

TOWN OF EATON, COLORADO
ORDINANCE NO. 610

**AN ORDINANCE REPEALING AND REPLACING SECTION IX OF
CHAPTER X OF THE EATON MUNICIPAL CODE TO INCLUDE
REGULATIONS CONCERNING THE UNAUTHORIZED USE OF
FIREWORKS**

WHEREAS, the Town of Eaton, Colorado ("Town") is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees ("Town Board") is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town Board recognizes that the unauthorized use of fireworks is a fire hazard and creates a risk to the public health, safety and welfare; and

WHEREAS, based on a recommendation from the Eaton Police Department, the Town Board has determined that it is in the best interests of the Town to enact an ordinance prohibiting the unauthorized use of fireworks; and

WHEREAS, the Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public peace, health, safety and welfare and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:

Section 1. **Section IX of Chapter X.** Section IX of Chapter X, entitled "Penalty for Violations," contained only Section 10-9-1, which Section was repealed by Ordinance 420 §1 in 1991. Section IX of Chapter X shall hereby be repealed and replaced in full with the following:

SECTION IX FIREWORKS

Sec. 10-9-1 – Definitions.

- (a) The term *fireworks* includes an article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation. The term includes, without limitation, the following articles and devices commonly known and used as fireworks: blank cartridges, toy pistols, toy cannons, toy canes, toy guns, in which explosives are used; fire balloons (balloons of the type which have a burning material of any kind attached thereto or which require fire underneath to propel them);

firecrackers, torpedoes, skyrockets, rockets, bottle rockets, Roman candles, Day-Glow bombs, torches or other fireworks of like construction and any fireworks containing any explosive or flammable compound, any tablets or other device containing any explosive substance.

- (b) The term *fireworks* does not include cylindrical and cone fountains, ground spinners, dipped sticks and sparklers, snakes and glow worms, trick noisemakers and trick or novelty items that smoke, pop and/or sparkle. Further, the term does not include highway flares, railway fuses or other emergency signal devices used during an emergency situation.

Sec. 10-9-2 – Prohibited Use.

- (a) No person, other than authorized personnel, shall possess, sell, use, ignite or discharge any fireworks in the Town.
- (b) No person, other than authorized personnel, shall permit the possession, sale, use, ignition or discharge of any fireworks on such person's property. A person's property includes property that is owned or rented by such person and property that is under such person's control.

Sec. 10-9-3 – Evidence.

- (a) The Court shall not preclude evidence regarding violations of Section 10-9-2 based solely on the fact that the firework was destroyed by its use, ignition or discharge.
- (b) To the extent the provisions of this Section IX conflict with the provisions of a uniform building code adopted in Section I of Chapter VI of the Eaton Municipal Code, including, but not limited to, the International Fire Code, this Section IX shall control.

Sec. 10-9-4 – Violations.

A person who violates the provisions of this Section IX shall be subject to the penalties set forth in Section III of Chapter I of the Code.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Effective Date and Publication. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

INTRODUCED, AND APPROVED on first reading by the Board of Trustees of the Town of Eaton, Colorado, this 16th day of July, 2020.

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

TOWN OF EATON, COLORADO

By: Scott E. Moser
Scott Moser, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Board of Trustees of the Town of Eaton, Colorado, this 20th day of August, 2020.

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

TOWN OF EATON, COLORADO

By: Scott E. Moser
Scott Moser, Mayor

