharge of their duties.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.070: REMOVAL OF GARBAGE ONCE A WEEK

- A. All garbage accumulated at private dwellings or residences shall be removed or collected once a week or as needed excluding holidays.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.080: BUSINESS GARBAGE TO BE REMOVED DAILY

- A. All garbage accumulated at any business, shall be removed or collected Tuesday through Friday or as needed excluding holidays.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.090: GARBAGE VEHICLES TO BE MAINTAINED

- A. It shall be the duty of every owner, keeper or driver of any truck, automobile or other vehicle used in the collecting, gathering or transportation of garbage to make and keep such vehicle covered and cleaned; and such person shall observe the rules and regulations passed and approved by the Powell County landfill.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.100: UNLAWFUL DUMPING PROHIBITED

- A. It shall be unlawful for any person to deposit for collection any garbage or bulky trash item not produced at the address from which collection is made or to bring any garbage from one address to another for the purpose of taking advantage of the collection service.

- B. It shall be unlawful for any person, agent, occupant or business whose lawful residence or place of business is not served by the city garbage collection service to dispose of their garbage by any means within the City.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.110: CHARGE FOR GARBAGE COLLECTION

- A. Garbage collection fees shall be set by resolution.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.02.120: VIOLATIONS: PENALTY

- A. Violations of any of the above provisions will be subject to a fine as set forth by resolution.
- B. Any person or entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a civil infraction which shall be punishable by fine.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which the City has incurred in connection with the infraction. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

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Chapter 7.03: BURNING OF REFUSE

SECTIONS:

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7.03.010: OUTSIDE BURNING PROHIBITED

- A. It shall be unlawful to burn any garbage or any other refuse outside of any building at any time in the City. No person shall start or maintain any outdoor burning ~~or~~ open burning ~~or camp fire~~ and no materials shall be burned upon any street, curb, gutter or sidewalk except as described in 7.03.020: Burning for Personal Enjoyment.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.03.020: BURNING FOR PERSONAL ENJOYMENT

- A. Outdoor fire pits, fireplaces, and chimneys for cooking, ceremonies, or recreation are allowed provided they are contained in an enclosed area, such as a pit or a ring and should include a fire screen.
- B. Outdoor fire pits, fireplaces, and chimneys should be located at least a minimum of twenty (20) feet of any building or property line.

C. Restrictions

1. Uncontained (not enclosed within an adequate fire ring) campfires are not allowed at any time.

~~B-2.~~ Whenever Powell County adopts Stage 2 or higher Fire Restrictions, any wood-burning fire pits within the City Limits of Deer Lodge shall not be permitted until the Fire Restrictions are decreased below Stage 2.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.03.030: LAW ENFORCEMENT AGENCIES

- A. Any law enforcement agency shall have jurisdiction with respect to enforcement and regulation of this chapter.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.03.040: LIABILITY

- A. A person utilizing or maintaining any outdoor fire which necessitates control and/or extinguishment by the City Fire Department shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.03.050: VIOLATIONS; PENALTY

- A. Violations of any of the above provisions will be subject to a fine as set forth by resolution.

- B. Any person or entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a civil infraction which shall be punishable by fine.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which the City has incurred in connection with the infraction. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

Chapter 7.04: FIREWORKS

SECTIONS:

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[7.04.070 VIOLATIONS, PENALTY](#)

7.04.010: FIREWORKS DEFINED

- A. It shall be unlawful to sell, transport, or use any fireworks within the City of Deer Lodge except as provided by this chapter.
- B. The term *fireworks* shall mean and include 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.
- C. It shall be lawful for any individual, firm, partnership, corporation or association to possess for sale within the City, sell or offer for sale, at retail, or use, within the City, lawfully permissible fireworks.
- D. It shall be unlawful for any individual under the age of eighteen (18) to possess for sale, sell, or offer for sale, within the city of Deer Lodge, permissible fireworks herein enumerated,
- E. It shall be unlawful for any individual, firm, partnership in, or corporation to discharge or cause to be discharged any pyrotechnics of any description whatever within the exterior boundaries of any city park or city recreation area, or within 200 feet of any temporary trailer, building, or structure licensed to sell fireworks at retail.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.04.020: RESTRICTED SITES AND TIME LIMITATION FOR RETAIL SALE AND USE OF FIREWORKS

- A. Any temporary trailer, building, or structure used for the sale or storage of fireworks must conform to general permissible safety standards and be approved by the city Fire Chief or law enforcement agency.
- B. No structure may be placed upon an approved site prior to June 28 and such structure must be removed on or before July 6.
- C. No structure shall be allowed to be placed within 10 feet of an adjoining property line.

D. No fireworks shall be discharged or fired within 200 feet of a licensed structure and signs reading "It shall be unlawful to discharge or fire or cause to be fired any fireworks within 200 feet of this building" shall be displayed.

E. The sale at retail or use of fireworks will only be permissible between June 30 and July 4⁵, both dates inclusive.

~~E.F. Permitted use of fireworks will also be permissible on December 31st and January 1st, both dates inclusive.~~

G. No fireworks will be permitted to be fired after 10:00 p.m. on permitted days, except on July 4. (Ord.67, 11-92)

H. Exceptions:

1. ~~July 4th – July 5th.~~

~~a. No fireworks will be permitted to be fired after 1:00 a.m. on July 5th.~~

2. ~~December 31st – January 1st.~~

~~a. No fireworks will be permitted to be fired after 1:00 a.m. on January 1st.~~

~~F.b.~~

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.04.030: PERMIT FOR DISPLAY OF FIREWORKS

A. Except as hereinafter provided, it shall be unlawful for any person, firm, association or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks within the corporate limits of the City; provided that the Public Works Committee shall have the power to grant permits for supervised public display of fireworks to be held within the corporate limits of the City by fair associations, amusement parks or other organizations or groups of individuals.

B. Every such display shall be handled by a competent operator to be approved by the Public Works Committee and shall be of such a character, and so located, discharged or fired as in the opinion of the Public Works Committee, after proper inspection, shall not be hazardous to property or endanger any person or persons.

C. Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.04.040: BOND OF LICENSEE

A. The City shall require a bond deemed adequate from the licensee in a sum not less than five hundred dollars (\$500.00) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

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7.04.050: CONFISCATION

- A. Any law enforcement agency shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.04.060: LIABILITY

- A. A person utilizing any fireworks which necessitates control and/or extinguishment by the City Fire Department shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(Ordinance 150 – 6/18/2012: Effective 7/18/2012 [Repeals/Replaces all Title 7])

7.04.070: VIOLATIONS; PENALTY

- A. Violations of any of the above provisions will be subject to a fine as set forth by resolution.
- B. Any person or entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a civil infraction which shall be punishable by fine.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which the City has incurred in connection with the infraction. In addition, the City shall have the right to proceed in any court of competent jurisdiction

(Ordinance 150 June 18, 2012: Effective July 18, 2012)