

Ordinance - Fireworks Stand Permit

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ORDINANCE NO. 86-1

A COUNTY WIDE FIREWORKS STAND PERMIT SYSTEM PENALTY PROVISIONS FOR FAILURE TO OBTAIN PERMITS AND ENFORCEMENT PROVISIONS PERTAINING THERETO FOR UNINCORPORATED ARAPAHOE COUNTY

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401 as amended, the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control or licensing of those matters of purely local concern; and

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401 as amended, matters of purely local concern include the prevention and suppression of riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place, to control and regulate the movement and parking of motor vehicles on public property; and to do all acts and make all regulations which may be necessary or expedient for the promotion of health; and

WHEREAS, it has come to the attention of the Board of County Commissioners of Arapahoe County that unregulated and unpermitted fireworks stands create health and safety problems and in certain unauthorized locations create fire and/or traffic hazards; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County 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 Violations Involving Failure to obtain Necessary County Fireworks Stand Permits

It shall be unlawful for any person, business, organization, association or entity to establish, create or set up a fireworks stand to sell, attempt to sell or advertise for sale fireworks as defined by Colorado Revised Statutes 12-28-101(l)(a) as amended. Further, in order to sell those items as defined within Colorado Revised Statutes 12-28-101(l)(b) as amended, necessary permits must be obtained first from the Arapahoe County Building Department. Permits issued hereunder shall only be valid for a period commencing on June fifteenth and ending on July seventh at midnight in any year.

Section II Permit to be Displayed

Any and all fireworks stands permits issued hereunder shall be prominently displayed by said licensee at the licensed location.

Section III License Fees

All licensees issued permits here in under shall pay an annual permit fee, in advance, of \$500 per fireworks stand location. In addition a refundable \$250.00 clean-up deposit shall be required per

fireworks stand location. Failure to obtain necessary permits prior to selling or attempting to sell those items defined within Colorado Revised Statutes 12-28-101(1)(b) shall be considered a violation of this ordinance.

Section IV Liability Insurance

All licensees hereinunder shall procure and maintain comprehensive general liability insurance, which affords coverage for all claims for bodily injury including death, with limits of liability of at least \$500,000.00 per occurrence and in the aggregate, and all claims for destruction of or damage to property, with limits of liability of at least \$500,000.00 per occurrence and in the aggregate, arising out of or in connection with the sales of fireworks. Evidence of insurance must be presented to Arapahoe County Building Department prior to the issuance of necessary permits.

Section V Penalty

Any violation of the provisions of this ordinance by I an individual shall be a Class 2 Petty Offense and shall be punishable by a fine of three hundred dollars (\$300.00) for each violation. The Board herein by reference adopts the Penalty Assessment Procedure set forth within Colorado Revised Statutes Title 16, Article 2, Part 2, as amended. The Board expressly declines to adopt a graduated fine schedule in relation to this ordinance.

Section VI Enforcement

The provisions of this Ordinance shall be enforced by the Arapahoe County Sheriff, Undersheriff and Deputies.

Section VII Disposition of Fines

All fines imposed and collected for the violation of this Ordinance shall be paid into the General Fund of Arapahoe County daily as collected.

Section VIII Separate Offense

Each day during which a violation of this ordinance occurs and/or continues, shall be deemed a separate offense.

Section IX Severability Clause

If any of the various provisions of this ordinance are determined by a court of law to be invalid, such determination shall not affect the remaining provisions of this Ordinance.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS

Adopted, Approved, and ordered published as adopted on the 13th day of May, 1986