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A G E N D A

**Delta City Council
Work Session**

**June 18, 2018
6:00 p.m.**

- A. Staff Update on Blake Field Utilities**
- B. Discussion Regarding Fireworks Stand Permits and Use of Fireworks in City Limits**

Item A:

Staff Update on Blake Field Utilities



MEMO

To: City Council
From: Lucas G. Fedler, Chief of Police / Acting City Manager
Date: June 14, 2018
Subject: Discussion of Fireworks stand permits and use of
Fireworks in City limits.



City of Delta

Recommendation:

Staff recommends adopting Ordinance NO. 4, 2018 - An Emergency Ordinance of the City of Delta Amending Chapter 8.28 of the Municipal Code Regarding Fireworks, Ordinance NO. 5, 2018 - An Emergency Ordinance of the City of Delta Amending Chapter 8.28 of the Municipal Code Regarding Fireworks and/or Resolution NO. 6, 2018 – A Resolution of the City of Delta, Colorado Imposing a Ban on the Use, Sale, Exchange, Barter, or Trade of or in Fireworks and Issuance of Temporary Permits for the same in the City of Delta.

Background:

The Delta Volunteer Fire Department notified the City of Delta that Delta County, Montrose County and Mesa County as well as the Bureau of Land Management and the US Forest Service have adopted Stage 1 Fire Restrictions. These restrictions were implemented due to the extreme fire conditions resulting from extended hot, dry and windy weather in the area. It is recognized that such conditions result in fire occurrences and the possibility exists for rapid fire spread. The fire department is also recommending that the City of Delta not allow the sales of fireworks since fireworks are not allowed during these restrictions.

There are other area municipalities that have also banned the issuance on the sale of fireworks due to the fire restrictions.

On June 5, 2018, Staff recommended not allowing firework stand permits to be issued during the Stage 1 Fire Restrictions in and around Delta County. This recommendation was denied and council approved the sale of fireworks in the City of Delta.

Actions to be Taken if Approved:

Mayor and clerk will sign such approved ordinances and will publish accordingly.

**CITY OF DELTA, COLORADO
ORDINANCE NO. 4, 2018**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF DELTA AMENDING CHAPTER 8.28 OF THE DELTA
MUNICIPAL CODE REGARDING FIREWORKS.**

WHEREAS, lower than normal snowpack during the 2017-2018 winter season and recent hot and dry weather have created high fire danger in and around the City of Delta (“City”); and

WHEREAS, a Stage 1 Fire Restriction has been implemented in Delta County effective May 21, 2018, based on conditions resulting from the extended hot, dry, and windy weather in the Delta County, Colorado, area; and

WHEREAS, such conditions often result in fire occurrences and increase the possibility for rapid fire spread; and

WHEREAS, extremely dry weather conditions also significantly magnify the fire danger posed to persons and property by the use and sale of fireworks; and

WHEREAS, the City seeks to provide for the immediate public peace, health, safety, and welfare of its citizens by amending the City Municipal Code (“Code”) to allow City Council to impose temporary bans on the use and sale of fireworks within the City; and

WHEREAS, Article II, Section 19(c) of the City Charter authorizes the City Council to pass an emergency ordinance to become effective immediately if necessary to the immediate preservation of the public peace, health, or safety; and

WHEREAS, given the higher-than-normal potential for fires under the current weather conditions and the fact that several fires are already burning in neighboring counties, the City Council finds that an emergency ordinance is necessary in order to reduce the potential for fires in and near the City and to protect the health, safety, and welfare of City citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The City Council incorporates the foregoing recitals as findings by the City Council.
2. Findings of Necessity. Pursuant to Article II, Section 19(c) of the City Charter, the City Council hereby finds that this Ordinance should be effective immediately upon passage for the following reasons:
 - a. The lower than normal snowpack during the 2017-2018 winter season and recent hot and dry weather have created high fire danger within the City and surrounding areas;

- b. Under the current weather conditions, the activities the City seeks to regulate through this Ordinance could cause a fire at any moment and the possibility of any such fire spreading rapidly is increased as a result of such conditions; and
- c. Waiting for the Code changes to take effect until 30 days after final passage and publication of this Ordinance could be detrimental to the preservation of public peace, health, safety and welfare.

3. Amendment. The City Council hereby amends Chapter 8.28 of the Code as follows, with added language in **bold** and underlined. Any language in Chapter 8.28 not specifically amended in this Ordinance shall remain unchanged and in full force and effect.

8.28.010 General provisions.

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H. Whenever the City Council finds that there is a high fire danger in and around the City, the City Council may, by resolution, impose a ban on the use and discharge of fireworks within the City limits. Any such ban will remain in place until City Council lifts the ban by resolution.

4. Severability. Each section of this Ordinance is an independent section, and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

ADOPTED this 18th day of June, 2018, by unanimous vote of the City Council, to be effective immediately upon passage and to be published in full as soon as reasonably possible in accordance with the Charter and Municipal Code of the City of Delta.

CITY COUNCIL OF THE CITY OF
DELTA, COLORADO

By: _____
Mayor Ron Austin

ATTEST:

Jolene Nelson, City Clerk

**CITY OF DELTA, COLORADO
ORDINANCE NO. 5, 2018**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF DELTA AMENDING CHAPTER 8.28 OF THE DELTA
MUNICIPAL CODE REGARDING FIREWORKS.**

WHEREAS, lower than normal snowpack during the 2017-2018 winter season and recent hot and dry weather have created high fire danger in and around the City of Delta (“City”); and

WHEREAS, a Stage 1 Fire Restriction has been implemented in Delta County effective May 21, 2018, based on conditions resulting from the extended hot, dry, and windy weather in the Delta County, Colorado, area; and

WHEREAS, such conditions often result in fire occurrences and increase the possibility for rapid fire spread; and

WHEREAS, extremely dry weather conditions also significantly magnify the fire danger posed to persons and property by the use and sale of fireworks; and

WHEREAS, the City seeks to provide for the immediate public peace, health, safety, and welfare of its citizens by amending the City Municipal Code (“Code”) to allow City Council to impose temporary bans on the use and sale of fireworks within the City; and

WHEREAS, Article II, Section 19(c) of the City Charter authorizes the City Council to pass an emergency ordinance to become effective immediately if necessary to the immediate preservation of the public peace, health, or safety; and

WHEREAS, given the higher-than-normal potential for fires under the current weather conditions and the fact that several fires are already burning in neighboring counties, the City Council finds that an emergency ordinance is necessary in order to reduce the potential for fires in and near the City and to protect the health, safety, and welfare of City citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The City Council incorporates the foregoing recitals as findings by the City Council.
2. Findings of Necessity. Pursuant to Article II, Section 19(c) of the City Charter, the City Council hereby finds that this Ordinance should be effective immediately upon passage for the following reasons:
 - a. The lower than normal snowpack during the 2017-2018 winter season and recent hot and dry weather have created high fire danger within the City and surrounding areas;

- b. Under the current weather conditions, the activities the City seeks to regulate through this Ordinance could cause a fire at any moment and the possibility of any such fire spreading rapidly is increased as a result of such conditions; and
- c. Waiting for the Code changes to take effect until 30 days after final passage and publication of this Ordinance could be detrimental to the preservation of public peace, health, safety and welfare.

3. Amendment. The City Council hereby amends Chapter 8.28 of the Code as follows, with added language in **bold** and underlined. Any language in Chapter 8.28 not specifically amended in this Ordinance shall remain unchanged and in full force and effect.

8.28.010 General provisions.

...

I. Whenever the City Council finds that there is high fire danger in and around the City, the City Council may, by resolution, impose a ban on the sale, exchange, and trade of fireworks within City limits. Any such ban will remain in place until City Council lifts the ban by resolution.

8.28.020 Temporary Stands.

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H. No permit shall be issued under this Section 8.28.020 while a firework ban imposed by the City pursuant to Section 8.28.010(I) is in place, and no action may be taken on any permit applications pending when such a ban goes into effect. An applicant with a pending permit application may either withdraw its application and receive a refund of the permit application fee submitted therewith or request that the application remain pending until the ban is lifted.

4. Severability. Each section of this Ordinance is an independent section, and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

ADOPTED this 18th day of June, 2018, by unanimous vote of the City Council, to be effective immediately upon passage and to be published in full as soon as reasonably possible in accordance with the Charter and Municipal Code of the City of Delta.

CITY COUNCIL OF THE CITY OF
DELTA, COLORADO

By: _____
Mayor Ron Austin

ATTEST:

Jolene Nelson, City Clerk

**CITY OF DELTA, COLORADO
RESOLUTION NO. 6, 2018**

**A RESOLUTION OF THE CITY OF DELTA, COLORADO, IMPOSING A
BAN ON THE USE, SALE, EXCHANGE, BARTER, OR TRADE OF OR IN
FIREWORKS AND ISSUANCE OF TEMPORARY PERMITS FOR THE
SAME IN THE CITY OF DELTA.**

WHEREAS, a Stage 1 Fire Restriction has been implemented in Delta County effective May 21, 2018, as a result of the extended hot, dry, and windy weather in the Delta County, Colorado, area; and

WHEREAS, it is recognized that such conditions often result in fire occurrences and the possibility exists for rapid fire spread; and

WHEREAS, pursuant to Ordinance Nos. 4 and 5, 2018, the City of Delta (“City”) amended Chapter 8.28 of the City Municipal Code to allow City Council to impose, by resolution, a ban on the use, discharge, sale, exchange, barter, or trade of or in fireworks within the City limits and to prohibit the issuance of temporary firework stand permits during such periods; and

WHEREAS, City Council adopted Ordinance Nos. 4 and 5, 2018, on June 18, 2018, as emergency ordinances, making them effective immediately; and

WHEREAS, due to the current extremely dry weather conditions, and with the recommendation of the Delta County Volunteer Fire Department, the City Council desires to impose a ban on the use, discharge, sale, exchange, barter or trade of or in fireworks and the issuance of temporary permits for temporary firework stands within the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Delta, Colorado as follows:

1. The foregoing recitals are incorporated herein as findings of the City Council.
2. The use, discharge, sale, exchange, bartering, trade, or use of fireworks within the City of Delta is hereby prohibited. The ban imposed by this Resolution shall go into effect upon passage hereof and continue until the restrictions are lifted by City Council.
3. The City Council finds and hereby determines that such prohibition is and will be protective of the general health, safety, and welfare of the community.
4. Notwithstanding anything in this Resolution to the contrary, this Resolution shall not apply to or otherwise prohibit any firework display approved by City Council pursuant to Section 8.28.010(b) of the City Municipal Code.
5. Violators of this Resolution are subject to penalties provided in the City Municipal Code or as otherwise provided by law.

6. This Resolution shall become effective immediately upon adoption hereof.

ADOPTED this 18th day of June, 2018.

Mayor

ATTEST:

City Clerk