

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2018-01**

**AN ORDINANCE PROHIBITING THE SALE AND USE OF FIREWORKS
WITHIN UNINCORPORATED ARAPAHOE COUNTY**

WHEREAS, pursuant to C.R.S. § 30-15-401, the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for the control of those matters of local concern; and

WHEREAS, pursuant to C.R.S. § 30-15-401(1)(n.7), matters of local concern include prohibiting or restricting the sale, use and possession of fireworks, including permissible fireworks as defined in C.R.S. §§ 24-33.5-2001(5) and (11); and

WHEREAS, the authority provided in C.R.S. § 30-15-401(1)(n.7) allows the Board of County Commissioners to prohibit or restrict the sale, use and possession of fireworks in all or part of the unincorporated areas of the county for a period not to exceed one (1) year, excluding the period between May 31 and July 5, unless the Board of County Commissioners makes a finding of high fire danger, based on competent evidence; and

WHEREAS, based on competent evidence presented on this date by the Sheriff's Office, the Board of County Commissioners hereby finds that a high fire danger exists in the unincorporated areas of the County; and

WHEREAS, it is the opinion of the Board of County Commissioners, that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. PROHIBITION ON THE SALE AND USE OF FIREWORKS

1. The sale and use of fireworks, including, but not limited to, permissible fireworks as defined in C.R.S. §§ 24-33.5-2001(5) and (11), are prohibited in all unincorporated areas of Arapahoe County.
2. The above prohibition on the sale and use of fireworks does not apply with respect to display fireworks, display retailers and display operators, as defined in C.R.S. § 24-33.5-2001, to the extent such sale and use is in compliance with applicable state and local laws, ordinances and regulations, and to the extent the following conditions are satisfied: (i) any use of display fireworks is supervised by firefighting and/or local public

safety personnel, and (ii) adequate fire suppression equipment is at the scene of any use of display fireworks.

SECTION II. TIME

This Ordinance is in effect until May 30, 2019 (including the period between June 12 and July 5, 2018), unless suspended or terminated at an earlier date.

SECTION III. PUBLICATION OF NOTICE

Notice of the passing of this Ordinance and prohibition contained herein shall be promptly published in the County newspaper.

SECTION IV. UNLAWFUL CONDUCT

It shall be unlawful for any person to sell or use fireworks in violation of this Ordinance.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this Ordinance.

SECTION VI. VIOLATIONS

Any person who violates this Ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, seven hundred and fifty dollars (\$750.00) for a second offense, and one thousand dollars (\$1,000.00) for a third and any subsequent offense. The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed by the arresting Sheriff's Deputy or other officer for any violation of this Ordinance, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedures.

SECTION VII. DISPOSITION OF FINES

All fines for violations of this Ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to the need to control activity subject to this ordinance as soon as possible, and because of the high fire danger.

**BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO**

JEFF BAKER, CHAIR

A handwritten signature in black ink, appearing to read "Jeff Baker", written over a horizontal line.

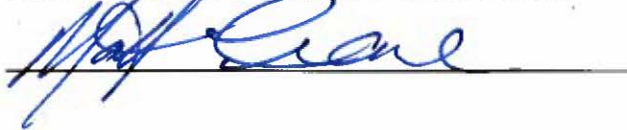
INTRODUCED AND READ ON THE 1st day of May, 2018 at a regular meeting of the Board of County Commissioners.

Date of initial publication: May 10, 2018.

ADOPTED WITH AMENDMENTS AND ORDERED PUBLISHED ON THE 12th Day of June, 2018.

Date of publication in full after adoption: June 21, 2018.

MATT CRANE, CLERK TO THE BOARD

A handwritten signature in blue ink, appearing to read "Matt Crane", written over a horizontal line.