

TITLE 5

POLICE REGULATIONS

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CHAPTER 1

POLICE POLICY, PROCEDURE AND JURISDICTION

SECTION:

- 5-1-1: Police Policy And Procedure
- 5-1-2: Jurisdiction

5-1-1 : POLICE POLICY AND PROCEDURE: This section is reserved for use by the city for ordinances concerning police policy , procedures, and other police administration ordinances. (Ord. 291, 12-1988)

5-1-2: JURISDICTION: The police of the city are authorized to make arrests of persons charged with crime within the limits of the city and within five (5) miles thereof and along the line of water supply of the city. (Ord. 292,12-1988)

CHAPTER 2

GENERAL OFFENSES

SECTION:

- 5-2-1: Prohibited Sexual Behavior
 5-2-2: Public Drinking, Public Display Or Exhibition Of Alcoholic Beverages
 5-2-3: Coasting Or Sliding
 5-2-4: Placing Signs Or Posters On City Poles

5-2-1: PROHIBITED SEXUAL BEHAVIOR:

A. Prohibited Acts:

1. There shall be no performance of acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts in a public place.
2. There shall be no public performance of actual touching, caressing or fondling of the breasts, buttocks and/or genitals of a person in a public place.
- 3, There shall be no public display of pubic hair, anus , vulva or genitals or the areola of a female during a public performance .

- B. Penalty: A person convicted of a nude performance in a public place shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 295,7-1989; amd. 2010 Code)

5-2-2: PUBLIC DRINKING, PUBLIC DISPLAY OR EXHIBITION OF ALCOHOLIC BEVERAGES:

- A. Definitions : The following words and phrases used in this section shall be defined as follows:

BEER:	As set forth in Montana Code Annotated section 16-1-106.
LIQUOR:	As set forth in Montana Code Annotated section 16-1-106.
MOTOR VEHICLE:	Every vehicle which is self-propelled by which any person or property is , or may be, transported or drawn upon a public highway.
PUBLIC DISPLAY OR EXHIBITION OF BEER, TABLE WINE OR LIQUOR:	The carrying and exhibiting of open cans or bottles of beer, or the carrying and exhibiting of glasses or other types of containers containing beer, table wine or liquor, to any "public place" as defined in this section , or to , in , on or within any motor vehicles while parked or operated on any "public place" as defined in this section; but does not include carrying or transporting such beer, table wine or liquor from retail liquor or beer establishments in sacks , cases, boxes, cartons or other similar containers with unbroken seals when no display or exhibition is made, nor transporting from private residences.
PUBLIC DRINKING:	The drinking or consuming of beer, table wine or liquor in any "public place " as defined in this section, or within or upon any motor vehicle while parked or operated in any "public place" as defined in this section .
PUBLIC PLACE:	All streets, avenues, alleys, stadiums, athletic fields, public parks , sidewalks, public parking lots and motor vehicles when parked or operated on streets , avenues, alleys, athletic fields , public parks or public parking lots within the city limits . For purposes of this definition , a public parking lot shall be deemed to be any parking lot , whether owned by the city or by private individuals, to which the general public has access to park.

- B. Prohibited: "Public drinking" and "public display or exhibition of beer, table wine or liquor" as defined herein is hereby prohibited, and it shall be unlawful for any person to engage in "public drinking" as

herein defined within the limits of the city, and it shall be unlawful for any person to engage in any "public display or exhibition of beer, table wine or liquor" as herein defined within the city.

- C. Notice: The owner of every business licensed to sell liquor, table wine and beer at retail within the city limits shall obtain from the city clerk-treasurer and post in a conspicuous place inside said premises adjacent to each exit a notice reading as follows:

NOTICE

It is a misdemeanor punishable upon conviction by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, to leave any premises licensed to sell beer, table wine or liquor at retail with an open container or an empty container of beer, table wine or liquor.

Failure to post such notice shall be deemed a misdemeanor and punishable as such.

- D. Permit For Gathering:

1. Power To Grant: The mayor may grant a permit to a group of citizens or an organization to allow the public consumption of alcoholic beverages including beer and table wine in any city parks or public parking lots. (Ord. 315, 4-10-1996; amd. 2010 Code)

2. Application: Before any such permit shall be granted, application shall be made to the chief of police at least two (2) weeks prior to the event.

3. Size Of Group; Deposit: No permit shall be issued for a group of fewer than ten (10) persons. For groups between ten (10) and twenty (20) persons, a fifty dollar (\$50.00) deposit shall be required. For groups of twenty (20) persons or more, a one hundred dollar (\$100.00) deposit shall be required.

4. Refund Of Deposit: The deposit shall be held by the city to ensure that the park grounds or public parking lots are left free of refuse. The grounds or lots must be cleaned of all litter or refuse from the event by ten o'clock (10:00) A.M. of the day following the event, and after the grounds have been checked by a city police officer and determined to have been properly maintained, the deposit shall be

refunded in full. If the grounds or lots have not been properly maintained, the deposit money shall be used to offset the cost of necessary cleanup.

5. Glass Containers Prohibited: In no event shall any beer in glass containers be brought into the parks or public parking lots, nor shall any alcoholic beverage other than beer be brought into the parks or public parking lots.

6. Noise; Disorderly Conduct: Violation of any city ordinances regarding excessive noise, disturbance of the peace or disorderly conduct during the event shall be grounds for the immediate revocation of such permit.

7. Hours Permitted: Permits shall be valid from ten o'clock (10:00) A.M. until ten o'clock (10:00) P.M. on the day of the event only, unless otherwise specified, in writing, by the city council.

8. Indemnification: Where any city property or facilities are used for a special event, each applicant must indemnify and hold the city harmless for any and all liability arising out of the use of said property or facility. (Ord. 315, 4-10-1996)

- E. Restroom Facilities: If a permit is issued for a public place that does not have permanent restroom facilities, the person or organization requesting the permit shall provide temporary restroom facilities. (Ord. 315, 4-10-1996; amd. per correspondence dated 2-9-2009)
- F. Penalty: A violation of this section shall be deemed a misdemeanor, and shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 315, 4-10-1996; amd. 2010 Code)

5-2-3: COASTING OR SLIDING: It is unlawful for any person to coast or slide except as posted in or upon any street used by the public within the corporate limits of the city; or to coast or slide in or upon any street within the corporate limits of said city which intersects with any street used by the public at said point of intersection. (1985 Code § 9.02.01)

5-2-4: PLACING SIGNS OR POSTERS ON CITY POLES: It shall be unlawful for any person to place any sign, poster, placard, advertisement or card upon any telegraph, telephone or electric light pole, or upon any pole belonging to the city, or any flag pole, or upon any street

sign or marker belonging to the city or the state highway commission or to the bureau of public roads, in or upon any street or alley in the city. (1985 Code § 9.04.01)

CHAPTER 3

ANIMAL CONTROL 1

ARTICLE A. ANIMALS

SECTION:

- 5-3A-1 : Definitions
- 5-3A-2: Certain Animals Prohibited
- 5-3A-3: Care Of Animals
- 5-3A-4: Running At Large
- 5-3A-5: Public Nuisance

5-3A-1 : DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ANIMALS: Includes any living creature, domestic or wild, kept within the city, specifically excluding dogs and cats.

OWNER: In addition to its usual meaning, includes the parents or legal guardians of minors who own animals kept within the city, and shall also include any person who shall harbor or habitually permit an animal or animals to be kept or fed on or about such person's property. (1985 Code §§ 8.04.01, 8.04.02; amd. 201 0 Code)

5-3A-2: CERTAIN ANIMALS PROHIBITED:

A. Keeping Prohibited: No person shall keep within the city limits any cattle, horses, mules, sheep, goats, fowl, swine, rabbits or other wild

1. See section 5-38-12 of this chapter for provisions prohibiting the poisoning of animals or cruelty to animals. See section 5-38-13 for provisions prohibiting the provoking, teasing or tormenting animals..

or domesticated animals; provided, however, that this section shall not be applicable to cats, dogs, or other household pets. (1985 Code § 8.02.01)

- B. Penalty: Any person violating the provisions of this section shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (1985 Code § 8.02.02; amd. 2010 Code)

5-3A-3: CARE OF ANIMALS: It shall be unlawful and a violation of this chapter for an owner to keep an animal within the city without providing such animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, adequate space, clean and wholesome enclosure, and humane care and treatment. (1985 Code § 8.04.03)

5-3A-4: RUNNING AT LARGE: It shall be unlawful and a violation of this chapter for an owner to permit an animal to run at large in the city. (1985 Code § 8.04.03)

5-3A-5: PUBLIC NUISANCE:

- A. Unlawful: It shall be unlawful and a violation of this chapter for an owner to fail to properly care for an animal within the city to prevent it or them from becoming a public nuisance. (1985 Code § 8.04.04)
- B. Nuisance Declared: Failure to provide the care required in section 5-3A-3 of this article shall result in such animal being deemed a public nuisance. (1985 Code § 8.04.04)
- C. Abatement: The city may bring a civil action in any appropriate forum for the abatement of a public nuisance arising hereunder. (1985 Code § 8.04.05; amd. 2010 Code)

CHAPTER 3

AN I M A L CONTROL

ARTICLE B. DOGS

SECTION:

5-38- 1:	Purpose
5-38- 2:	Licenses And Registration
5-38- 3:	Tag And Collar
5-38- 4:	Running At Large
5-38- 5:	Impoundment
5-38- 6:	Rabies
5-38- 7:	Nuisance Animals
5-38- 8:	Vicious Dogs
5-38- 9:	Investigation
5-38-10:	Right To Seize
5-38-11 :	Interference
5-38-12:	Cruelty To Animals; Poisoning
5-38-13:	Provoking Animals
5-38-14:	Illegal Opening Of Pound
5-38-15:	Supervision Of Pound
5-38-16:	Private Dog Kennels
5-38-17:	Penalty

5-38-1: **PURPOSE:** The city council has determined it to be in the best interest of the inhabitants of the city that dogs within the city limits be properly controlled and licensed. Enforcement of this article shall be primarily the responsibility of the dog warden or poundmaster (if any shall have been appointed), the city marshal and such other individuals that may from time to time be designated by the city council. All persons so designated shall have the right to arrest or cause to be arrested any person or persons, to serve summons or warrants of arrest and notices to appear upon any persons who may violate the provisions of this chapter and to otherwise take such action as may be reasonably necessary to enforce the provisions hereof as the same relate to dog control licensing. (Ord. 317, eff. 7 -13-2009)

5-38-2: LICENSES AND REGISTRATION:

- A. License Required: It is unlawful for any person to keep , maintain or harbor in the city any dog over five (5) months of age unless the dog is duly registered and licensed as herein provided . License shall be issued by the city clerk-treasurer or by duly appointed license agents , upon payment of an annual license fee .
- B. Fees: Every person registering a neutered male or spayed female dog shall pay license fees of five dollars (\$5.00) per dog and every person registering an unspayed female or unneutered male shall pay license fees of fifteen dollars (\$15.00) per dog . Citizens who will be sixty (60) years of age or older in the licensing period shall pay only one-half (1/2) of the regular licensing fee. Licenses for dogs used to assist persons with disabilities shall be furnished without charge. (Ord. 317, eff. 7-13-2009; amd . 2010 Code)
- C. Dogs Newly Brought Into City Limits: Dogs newly brought into the city limits shall be registered within thirty (30) days .
- D. Owner Required To Obtain License: Licenses must be obtained by the owner of the dog in question and licenses shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner . For these purposes , "owner" shall be deemed to be any person who is the actual owner of said dog or who shall harbor it or let it habitually remain or be fed in or about his house , store , enclosure or premises.
- E. Exemptions: This section shall not apply to nonresidents having dogs under leash within the city for less than fifteen (15) days or to any dogs brought into the city for exhibition. (Ord. 317, eff. 7-13-2009)
- F. Vaccination Certificate: At the time of application for a new license or renewal of a license of a dog that is over the age of three (3) months, the applicant shall be required to provide to the city clerk-treasurer a veterinarian's certificate showing the dog has current vaccinations against rabies . (2010 Code)
- G. Term; Renewal: All licenses issued for dogs shall expire on December 31 of each year and licenses for the current year must be obtained on or before February 15 of that year. Failure to purchase a license by February 15 shall result in a late charge to be set by the city council. (Ord. 317, eff. 7-13-2009)

5-38-3: TAG AND COLLAR:

- A. Issuance Or Certificate And Tag: Upon receipt of a proper application and the license fee, the city clerk-treasurer or license agent shall issue to the applicant a license certificate and metallic tag .
- 8. Metal Tag: It shall be the duty of the city clerk-treasurer to provide a metallic tag of such size and shape as he or she shall deem expedient. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the application and certificate of license.
- C. Registry: The city clerk-treasurer shall keep the dog registry and the city shall provide him or her with the necessary books and metallic tags.
- D. Collar: It shall be the responsibility of the owner of the dog to provide the dog with a substantial collar to which the license tag shall be affixed at all times. Any dog found off the owner's premises without a license tag shall be deemed to be not licensed even though a license has been issued for such dog.
- E. Duplicate Tag: In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the city clerk-treasurer upon presentation of an affidavit to that effect and the payment of a fee of one dollar (\$1 .00) for the duplicate license.
- F. Transferability: License tags are not transferable from one dog to another, and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it was not issued. Any dog found with a license tag issued for another dog shall be deemed not to be licensed.
- G. Refunds: No refund shall be made on any dog license fee because of the death of the dog or the owner leaving the city before the expiration of the license period. (Ord. 317, eff. 7-13-2009)

5-38-4: RUNNING AT LARGE:

- A. Definition: "At large" shall mean off the premises of the owner and not under the immediate control of the owner or a member of his family either by leash, cord or chain not to exceed six feet (6') in length. Any dog not so restrained shall be considered to be at large

except that dogs which are at all times at the obedience of their master by being confined within a vehicle or by being "at heel" shall not be considered to be "at large".

8. Declared Nuisance; Prohibited: The practice of any dogs running at large within the city limits is hereby declared to be a nuisance, harmful to lawns, gardens, shrubs, trees and other property, and an interference in the orderly administration of the school systems and the conduct of affairs within the city and is hereby prohibited. No person owning or having the custody, control or possession of a dog shall permit said dog to be at large within the city limits at any time. (Ord. 317, eff. 7-13-2009)

5-38-5: IMPOUNDMENT:

- A. Authority To Impound: Unlicensed dogs or dogs found at large and not under restraint may be taken up by the poundmaster or any law enforcement officer and impounded. Any dog may be taken up and impounded by using a tranquilizer gun or by any other means deemed effective and appropriate by the enforcement officer.
8. Register: Impounding authorities shall make a complete register of every dog impounded showing breed and sex of animal, date and location of the place of taking, the name of the owner, if known, and the date of redemption or date and means of disposing of the dog.
- C. Notice Of Impoundment: In addition, if the owner of an impounded dog can be identified by the license tag or any other means, the impounding authorities shall forthwith notify the owner by telephone or other expedient means of the fact of impoundment.
- D. Redemption: It is hereby declared to be the duty of every owner of any dog or other animal to know its whereabouts at all times. In the event that a dog shall have been impounded, the owner shall redeem the same within seventy two (72) hours or it shall be subject to disposal by authorities as hereinafter provided .
- E. License And Impoundment Fees: Dogs which shall have been impounded may be redeemed by paying the license fee, if appropriate , and an impoundment fee to be set by the city council for each twenty four (24) hour period or part thereof of which said dog was impounded, including the impoundment day.

F. Disposition Of Unredeemed Animals:

1. Sale: If an impounded dog or other animal is taken and impounded, the owner thereof forfeits all right, title and interest therein and the poundmaster shall offer the same for sale. The sale price shall correspond with the redemption fees. The purchaser of the dog automatically shall be issued a certificate of sale to confer title and ownership of the dog or other animal, free of all claims and interest of the previous licensee or owner.

2. Unsold, Unclaimed Animals: In the event that any impounded dog or other animal is not redeemed by the owner or purchased upon its being offered for sale, it shall be put to death under the supervision of the poundmaster in a medically approved and humane manner. (Ord. 317, eff. 7-13-2009)

3. Infectious Disease: Any dog or other animal suffering from an infectious disease shall not be released but must be put to death unless the county health officer and/or a licensee's veterinarian shall otherwise request. (Ord. 317, eff. 7-13-2009; amd. 2010 Code)

5-3B-6 : RABIES:

- A. Animal That Bites Person: Any dog or other animal which bites a person may be quarantined by the dog warden for up to fifteen (15) days. During quarantine, the animal shall be securely confined in the dog pound at the owner's expense. At the discretion of the dog warden, the quarantine may be on the premises of the owner or other approved place.
- B. Animal Bitten Or Exposed To Suspected Rabid Animal: Every dog or other animal which has been bitten by or exposed to any animal suspected to have been infected with rabies shall be forthwith seized and taken up by the dog warden or any law enforcement officer and securely and separately impounded in the city animal shelter. All such animals shall be quarantined in the pound or at a licensed veterinarian hospital within the city for a period of fifteen (15) days. It shall be the duty of the dog warden to notify the county health officer of every such animal impounded.
- C. Animals Adjudged Free Of Rabies: If, after observation under the supervision of the county health officer for such period, any such animal is adjudged free of rabies, the owner may reclaim the animal,

upon payment of the regular keeping fees and upon compliance with licensing requirements, if appropriate.

D. Diagnosed As Rabid; Vicious Dogs:

1. In the event that any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the county health officer in his or her absolute discretion. No person shall kill, or cause to be killed, any animal suspected of being rabid, unless such action is necessary to protect lives or property. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of diagnosis.

2. Nothing herein shall prevent disposition of a vicious dog which does not have rabies. (Ord . 317, eff. 7-13-2009)

5-38-7: NUISANCE ANIMALS:

- A. Declared Nuisance : It is hereby declared a public nuisance for any dog or other animal to destroy property or other pets, to bite, or chase after persons not trespassing on the property of the owner, to chase vehicles in public streets or ways , or by prolonged howling, yelping, barking, or by any other means, cause annoyance or disturbance to any person.
8. Prohibited : It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal, and it shall be the duty of the dog warden and all law enforcement officers to issue citations and file complaints for all such violations occurring in their presence. (Ord. 317, eff. 7-13-2009)
- C. Complaint: Any person aggrieved by the nuisance animal may file a complaint in the city court charging the owner with the violation of this section where the offense is not committed in the presence of the dog warden or a law enforcement officer. (Ord . 317 , eff. 7-13-2009; amd. 2010 Code)
- D. Seizure; Impoundment: Upon a third conviction under this section, the nuisance animal shall be seized and taken up by the dog warden. In the event the nuisance animal is seized and impounded and shall thereafter be redeemed as in the case of non licensed or

"at large" dogs, an impoundment fee shall also be paid as in those cases. (Ord. 317, eff. 7-13-2009)

5-3B-8: VICIOUS DOGS:

- A. Affidavit; Order To Appear: Whenever affidavit shall be made before the city judge that any dog has bitten a person in said city or is terrorizing the residents of any portion of the city, and that the bitten person so terrorized by such animal was not at the time trespassing upon the person or property of the owner or possessor of said dog, the judge shall issue an order directing the owner or possessor of said dog to appear in court for disposition of the charge.
- B. Dog Bite Defined: "Dog bite" shall mean a wound either of lacerated or punctured type wherein the continuity of the skin is broken, such wound having been inflicted by the teeth of a dog.
- C. Report Of Bite: If any dog bites any person in the city, such dog bite shall be reported immediately to the county health officer or the chief of police by such person, his parent or guardian.
- D. Impoundment: At the discretion of the county health officer or the poundmaster, such dog shall be isolated in strict confinement and observed in a pound or veterinary hospital at the owner's expense. Such dog shall not be released until fifteen (15) days after the infliction of the bite.
- E. Redemption: The owner may claim such dog after this time by paying all costs of confinement and all other charges which may be due.
- F. Unclaimed Animals: Biting dogs not claimed by the owner must be destroyed or sold after expiration of the confinement period.
- G. Order To Destroy: The judge shall also, in his discretion, order the dog killed within twenty four (24) hours if deemed necessary. Refusal or neglect to kill any such animal within twenty four (24) hours after receiving such order shall constitute a violation of this chapter.
- H. Confinement; Muzzle Required: The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog or other animal and shall not take such dog or other animal out of such building or enclosure unless it is securely muzzled. (Ord. 317, eff. 7-13-2009)

5-38-9: INVESTIGATION: For the purpose of discharging the duties imposed by this article and enforcing its provisions, the dog warden or any police officer is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored, the exhibition of such dog or other animal and the license for such dog. It shall be unlawful for any person to refuse such demand. The dog warden may make such demand at premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the same when in his opinion it requires humane treatment. (Ord. 317, eff. 7-13-2009)

5-38-10: RIGHT TO SEIZE: Any authority enforcing the provisions of this chapter shall have the right to pursue animals upon private property when he shall have discovered a violation or shall be investigating the possibility of a violation or when acting under a court order, warrant, affidavit of a vicious animal or when attempting to seize any animal suspected of having been exposed to rabies. (Ord. 317, eff. 7-13-2009)

5-38-11 : INTERFERENCE:

- A. Interference Prohibited: It is unlawful for any person to hinder, delay or obstruct the dog warden, poundmaster, or other officer, while engaged in the performance of any duty or power imposed on him by this article, or to release, or attempt to release, any animal liable to be impounded under the provisions hereof.
- 8. Release Of Animals Prohibited: It shall also be unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner. (Ord. 317, eff. 7-13-2009)

5-38-12: CRUELTY TO ANIMALS; POISONING: It is unlawful for any person to willfully and cruelly inflict pain upon or injure any animal. It is unlawful for any person to layout or expose any poison for killing any dog or other animal, or to aid or abet any person in so doing. No owner shall fail to provide dogs or other animals with sufficient good and wholesome feed and water, proper shelter and protection from the weather. No person shall beat, ill treat, torment, overwork, or otherwise abuse any animal. No owner of any animal shall abandon such animal. (Ord. 317, eff. 7-13-2009)

5-38-13: PROVOKING ANIMALS: It is unlawful for any person to provoke, harass, tease, torment, or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person . (Ord. 317, eff. 7-13-2009)

5-38-14ILLEGAL OPENING OF POUND: Any person breaking open or otherwise injuring or in any manner directly or indirectly aiding, counseling or advising the breaking open or injuring the city pound shall be deemed guilty of a misdemeanor. (Ord. 317, eff. 7-13-2009)

5-38-15SUPERVISION OF POUND: The poundmaster shall have the general supervision of the dog pound and shall see that the same is kept in sanitary condition and conducted in a quiet, reliable and proper manner. (Ord. 317, eff. 7-13-2009)

5-38-16: PRIVATE DOG KENNELS: It shall be unlawful for any person to maintain or operate, or cause to be maintained or operated, at any place within the city any dog kennel. (Ord. 317, eff. 7-13-2009)

5-38-17: PENALTY: Any person violating any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) on the first offense and not less than seventy five dollars (\$75 .00) nor more than three hundred dollars (\$300.00) for a subsequent offense, and/or imprisonment in jail for not more than ten (10) days. (Ord. 317, eff. 7-13-2009)

CHAPTER 4

MINORS

SECTION:

- 5-4-1: Prohibited In Saloons
 5-4-2: Curfew

5-4-1 : PROHIBITED IN SALOONS: It shall be unlawful for the owner or operator of any saloon or cocktail lounge in the city to permit any minor, either alone or in company with any adult, to enter or stay in his place of business. (1985 Code § 7.02.01)

5-4-2: CURFEW:

- A. Curfew Hours: It shall be unlawful for minors under the age of eighteen (18) years to be in or upon or to loiter upon or frequent the streets, sidewalks, alleys , and public places within the city between the hours of eleven o'clock (11 :00) P.M. and five o'clock (5:00) A.M. the following day; except, on the days of Friday and Saturday there shall be no nighttime restrictions until one o'clock (1 :00) A.M. the following day.
- B. Exceptions: The provisions of this section shall not apply to any minor going to or return from his or her place of employment nor to any minor accompanied by his or her parents, guardian, or other adult person having the care or custody of such minor or where such minor is engaged upon an errand or business directed by his or her parent, guardian, or adult person having his or her care or custody; provided, however, that such minor embraced within the provisions of this section shall not unnecessarily linger or loiter at any time while engaged or occupied as in this subsection provided. (Ord. 289, 8-8-1988)
- C. Parental Responsibility: It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under

the age of eighteen (18) years to allow or permit such minor to violate the curfew stated herein. In any prosecution under this section against the parent, guardian or other adult person having the care and custody of a minor under said age , it shall not constitute a defense thereto that said person did not have knowledge that such minor violated said curfew hours . (1985 Code § 7.10.02)

- D. Penalty: Any minor violating the provisions hereof shall be dealt with in accordance with and pursuant to the pertinent provisions of the statutes of Montana. (1985 Code § 7.10.03; amd. 2010 Code)

CHAPTER 5

AIR GUNS, FIREARMS, BOWS AND ARROWS

SECTION:

5-5-1:	Definition
5-5-2:	Discharge Prohibited
5-5-3:	Exceptions; Permit Required
5-5-4:	Law Enforcement Officers
5-5-5:	Penalty

5-5-1: DEFINITION: Wherever the term "weapon " is used in this chapter, the term shall mean any instrument used in the propulsion of shot, shell, bullets, arrows or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs, or by the power of bowstring and bow limbs. (Ord. 296, 1-8-1990)

5-5-2 : DISCHARGE PROHIBITED: It shall be unlawful for any person to fire or discharge any weapons within the city limits except as in this chapter provided. (Ord. 296, 1-8-1990)

5-5-3: EXCEPTIONS; PERMIT REQUIRED: The mayor and council may, at any time upon receipt of proper application, grant permits to shooting galleries , gun clubs and others for shooting in fixed localities under specified rules. Such permits shall be in writing, attested by the Clerk-treasurer, conforming to such requirements as the mayor and council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the mayor and council. (Ord. 296, 1-8-1990)

5-5-4: LA W ENFORCEMENT OFFICERS : This chapter shall have no application to a law enforcement officer engaged in the performance of his duty. (Ord . 296, 1-8-1990)

5-5-5: **PENALTY:** Any person who shall violate any of the provisions of this chapter shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 296, 1-8-1990; amd. 2010 Code)

CHAPTER 6

FIREWORKS

SECTION:

- 5-6-1: Discharge Prohibited; Public Display
5-6-2: Sale Prohibited

5-6-1: DISCHARGE PROHIBITED; PUBLIC DISPLAY: It shall be unlawful to use or discharge firecrackers , roman candles, rockets, torpedoes or fireworks of any kind within the corporate limits of the city; provided, however, that the mayor or city council may permit the public display of fireworks by properly qualified individuals under the direct supervision of experts in the handling of fireworks ; and provided further , that such display or displays shall be of such a character , and so located and discharged or fired as , in the opinion of the mayor, shall not be hazardous to surrounding property , or dangerous to the life or safety of individuals. (1985 Code § 9.12.01)

5-6-2: SALE PROHIBITED: It shall be unlawful to sell , or offer for sale or delivery within the city any firecrackers, torpedoes, rockets, roman candles, or any fireworks of any description whatever. (1985 Code § 9.12.02)