

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1938
Series of 2019

1783
Series of 2019

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 7 OF CHAPTER 9 TO THE NORTHGLENN MUNICIPAL CODE REGARDING FIREWORKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is amended by the addition thereto of a new Article 7 of Chapter 9 to read as follows:

Section 9-7-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated herein:

"Authorized Officer" shall mean and include any police officer and any code enforcement officer of the City.

"Fireworks" means any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, rockets, Roman candles, dayglo bombs, and torches, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

"Fireworks" does not include:

- (1) Toy caps which do not contain more than twenty-five hundredths (0.25) of a grain of explosive compound per cap;
- (2) Sparklers, trick matches, cigarette loads, trick noisemakers, toy smoke devices, and novelty auto alarms;
- (3) Highway flares, railway fuses, ship distress signals, smoke candles, and other emergency signal devices.

"Government-sponsored or co-sponsored" shall mean the City of Northglenn, the State of Colorado, or any political subdivision of the state or the federal government or an agency thereof.

Section 9-7-2. Sale and use prohibited.

(a) Except as specifically provided in this Article, it is unlawful for any person to offer for sale, expose for sale or sell any fireworks, fountains, or cones; or to have fireworks, fountains, or cones in their possession with the intent to offer said items for sale.

(b) Except as specifically provided in this Article, it is unlawful for any person to possess, store, handle, use or explode any fireworks.

(c) The provisions of this Section 9-7-2 may be enforced by any Authorized Officer.

Section 9-7-3. Fireworks displays.

Fireworks displays are allowed in the City only for government sponsored or co-sponsored events. Permitting of any such fireworks display shall be done in accordance with the version of the International Fire Code then in effect.

Section 9-7-4. Seizure of fireworks.

Any Authorized Officer of the City shall be authorized to seize, take and remove at the expense of the violator, all stocks of fireworks or combustibles offered or exposed for sale, or otherwise possessed, held or stored in violation of this Article.

Section 9-7-5. Penalty.

(a) It shall be unlawful for any person to violate any provision of this Article. A violation of this Article shall be a criminal offense, punishable by imprisonment, or fine or both as provided in Section 1-1-10 of the Northglenn Municipal Code.

(b) Any violation of this Article shall also be deemed a public nuisance within the meaning of Section 9-11-3 of the Northglenn Municipal Code. In addition to an individual who is observed to be violating the provisions of this Article, any person who owns or possesses the property upon which fireworks are sold or used in violation of Section 9-7-2 of this Article shall be deemed to be the author of the public nuisance, and shall be subject to the penalties set forth herein.

(c) **Mandatory Minimum Penalty.** Any person who pleads guilty or is found guilty shall be subject to the following mandatory minimum penalties:

- (1) A mandatory minimum fine of \$1,000 for a first violation;
- (2) A mandatory minimum fine of \$1,500 for a second violation within a two-year period; and
- (3) A mandatory minimum fine of \$2,000 for a third violation within a two-year period.

(d) All remedies set forth herein are cumulative, and the exercise of any one shall not be deemed to prevent the exercise of another, nor to bar, nor abate, any prosecution or petition for injunction hereunder.

INTRODUCED, READ AND ORDERED POSTED this 14th day of October, 2019.


ANTONIO B. ESQUIBEL
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this 28th day of October, 2019.


for ANTONIO B. ESQUIBEL
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney