

RESOLUTION NO. _____ Hearing was held on May 24, 2022 as published on proposed Ordinance Number 2022-01, regarding the banning of the sale and use of fireworks in unincorporated Arapahoe County. After public comment, evidence and testimony were received by the Board of County Commissioners, the matter was taken under advisement for further consideration and decision. It was then moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Ordinance:

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2022-01**

**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; however, such ordinance shall not be effective during the period between May 31 and July 5, unless the Board of County Commissioners adopts a resolution that includes a finding of high fire danger, based on competent evidence; 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 shall be effective during the period between May 31 and July 5, or any portion thereof, only if the Board of County Commissioners adopts a resolution imposing the

ban on the sale and use of fireworks during the May 31 to July 5 period, or portion thereof, and only if the resolution includes a finding of high fire danger in conformance with C.R.S. § 30-15-401(1)(n.7). If such a resolution is adopted then the ban on the sale and use of fireworks shall be and remain effective during the portion of the May 31 to July 5 period indicated in the resolution unless and until the Board of County Commissioners subsequently adopts a resolution rescinding the ban on the sale and use of fireworks during such period.

3. 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 and the restrictions contained therein are in effect until May 24, 2023, 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 civil infraction 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. PRIOR ORDINANCE SUPERSEDED

This Ordinance supersedes and replaces Arapahoe County Ordinance Number 2021-02.

SECTION X. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, in order to control activity subject to this ordinance as soon as possible, and also to ensure that the ordinance will be in place during the upcoming May 31 to July 5 fireworks season so that the fireworks restrictions can be quickly made effective, by adoption of a resolution as allowed by C.R.S. § 30-15-401(1)(n.7), in the event of the rapid onset of high fire danger.

The vote was:

Commissioner Baker, ____; Commissioner Holen, ____; Commissioner Jackson, ____;
Commissioner Sharpe, ____; Commissioner Warren-Gully, ____.

The Chair declared the motion carried and so ordered.