

**TOWN OF MONUMENT  
ORDINANCE NO. 15-2017**

**AN ORDINANCE AMENDING CHAPTERS 9.08 AND 17.48 OF THE MONUMENT  
MUNICIPAL CODE TO PROHIBIT FIREWORKS**

WHEREAS, the Board of Trustees believes the sale and use of fireworks creates a risk to the health, safety and welfare of the citizens of the Town, as well as a fire hazard; and

WHEREAS, the Board of Trustees believes prohibitions related to the sale, use, ignition and discharge of fireworks within the Town are necessary to protect the health safety, and welfare of the public and property owners in the Town; and

WHEREAS, Colorado Revised Statute § 12-28-107 (1) permits a town to impose regulations and prohibitions upon the sale and use of fireworks, including permissible fireworks as defined by applicable law, within its jurisdiction;

WHEREAS, the Board of Trustees has determined that it is reasonable and desirable to amend Section 17.48.210(D)(2)(e) of the Municipal Code regarding temporary uses to prohibit the sale of fireworks from mobile vendors and kiosk vendors within the Town of Monument; and

WHEREAS, the Board of Trustees has determined that it is reasonable and desirable to amend the Municipal Code to include prohibitions on the sale and use of fireworks.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, as follows:

Section 1. Title 9 of the Monument Municipal Code shall be amended by the addition of the following chapter:

**9.08.050 - Fireworks**

- A. **Definition.** For purposes of this section, fireworks shall be defined as set forth in § 12-28-101(3)(a), C.R.S. and further shall specifically include permissible fireworks as defined in § 12-28-101(8), C.R.S. Excluded from this definition of fireworks are highway flares, railroad fuses, distress signals, smoke candles and other emergency signal devices.
- B. **General Prohibition.** It shall be unlawful for any person to sell, offer for sale, or to use, ignite, explode or discharge any fireworks within the Town.
- C. **Violations.** The Town of Monument Police Department shall seize, take, remove and destroy, at the expense of the violator, all stocks of fireworks offered or stored for sale or used in violation of this chapter. Any person that commits a violation of this section, upon conviction thereof, or a plea of guilty or no contest thereto, shall be punished by a fine up to and including five hundred (\$500.00) dollars for each violation.

Section 2. Section 17.48.210 of the Monument Municipal Code shall be amended to read as follows:

2) Prohibited Uses. The following goods and services are prohibited from being sold by mobile vendors or kiosk operators:

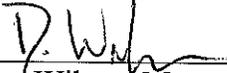
- a) Alcoholic beverages.
- b) Drugs, whether prescription or non-prescription.
- c) Sexually oriented materials or services.
- d) Items larger in size than ten (10) square feet.
- e) Fireworks, as defined in §12-28-101, C.R.S., and further specifically including permissible fireworks as defined in § 12-28-101 (8), C.R.S.
- f) Food that is not properly handled or refrigerated.
- g) Firearms.
- h) Hazardous materials of any kind

INTRODUCED, PASSED, APPROVED AND ADOPTED on this 5<sup>th</sup> day of September, 2017, by the Board of Trustees of the Town of Monument by a vote of 4 for and 2 against. Mayor Pro Tem Wilson and Trustee Elliott opposed the ordinance.

ATTEST:

  
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Laura Hogan, Town Clerk

TOWN OF MONUMENT

  
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Don Wilson, Mayor Pro Tem