

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3238

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 5 OF THE
HELENA CITY CODE TO ELIMINATE OFFENSES THAT ARE REDUNDANT
WITH OFFENSES LISTED IN TITLE 45 OF THE MONTANA CODE ANNOTATED

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY
OF HELENA, MONTANA:

That Chapter 1 of Title 5 of the Helena City Code is hereby
amended by repealing it in its entirety and inserting the following
language in lieu thereof:

CHAPTER 1

GENERAL OFFENSES

SECTION:

- 5-1-1: Possession of Intoxicating Beverages
- 5-1-2: Parachute Jumping and the Landing of Aircraft Within
the City
- 5-1-3: Possession of Firearms Prohibited in Certain Locations;
Exceptions
- 5-1-4: Smoking Prohibited in Certain Locations
- 5-1-5: Fireworks Prohibited
- 5-1-6: Penalty

5-1-1: **POSSESSION OF INTOXICATING BEVERAGES:** It shall be
unlawful for any person to have in his possession on the streets,
alleys, parks or on any other public premises in this city any beer,
wine, liquor, or other intoxicating beverage in any container on
which the cap, top, seal, cork, or other closing device has been
removed or opened or in any other container from which such a beverage
can be drunk directly. Provided, however, that this section shall
not apply to any individual who possesses alcohol or intoxicating
beverages pursuant to the terms and provisions of section 4-2-11 of
this code.

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5-1-2: PARACHUTE JUMPING AND THE LANDING OF AIRCRAFT WITHIN THE CITY:

- A. No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from the aircraft within the limits of the city unless approval for such jump has first been obtained from the city manager.
- B. No pilot in command of any aircraft or balloon shall land the same within the confines of the city, except at the city-county airport or the landing pad at any hospital without having first obtained the approval of the city manager.
- C. No person may soar, glide or sail in the air with any nonengine driven infernal device or machine attached to his body by means of a harness within the confines of the city unless specific approval for such activity has been obtained from the city manager.
- D. The provisions of this chapter shall not be deemed to prohibit the landing of any parachutist, aircraft or balloon within the confines of the city if an actual emergency exists which reasonably requires such landing.

5-1-3: POSSESSION OF FIREARMS PROHIBITED; EXCEPTIONS:

- A. Prohibition: It shall be unlawful, and a misdemeanor, for any person, other than a peace officer in the discharge of his duties, or a citizen in the protection of his life or that of his family or his property, or any person authorized by law:
 - 1. To carry on or about his person, in any place open to the public, any loaded or concealed firearm, rifle, air gun or pistol within the limits of this city, or to shoot any air gun,

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rifle, pistol, sling shot or bow and arrow within the limits of this city, except in those areas designated as indoor or outdoor rifle, pistol, shotgun or archery ranges as designated and approved by the city manager.

2. To possess any firearm, air gun or pistol at a public assembly, in a city park, school, or in any publicly owned building, with the specific exceptions of:

a. Legitimate displays of unloaded firearms at shows or other public occasions by collectors and others; and

b. Persons participating in hunter or gun safety classes sanctioned by the department of fish, wildlife and parks and authorized by the city or school.

- B. Exceptions: Nothing in this chapter shall apply to a person in actual service in the military of the United States or the state, as a law enforcement officer or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of his official duties, nor carrying of arms in one's premises or place of business, or where a concealed weapons permit has been granted to bear, concealed or otherwise, a pistol or revolver during the time of such permission.
- C. Concealed Weapons: Any person carrying a concealed weapon pursuant to a valid concealed weapons permit, upon being stopped by a law enforcement officer while in possession of said weapon, must immediately advise said law enforcement officer of the location and type of weapon and show a valid permit for carrying the same.
- D. Staged Presentation: Any person who wishes to present a staged presentation using firearms containing blanks or black powder only may submit a written request to the city manager stating the time, location and duration of the presentation. If the request is approved, the manager shall forward to the chief law enforcement officer of the city a copy of the written approval

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to inform the city police and for posting at the location of the presentation.

5-1-4: **SMOKING PROHIBITED IN CERTAIN PLACES:** It shall be unlawful to perform the following acts: permitting a spark or sparks from a lighted cigar, cigarette or pipe to fall upon or into anything inflammable; placing any lighted smoking material on or about or in close proximity to any flammable article or articles; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failing to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.

5-1-5: **FIREWORKS PROHIBITED:**

A. It shall be unlawful for any person to shoot, fire, buy, sell at retail, fireworks of any kind or other devices for firing fireworks of any kind within the city limits of the city; provided, however, that this chapter shall not pertain to professional fireworks displays supervised by a pyrotechnician. It shall be unlawful for any person to possess fireworks of any kind, or devices for firing fireworks of any kind, within the city limits unless the following conditions are met:

1. The person possessing said fireworks is eighteen (18) years of age or older.

2. The retail value of the fireworks in said person's possession does not exceed the sum of fifty dollars (\$50.00).

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3. Said fireworks are possessed by said person during the period of time that the state allows fireworks to be sold at retail to the public.

- B. The storage or sale of fireworks at wholesale is prohibited except by permit from the commission issued for a period of one year. Application for a permit must be filed with the fire chief of the city at least thirty (30) days prior to issuance of the permit, and said application must give detailed description of the proposed care and storage of said materials, and of the structural condition and occupancy of the building to be used for storage.

Permits for the storage or sale of fireworks at wholesale may be issued only after inspection of the premises by the fire chief or his authorized agent who shall file with the commission and with the fire department a certificate of approval or disapproval and the reasons therefor.

5-1-6: **PENALTY:** Any person convicted of a violation of any provision of this chapter shall be fined in a sum not to exceed five hundred dollars (\$500.00).

(Ord. _____, ____-____-2018.)

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 18th DAY OF DECEMBER, 2017.**

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION

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FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 8th DAY OF JANUARY, 2018.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION