

## ORDINANCE NO. 102

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, PROHIBITING OPEN FIRES AND PROVIDING EXCEPTIONS AND PENALTY FOR VIOLATION.

**BE IT ORDAINED** by the Town Council of the Town of Sheridan, Montana that:

**Section 1.** Starting a bon fire, open pit fire, grass fire or any other type of fire outside of an appropriate containment device such as an incinerator, barbecue cooker or barrel burner within the jurisdictional limits of the Town of Sheridan is prohibited, except as provided in Section 2.

**Section 2.** The Mayor or Fire Chief of Sheridan may issue a Town Services Permit for open fires larger than three feet in diameter when it is deemed safe to do so except when the state or county government has imposed seasonal fire restrictions prohibiting all burning. Such permitted fires shall at all times be controlled directly by the permittee who shall have immediately available the means for effective containment of the fire or its complete suppression at any time the fire becomes a threat to property.

**Section 3.** Any person violating the provisions of this ordinance is guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than \$25 nor more than \$500.

#### **Absolute Liability**

**Section 4.** It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 45-2-104, M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 45-2-101, M.C.A.

#### **Repealer**

**Section 5.** All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

#### **Severability**

**Section 6.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

#### **Effective Date**

**Section 7.** This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

#### **References:**

38 A.G. Op. 30 (1979)

**PASSED AND ADOPTED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13<sup>th</sup> day of August, 2007.

**ATTEST:**

\_\_\_\_\_  
Dean Derryberry, Mayor

\_\_\_\_\_  
Gail Leary, Town Clerk

**PASSED, ADOPTED AND FINALLY APPROVED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 27<sup>th</sup> day of August, 2007.

**ATTEST:**

\_\_\_\_\_  
Dean Derryberry, Mayor

\_\_\_\_\_  
Gail Leary, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Douglas Smith, City Attorney