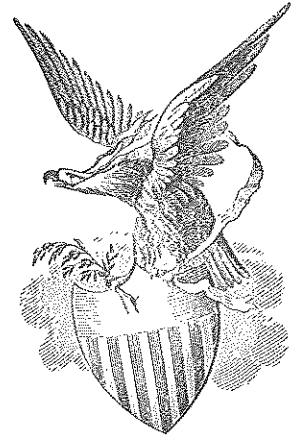


# Town of Silverton

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## ORDINANCE 2009 - 04

### AN EMERGENCY ORDINANCE TO HIRE TEMPORARY EMPLOYEES TO CONTROL THE USE OF PRIVATE FIREWORKS WITHIN THE TOWN LIMITS ON THE JULY FOURTH HOLIDAY

WHEREAS, the Town of Silverton contracts with San Juan County and its Sheriff's office for the provision of police services and enforcement of Town ordinances within the limits;

WHEREAS, the Board of Trustees finds a case of special emergency such that the immediate passage of this ordinance is critical to maintain the Town's obligation to protect public health, safety, and welfare;

WHEREAS, the Board of Trustees of the Town of Silverton finds that the use of fireworks by private individuals or groups during the days surrounding the July fourth independence day holiday is harmful to the health, safety, and welfare of the general public;

WHEREAS, the Board of Trustees and the Sheriff's department have, at multiple public meetings, identified and discussed the problems and dangers associated with the private and uncontrolled use of fireworks within the Town of Silverton on and around the July fourth independence day holiday;

WHEREAS, the Board of Trustees finds that current law enforcement staffing is inadequate to manage the increased requirement for law enforcement during the July independence day holiday weekend;

WHEREAS, section 6-5-4 of the Code of the Town of Silverton declares the use, possession, or sale of fireworks to be illegal within the limits of the town and further specifies that unlawful fireworks shall be confiscated;

WHEREAS, the Town of Silverton has by ordinance adopted the 2003 International Fire Code, which, in section 3301, prohibits the storage, use, and handling of fireworks without permit, specifically:

**3301.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

**3301.7 Seizure.** The fire code official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

WHEREAS, section 3302 of the International Fire Code and the Consumer Product Safety Commission determines which fireworks are permitted and which are forbidden;

WHEREAS, violating the provisions of the International Fire Code is considered a misdemeanor and punishable by a fine of not more than \$500 and / or imprisonment not exceeding 90 days; and


WHEREAS, enactment of this Emergency Ordinance authorizing the Sheriff to immediately hire additional law enforcement officers to manage the increased need for law enforcement during the July fourth independence day holiday weekend is necessary for the preservation of the health, welfare and safety of the citizens of the Town of Silverton.

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

1. **Authorization to hire:** The San Juan County Sheriff's department is authorized to hire up to twelve temporary code enforcement officers to specifically manage the increased need for law enforcement relating to the private use of fireworks during the July fourth independence day holiday weekend.
2. **Authority and penalty:** The Sheriff's department and its officials are authorized to issue citations and fines to individuals or groups found to be violating local laws and codes relating to the use, sale, or discharge of fireworks, with the exception of sparklers and fountain fireworks that do not leave the ground. The fine for each violation shall be \$300, payable as a mail-in payment.
3. **Purpose of fine:** Revenue generated by fines shall be used to offset the cost of hiring temporary employees, which ultimately allows for a safe and controlled fourth of July Independence Day holiday weekend experience for Town citizens and visitors.

Passed and adopted this 22<sup>nd</sup> day of June, 2009.

  
Brian Carlson, Clerk-Treasurer

  
Terrence M. Kerwin  
Mayor