

ORDINANCE NO. 849

**AN ORDINANCE REQUIRING SALES OF PERMITTED FIREWORKS
BE CONDUCTED ONLY FROM PERMANENT STRUCTURES
MEETING THE CITY'S BUILDING CODE AND SITE PLAN
REQUIREMENTS**

WHEREAS, the City regulates the use and sale of both prohibited and permitted fireworks in Chapter 10 of the Dacono Municipal Code; and

WHEREAS, Section 10-92 of the Code makes it unlawful to sell prohibited fireworks, but does not address or place any limitation on the sale of permitted fireworks; and

WHEREAS, the City Council finds the health, safety and welfare of the City and its residents would be furthered by requiring sales of permitted fireworks exclusively from permanent structures, and not from any tent, canopy, stand, or other temporary structure, or from any mobile trailer designed for transportation of goods, as set forth herein; and

WHEREAS, the City Council further finds that requiring structures from which fireworks may be sold to meet the requirements of the City's site plan regulations will enable appropriate technical review agencies, such as the fire district, to ensure the building may safely accommodate such use, and that issues such as access, traffic and circulation may be addressed; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Section 10-92(b) of the Dacono Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 10-92. Fireworks.

(b) No person shall sell, offer for sale or possess with the intent to offer for sale any prohibited fireworks in the City; and no person shall sell, offer for sale or possess with the intent to offer for sale any permitted fireworks in the City, except from a permanent structure constructed pursuant to Chapter 18 of this

Code and in compliance with the site plan regulations set forth in Chapter 16, Article 24 of this Code; and no person shall place any fireworks into any fire; and no person shall possess any prohibited fireworks while in any park, parkway, street, recreation area or open space, or use or explode any prohibited fireworks on any public or private property.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

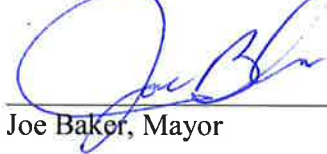
Section 5. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to exceed one (1) year, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 14th day of May, 2018.

PUBLIC HEARING AND SECOND READING WILL BE THE 11th day of June, 2018, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 11th day of June, 2018.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 849, **“AN ORDINANCE REQUIRING SALES OF PERMITTED FIREWORKS BE CONDUCTED ONLY FROM PERMANENT STRUCTURES MEETING THE CITY’S BUILDING CODE AND SITE PLAN REQUIREMENTS”** Requires sales of permitted fireworks be conducted only from permanent structures meeting the City’s building code and site plan requirements, and not from any tent, canopy, stand, or other temporary structure, or from any mobile trailer designed for transportation of goods.