

GARFIELD COUNTY ORDINANCE NO. 2021-1

**ORDINANCE PROHIBITING THE USE OF FIREWORKS WITHIN
UNINCORPORATED GARFIELD COUNTY**

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

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

WHEREAS, the unincorporated geographic area of Garfield County, Colorado, is periodically subject to hot, dry, windy conditions, and contains heavily forested, grass and other vegetation areas, which, in combination with the presence and use of fireworks, create a high fire danger; and

WHEREAS, the Board finds it is in the best interests of the citizens and residents of Garfield County to ban and prohibit the use of fireworks and permissible fireworks to preserve the health, safety, and welfare of citizens and residents within the County; and

WHEREAS, pursuant to § 30-15-401(1)(n.7), C.R.S., the Board may prohibit the use of fireworks, including permissible fireworks, for a period of no longer than one year within all or part of the unincorporated areas of the county; except that such an ordinance shall not be in effect between May 31 and July 5 of any year. Only if the Board adopts a resolution banning the use of fireworks from May 31 through July 5, or any period of time therein, and includes a finding of high fire danger consistent with the requirements of § 30-15-401, C.R.S., shall the ban on the use of fireworks remain effective from May 31 through July 5.

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

SECTION I. PROHIBITION ON THE USE OF FIREWORKS

The use of fireworks, including permissible fireworks, as defined in §§ 24-33.5-2001(5) and (11), C. R. S., is prohibited throughout the unincorporated area of Garfield County, Colorado. Unincorporated areas of Garfield County include public and state lands and any incorporated town or city that elects by ordinance or resolution to have the provisions of this Ordinance apply as provided by § 30-15-401(2)(a)(I), C.R.S.

The prohibition on the use of fireworks does not apply with respect to display fireworks, display retailers, and display operators, as defined in § 24-33.5-2001, C.R.S., to the extent such use is in compliance with the applicable state and local laws, ordinances, and regulations, and to the extent the following conditions are satisfied: (1) any use of display fireworks is supervised by

firefighting and/or local public safety personnel, and (2) adequate fire suppression equipment is at the scene of any use of display fireworks.

SECTION II: EFFECTIVE DATE:

This Ordinance prohibiting the use of fireworks shall take effect thirty (30) days after publication, and shall remain in effect for one year; except that the ban on the use of fireworks shall not be in effect from May 31 through July 5 unless the Board adopts a resolution imposing a ban on the use of fireworks during the period of May 31 through July 5, as allowed by § 30-15-401(1)(n.7), C.R.S.; and

SECTION III: VIOLATIONS

Persons who use fireworks, including permissible fireworks, in violation of this Ordinance commit a class 2 petty offense, and shall be subject to all surcharges set forth in § 30-15-402, C.R.S., and shall pay a fine of not more than \$1,000.00 for each separate violation. 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. Persons given a penalty assessment notice that choose to acknowledge his/her guilt before trial, shall pay a fine of \$300.00 for each separate offense in person or by mail at the place and within the time specified in the notice. If he/she chooses not to acknowledge his/her guilt, he/she shall appear as required in the notice.

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

SECTION IV: ENFORCEMENT

The Garfield County Sheriff and any of his deputies shall enforce the provisions of this Ordinance. Peace officers, whether or not certified under part 3 of Article 31 of Title 24, C.R.S., as amended, are also hereby designated to enforce this Ordinance. Pursuant to § 30-15-402(1), C.R.S., as amended, any arresting peace officer may give the person arrested for violating this Ordinance a penalty assessment notice pursuant to § 16-2-201, C.R.S., as amended.

SECTION V. 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 VI. PRIOR ORDINANCE SUPERSEDED

This Ordinance supersedes and replaces Garfield County Ordinance Number 2020-01.

SECTION VII: PUBLICATION

This Ordinance was published in full in the Rifle Citizen Telegram on _____ . Following adoption, a copy of this Ordinance shall be published pursuant to § 30-15-405, C.R.S.

ADOPTED this _____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
GARFIELD COUNTY, STATE OF COLORADO

Clerk to the Board

By: _____
Chairperson

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Tom Jankovsky _____
Mike Samson _____
John Martin _____
Commissioners