

**ORDINANCE NO. 1663**

**AN ORDINANCE AMENDING SECTION 070 (AMENDMENTS TO THE INTERNATIONAL FIRE CODE) OF CHAPTER 16 (FIRE CODE) OF TITLE 15 (FIRE) OF THE FOUNTAIN MUNICIPAL CODE TO AUTHORIZE THE POSSESSION, SALE, AND DISCHARGE CERTAIN FIREWORKS**

**WHEREAS**, certain fireworks are allowed to be possessed, sold, and used within the unincorporated areas of the State of Colorado by Article 28 of Title 31 C.R.S. and within incorporated areas of the State of Colorado unless restricted by local law in those incorporated areas; and

**WHEREAS**, unincorporated areas where the sale and use of permissible fireworks adjoin the City limits and in some instances are partially or completely surrounded by the boundaries of the City; and

**WHEREAS**, the proximity and configuration of unincorporated areas outside the City limits where permissible fireworks are available for sale and use allows fireworks to easily be brought into and discharged within the City limits; and

**WHEREAS**, the existing prohibition of the use of fireworks within the City limits is difficult to enforce and many citizens desire the legalization of fireworks during the 4<sup>th</sup> of July holiday season; and

**WHEREAS**, in recognition of these enforcement difficulties and the desire of citizens to use fireworks, the City Council concludes the use of permissible fireworks within the City limits should be allowed during the 4<sup>th</sup> of July holiday season.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Fountain, Colorado:

**Section 1.** SECTION 070 (Amendments to the International Fire Code) of Chapter 16 (Fire code) of Title 15 (Fire) of the Fountain Municipal Code is amended by adding a new Exception 4 to Section 5601.1.3 relating to Fireworks to read:

**Section 5601.1.3 Fireworks.**

\* \* \*

**Exceptions:**

\* \* \*

**4 a. Individuals sixteen years of age or older may possess permissible fireworks. Individuals sixteen years of age or older may purchase and discharge permissible fireworks from May 31 through July 6 of each year.**

b. Permissible fireworks may be sold, transported, stored, and discharged to the extent authorized by Article 28 of Title 12 C.R.S. and the regulations promulgated by the Fire Chief only if the seller possesses a: (i) State of Colorado permit issued under Article 28 of Title 12 C.R.S., (ii) City of Fountain Business License, (iii) City of Fountain Temporary Use Permit, if applicable, (iv) Colorado Retail Sales License, and (v) Colorado Sales Tax License.

c. The Fire Chief may prohibit or restrict the sale, offer for sale, and discharge of permissible fireworks during the period from May 31 through July 6 if the Fire Chief determines that the fire conditions or the weather preclude the safe discharge of permissible fireworks.

d. "Permissible fireworks" means "permissible fireworks" as defined by 12-28-101 C.R.S.

e. It is unlawful for any person to violate the City Fire Code or regulations promulgated by the Fire Chief, and a person convicted of a violation of the City Fire Code or a regulation promulgated by the Fire Chief shall be punished by a fine of not more than One Thousand Dollars or by imprisonment not exceeding one year, or both a fine and imprisonment. Each day during which a violation occurs is a separate offense.

**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title, and passed the \_\_\_\_\_ day of \_\_\_\_\_ 2015 by the City Council, Fountain, Colorado signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

[SEAL]

CITY OF FOUNTAIN, COLORADO

By: \_\_\_\_\_  
Gabriel P. Ortega, Mayor

Attest:

By: \_\_\_\_\_  
Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading as amended on the \_\_\_\_\_ day of \_\_\_\_\_ 2015 signed by the Mayor, and ordered published by title in the El Paso County Advertiser and News a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

CITY OF FOUNTAIN, COLORADO

By: \_\_\_\_\_  
Gabriel P. Ortega, Mayor

[Seal]

Attest:

By: \_\_\_\_\_  
Silvia Huffman, City Clerk