



Legislation Text

File #: Ord 2172, **Version:** 1

AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH MINIMUM PENALTIES FOR THE UNLAWFUL POSSESSION, MANUFACTURE, SALE, HANDLING, USE, AND DISCHARGE OF FIREWORKS

Summary and Background Information: Commerce City currently prohibits the possession, manufacture, storage, sale, handling, discharge and use of fireworks. The 2012 Edition of the International Fire Code, as amended and adopted, generally prohibits fireworks in the City (C.C.R.M.C. 5-41000; Fire Code 5601.1.3). The possession, use, and discharge of fireworks on City park property specifically is prohibited (C.C.R.M.C. 7-1008(a-b)). Violators of these provisions are subject to fines and/or imprisonment, but the Code currently only sets maximum penalties in accordance with state law. The current municipal court fine schedule establishes a penalty of \$100 for first violations, subject to the court's discretion, plus applicable fees and restitution.

Especially during holidays, violations of the City's fireworks prohibitions pose a direct risk to the public's health, safety, and welfare, including a risk of injury, death, and property damage, and threatens to diminish the quality of life of the City's residents. Use of fireworks impacts the resources of law enforcement, fire protection, and emergency medical service providers. Despite the City's prohibition, the City's Police Department received 369 calls for service relating to fireworks in July 2017 (compared to 57 in June and 22 in August) and 259 calls for service relating to fireworks in July 2016 (compared to 54 in June and 18 in August). At least two structures in the City were damaged or destroyed by fire as a result of the unlawful use of fireworks in 2017.

Ordinance 2172, proposed as an emergency ordinance pursuant to Section 5.4 of the Charter (Section 3), establishes a minimum penalty for violations of the City's fireworks ordinances. A first offense is subject to a mandatory fine of \$500.00. Second and subsequent offenses are subject to mandatory fines of \$1,000.00. The fines may not be suspended and are in addition to other applicable penalties, fees, and restitution. Because this is an emergency ordinance, the fines would be effective immediately after passage.

Action Options:

- 1) Consider the ordinance (approval as an emergency ordinance requires 7 affirmative votes).
- 2) Amend the ordinance.
- 3) Postpone the ordinance to a future Council meeting.

Staff Responsible (Department Head): Robert Sheesley, City Attorney/Clint Nichols, Chief of Police

Staff Member Presenting: Robert Sheesley, City Attorney/Clint Nichols, Chief of Police

Financial Impact: n/a

Funding Source: n/a

Staff Recommendation: Staff recommends approval of the ordinance.