**CHAPTER 2**

FIREWORKS

SECTION:

7-2-1: Sale, Possession And Use Of Fireworks

7-2-2: Supervised Public Display Of Fireworks

7-2-3: Where Chapter Does Not Apply

7-2-1: SALE, POSSESSION AND USE OF FIREWORKS:

A. It shall be unlawful to sell, transport or use any fireworks within the city, except as hereinafter provided.

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 an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sparklers or any 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 regulation shall be construed as applying to toy caps containing not more than twenty five one-hundredths (25/100) of a grain of explosive composition per cap and 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.

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, the permissible fireworks enumerated herein and in compliance with the other conditions set forth in this chapter.

"Permissible fireworks", as that term is used in this chapter, shall be understood to mean those fireworks defined in section 50-37-105 Montana Code Annotated, specifically including, and being limited to, the following:

1. Helicopter type spinners, total pyrotechnic composition not to exceed twenty grams (20 g) in weight. The inside tube diameter shall not exceed one-half inch (½").

2. Cylindrical fountains, total pyrotechnic composition not to exceed seventy five grams (75 g) each in weight. The inside tube diameter shall not exceed three-fourths inch (3/4").

3. Cone fountains, total pyrotechnic composition not to exceed fifty grams (50 g) each in weight.

4. Wheels, total pyrotechnic composition not to exceed sixty grams (60 g) for each driver unit or two hundred forty grams (240 g) for each complete wheel. The inside tube diameter of driver units shall not exceed one-half inch (1/2").

5. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams (100 g) each in weight.

6. Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate, shall not exceed five grams (5 g). Sparklers, the composition of which does not exceed one hundred grams (100 g) each.

7. Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches (1 1/2") in length or one-quarter inch (1/4") in diameter, total pyrotechnic composition not to exceed two (2) grains each in weight.

8. Whistles without report, total pyrotechnic composition not to exceed forty grams (40 g) each in weight.

9. Railway fuses, other fireworks used by railroads or other transportation agencies for signal purposes or illumination, truck flares, hand ship distress signals and illuminating torches. Total pyrotechnic composition of illuminating torches not to exceed one hundred grams (100 g) each in weight. (Ord. 381, 5-18-1987)

D. No person shall offer fireworks for sale to individuals at retail before June 27th and after July 4th in any year, as well as before December 29 and after 12:30 AM on January 1st in any year. Any person proposing to offer fireworks for sale shall first obtain a permit from the city fire chief, and all sellers of fireworks shall be subject to the provisions of this code relating to solicitors' permits

E. No fireworks may be offered for sale within three hundred feet (300') of a hospital or church or within two hundred seventy five feet (275') of a residence or any establishment selling or storing gasoline, kerosene, diesel fuel, any other similar highly flammable material or any explosive material of any nature.

F. It is unlawful for any individual, firm, partnership or corporation to discharge or cause to be discharged any permissible fireworks within one hundred feet (100') at a fireworks sales location, from inside or toward a motor vehicle, or in the vicinity of another person or group of people or any animal in a manner likely to expose them to the risk of injury.

G**. Permissible fireworks may not be discharged before nine o'clock (9:00) A.M. or after eleven o'clock (11:00) P.M. June 27th to July 3rd and may not be discharged on any day on which it would be unlawful to sell such fireworks, except that fireworks may be sold or discharged until midnight (12:00) A.M. on July 4th and 12:30 AM on January 1st. Permissible fireworks may not be sold before nine o'clock (9:00) A.M. or after ten o'clock (10:00) P.M. June 27th to July 4th. (Ord. 584, 10-19-2020)**

7-2-2: SUPERVISED PUBLIC DISPLAY OF FIREWORKS:

Except as hereinafter provided, it shall be unlawful for any person, firm, partnership, association or corporation to possess, offer for sale, expose for sale, sell or use or explode any fireworks; provided that the state fire marshal and the city council shall have power, under reasonable rules and regulations adopted by it, to grant permits for supervised public displays of fireworks to be held therein by municipalities, fair associations, amusement parks and other organizations or group of individuals. Every such display shall be handled by a competent operator to be approved by the state fire marshal or by the city council and shall be of such a character and so located, discharged or fired as in the opinion of the chief of the fire department or such other officer as may be designated by the council, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made pursuant to Title 5, Chapter 6 of the Ordinances of the City of Sidney. After such privilege shall have been granted, sales, possession, use, distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (Ord. 584, 10-19-2020)

7-2-3: WHERE CHAPTER DOES NOT APPLY:

Nothing in this chapter shall be construed to prohibit the sale of any kind of fireworks to a person holding a permit from the city at the display covered by such permits, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or when used in quarrying or blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or organizations composed of veterans of the United States army, navy or marine corps. (1960 Code)

[**23.12.501**](https://rules.mt.gov/gateway/ruleno.asp?RN=23%2E12%2E501)    RETAIL FIREWORKS SALE

(1) Anyone engaged in the retail sale of permissible fireworks, as defined in [50-37-105](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html), MCA, must obtain a permit if required by the applicable local jurisdiction. The provisions of this rule do not apply if a local ordinance has been adopted pursuant to [7-33-4206](http://leg.mt.gov/bills/mca/title_0070/chapter_0330/part_0420/section_0060/0070-0330-0420-0060.html), MCA, regulating or prohibiting the retail sale of fireworks.

(2) The retail sale of permissible fireworks may occur only from approved retail business establishments or approved fireworks stands as defined in ARM [23.12.401](https://rules.mt.gov/gateway/ruleno.asp?RN=23.12.401). Fireworks shall not be sold from or stored in any tent, canopy, or temporary membrane structure. Fireworks may be sold from a mobile trailer which is designed for the transportation of goods, or sold from a fireworks stand, but the public is not permitted inside any mobile structure for the purchase of fireworks.

(3) No person under the age of 18 shall be employed to sell or offer for sale permissible fireworks.

(4) No fireworks may be discharged within 100 feet of a fireworks stand.

(5) No smoking shall be allowed within the fireworks stand. At any place where permissible fireworks are sold or displayed, a sign reading "NO SMOKING" must be posted in letters at least four inches in height and one-half inch in stroke where customers are most likely to read it.

(6) Except as provided in (12), retail sale of fireworks shall be conducted from fireworks stands located at least 300 feet from a church or hospital, 50 feet from any flammable liquid dispensing device or installation, 50 feet from other inhabited areas, and 30 feet from any public roadway. There shall be 5 feet between stands, and 20 feet apart when stands are over 800 square feet aggregate.

(7) 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.

(8) Fireworks stands shall be equipped inside with at least one pressurized water extinguisher with a current tag and a minimum rating of 2A or one garden hose connected to and turned on to an available water supply.

(9) All weeds, dry grass, and combustible material shall be cleared for a minimum distance of 25 feet in all directions from a fireworks stand.

(10) Electrical wiring shall be in a safe condition, and if found upon inspection to be unsafe shall be upgraded to comply with the applicable provisions of the National Electrical Code (NEC) currently adopted by the Building Codes Division of the Department of Labor and Industry.

(11) Open flame devices of any kind are prohibited in or within 25 feet of any fireworks stand.

(12) Retail sale of fireworks from occupancies other than those authorized by this rule is prohibited, except that fireworks may be sold out of an existing retail business establishment under the following conditions:

(a) The amount of fireworks on display in the customer service area contains an aggregate of no more than one pound of pyrotechnic composition; and

(b) Remaining quantities of fireworks are stored in a cabinet or room designed and constructed to restrict smoke travel that is separate from the customer service area, that has a self-closing door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a one-hour fire resistant-rated barrier between the storage area and the customer service area. The fireworks must be stored in cabinets made of wood or equivalent material that is at least one inch thick, and each cabinet must contain no more than an aggregate of 5 pounds of pyrotechnic composition;

(ii) It is protected by a fire suppression sprinkler system approved by the FPIS or by a fire marshal of the local jurisdiction; or

(iii) The fireworks are contained in a cabinet with casters and constructed of wood at least one inch thick that is covered on all sides with 5/8-inch sheetrock.

(13) All fireworks stands shall be subject to inspection by the chief, or the chief's representative, in accordance with the IFC. Violations shall be handled in accordance with [50-61-115](http://leg.mt.gov/bills/mca/title_0500/chapter_0610/part_0010/section_0150/0500-0610-0010-0150.html), MCA. If immediate action is necessary to safeguard life and property, the chief may issue an order to remedy in accordance with [50-62-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0620/part_0010/section_0020/0500-0620-0010-0020.html), MCA.

History: [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), MCA; IMP, [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), MCA; NEW, 1991 MAR p. 1283, Eff. 7/26/91; AMD, 1996 MAR p. 439, Eff. 2/9/96; AMD, 1999 MAR p. 2860, Eff. 12/17/99; TRANS, from ARM [23.7.201](http://www.mtrules.org/gateway/ruleno.asp?RN=23.7.201), 2008 MAR p. 1467, Eff. 7/18/08; AMD, 2010 MAR p. 395, Eff. 2/12/10; AMD, 2013 MAR p. 1338, Eff. 7/26/13.

[**23.12.502**](https://rules.mt.gov/gateway/ruleno.asp?RN=23%2E12%2E502)    FIREWORKS REPACKAGING, STORAGE, AND SHIPPING

(1) All buildings where fireworks are stored, opened for repacking, repackaged, or prepared for shipping shall conform to the provisions of the 2012 International Building Code and the IFC. Where those codes are silent, NFPA pamphlet 1124 (2006 Edition) shall be applied.

(2) NFPA pamphlet 1124 (2006 edition), which is the code governing the manufacture, transportation, and storage of fireworks, and which can be found in the National Fire Code (NFC), is hereby incorporated by reference. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169.

History: [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), MCA; IMP, [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), MCA; NEW, 1991 MAR p. 1283, Eff. 7/26/91; AMD, 1999 MAR p. 2860, Eff. 12/17/99; TRANS, from ARM [23.7.202](http://www.mtrules.org/gateway/ruleno.asp?RN=23.7.202), 2008 MAR p. 1467, Eff. 7/18/08; AMD, 2010 MAR p. 395, Eff. 2/12/10; AMD, 2013 MAR p. 1338, Eff. 7/26/13.

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| [**23.12.503**](https://rules.mt.gov/gateway/ruleno.asp?RN=23%2E12%2E503)    OUTDOOR DISPLAY OF FIREWORKS  (1) Unless prohibited by local ordinance, supervised public displays of fireworks shall be conducted in accordance with [50-37-107](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0070/0500-0370-0010-0070.html), MCA, and applicable local ordinances. Where no local ordinance is in effect, the governing body of the city, town, or county shall be notified at least 15 days in advance of any outdoor display.  History: [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), [50-37-107](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0070/0500-0370-0010-0070.html), [50-37-108](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0080/0500-0370-0010-0080.html), MCA; IMP, [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html)(3), [50-37-107](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0070/0500-0370-0010-0070.html), MCA; NEW, 1991 MAR p. 1283, Eff. 7/26/91; AMD, 1999 MAR p. 2860, Eff. 12/17/99; TRANS, from ARM [23.7.203](http://www.mtrules.org/gateway/ruleno.asp?RN=23.7.203), 2008 MAR p. 1467, Eff. 7/18/08. |
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| [**23.12.504**](https://rules.mt.gov/gateway/ruleno.asp?RN=23%2E12%2E504)    GENERAL LIABILITY INSURANCE REQUIRED FOR PUBLIC DISPLAY OF FIREWORKS  (1) Any organization or group of individuals planning a public display of fireworks must provide proof to either the FPIS or the governing body of a city, town, or county, that the group has a general liability insurance policy in the amount of not less than $1,000,000 per occurrence.  (2) The proof of insurance must be provided with the application for permit referenced in [50-37-107](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0070/0500-0370-0010-0070.html), MCA, no later than 15 days prior to any public display of fireworks. The general liability insurance policy must be valid at the time of the public display.  (3) The general liability insurance policy must cover payment of any liability, including personal and property damages, arising out of the public display of fireworks.  (4) Although the general liability insurance must meet the requirements of [50-37-108](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0080/0500-0370-0010-0080.html), MCA, an insurance policy is permitted in lieu of a damage indemnity bond as damage indemnity bonds are no longer available for the public display of fireworks.  (5) Alternative methods of liability coverage may be approved if equivalent to the above-listed requirements.  History: [50-3-102](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0020/0500-0030-0010-0020.html), [50-3-103](http://leg.mt.gov/bills/mca/title_0500/chapter_0030/part_0010/section_0030/0500-0030-0010-0030.html), MCA; IMP, [50-37-108](http://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0080/0500-0370-0010-0080.html), MCA; NEW, 1999 MAR p. 2860, Eff. 12/17/99; TRANS, from ARM [23.7.204](http://www.mtrules.org/gateway/ruleno.asp?RN=23.7.204), 2008 MAR p. 1467, Eff. 7/18/08; AMD, 2010 MAR p. 395, Eff. 2/12/10. |
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Unlawful Sale, Transportation, Or Use Of Fireworks

**50-37-103. Unlawful sale, transportation, or use of fireworks.** (1) It is unlawful to possess, sell, transport, or use any fireworks within the state except as provided in this chapter.

(2) 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 [**50-37-105**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html).

(3) It is unlawful for a wholesaler to sell or offer for sale within the state fireworks without a current fireworks wholesaler permit or in violation of [**50-37-105**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html). It is lawful for a wholesaler, however, to transport fireworks within Montana for sale outside of the state.

(4) It is unlawful to sell or offer for sale fireworks as defined in [**50-37-101**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0010/0500-0370-0010-0010.html) or permissible fireworks as enumerated in [**50-37-105**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html) by mail order solicitation.

(5) It is unlawful to sell or offer for sale fireworks as defined in [**50-37-101**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0010/0500-0370-0010-0010.html) or permissible fireworks as enumerated in [**50-37-105**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html) within 300 feet of a hospital or church.

(6) It is unlawful for an individual, firm, partnership, or corporation to discharge or cause to be discharged any pyrotechnics, fireworks as defined in [**50-37-101**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0010/0500-0370-0010-0010.html), or permissible fireworks as enumerated in [**50-37-105**](https://leg.mt.gov/bills/mca/title_0500/chapter_0370/part_0010/section_0050/0500-0370-0010-0050.html):

(a) within the exterior boundaries of a state forest, state park, or state recreation area;

(b) within 100 feet of a fireworks retail sales location;

(c) from, inside, or toward a motor vehicle; or

(d) in the vicinity of another person or group of people or any animal in a manner likely to expose them to the risk of injury.

**History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(1), (5), (6), (8); amd. Sec. 1, Ch. 598, L. 1985.**