

**ORDINANCES**  
**MILES CITY, MONTANA**

**ORDINANCE NO. 1298**

**AN ORDINANCE ENACTING SECTION 16-42 AND REVISING SECTIONS 16-43 AND 16-45 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO ESTABLISH A DEFINITION OF THE WORD "FIREARM" AS USED IN THE CITY CODE.**

Pursuant to the authority granted under § 45-8-351(2)(a), the City Council of the City of Miles City has previously enacted ordinances to regulate the discharge of rifles, shotguns and handguns, and the concealed carry of certain weapons on certain public property. Said ordinances are inconsistent as to the definition of "firearms," and as such, the City Council desires to adopt a definition for the same, to ensure consistency in the Code of Ordinances. Further, the City Council desires to clarify the carrying of weapons in City Parks with regards to concealed weapons permit holders.

**BE IT ORDAINED**, by the City Council of the City of Miles City, Montana, as follows:

**Section 1.** There is hereby enacted a Section 16-42, entitled "Firearms – definition."

**"Sec. 16-42. – Firearms - definition.**

(a) Whenever used in the Code of Ordinances of the City of Miles City, Montana, the word "Firearm" shall include the following:

- (1) Any small arms weapon, including, but not limited to a rifle, shotgun, pistol, or revolver, which fires a projectile which is propelled by gunpowder;
- (2) Any bb gun or pellet gun, with the exception of toy type guns which shoot non-metallic projectiles at a velocity which is not great enough to penetrate human skin."

**Section 2.** Section 16-43(a) and 16-43(b) shall be amended to read as follows:

**"Sec. 16-43. – Discharge of firearms.**

- (a) It shall be unlawful for any person to willfully shoot or fire off a firearm within the limits of the city.
- (b) It shall be unlawful for any person to willfully discharge a firearm upon any city-owned or city leased property within three miles beyond the city limits of the City of Miles City, including, but not limited to, Spotted Eagle Recreation Area, Frank Wiley Field, the city wastewater treatment plant and adjoining former lagoon area, the city water treatment plant property and pumping plant park, and the industrial site west of the city limits. This prohibition shall not apply to authorized users of the Miles City Police Department pistol range adjacent to the city water treatment plant, nor to shotgun users of the trap shooting range at Spotted Eagle Recreation Area during daylight hours. The following hunting exceptions apply: with permission obtained 24 hours in advance from the airport manager or the waste water plant manager/operator, archery for big game hunting; shotgun and archery hunting of upland game birds, spring turkey and waterfowl on city-owned property which is fenced

# ORDINANCES

## MILES CITY, MONTANA

outside of the runways at the airport, and hunting access is also allowed at the wastewater plant, providing hunting access to the river.

..."

**Section 3.** Section 16-45(a) shall be amended to read as follows:

**"Sec. 16-45. – Carrying weapon in prohibited place.**

- (a) It is unlawful for any person to purposely or knowingly carry, concealed or unconcealed, any dirk, dagger, firearm, slingshot, sword, sword cane, billy knuckles made of any metal or hard surface, knife having a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon in the following places:
- (1) In a publicly owned building within the city limits;
  - (2) In a park within the city, unless such person has a concealed weapon permit (CWP) valid in the State of Montana, in which case they may carry the same in a concealed fashion;
  - (3) In a school within the city limits.

..."

**Section 4.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

*C.A. Grenz*

C.A. Grenz, Mayor

ATTEST:

*Lorrie Pearce*

Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 11<sup>th</sup> day of August, 2015.

*C.A. Grenz*

C.A. Grenz, Mayor

ATTEST:

*Lorrie Pearce*

Lorrie Pearce, City Clerk

# Affidavit of Publication

STATE OF MONTANA }  
County of Custer } ss.

**LEGAL NOTICE**  
**NOTICE IS HEREBY GIVEN** that the City Council of the City of Miles City will conduct a Public Hearing at the regular scheduled meeting on Tuesday, July 28, 2015, at 7:00 p.m. in the City Hall Conference Room on the question of passage of Ordinance No. 1298;

**Ordinance 1298:** An Ordinance Enacting Section 16-42 and Revising Sections 16-43 and 16-45 of the Code of Ordinances of the City of Miles City, Montana, so as to Establish a Definition of the Word "Firearm" as Used in the City Code

The above Ordinance is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the Ordinance will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana on Tuesday, July 28, 2015, at 7:00 p.m.

For information or questions you may contact the City Clerk, 17 S. 8th Street, Miles City, Montana 59301, at telephone number 406-234-3462

BY ORDER OF THE CITY COUNCIL

Lorrie Pearce

City Clerk

(Published July 17, 2015)

MNAXLP

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. **City of Miles City, Legal Notice.**

**Ordinance Number 1298.** A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, to-wit: July 17, 2015

Signed

*Mary Rose Bovee*

Subscribed and sworn to before me this 19th

day of

July, 2015  
*Tabatha Hallman*

Tabatha Hallman, Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.

