

Chapter 8.28

FIREWORKS REGULATIONS

Sections:

- 8.28.010 General provisions.
- 8.28.020 Fireworks displays.
- 8.28.030 Fireworks sales.
- 8.28.040 Temporary stands.
- 8.28.050 Firework bans.

8.28.010 General provisions.

A. "Fireworks" as used in this Chapter shall include all items commonly known or sold as fireworks.

B. The sale and use of fireworks within the City shall be subject to the most recent provisions of the Colorado Department of Public Safety, Division of Fire Prevention and Control, and Persons Dealing with Fireworks, 8 C.C.R. 1507-12. Whichever restrictions are more stringent shall control in the event of any conflict.

C. No fireworks may be manufactured within the City

D. Except for fireworks held for an immediate and lawful retail sale, no fireworks may be stored within the City except within the Industrial District. All storage facilities shall meet the requirements of the Code for the Manufacture, Transportation and Storage of Fireworks, as adopted by the Colorado Department of Public Safety, Division of Fire Prevention and Control. As well as, all applicable storage requirements of state and federal law.

E. It shall be unlawful to discharge any fireworks in City parks or areas where a fire hazard exists, unless during a permitted fireworks display .

F. The City Manager may revoke any permit issued under this Chapter if he or she determines at a hearing with reasonable notice that the provisions of this Chapter are not being met. Any permit may be temporarily suspended pending such hearing.

G. No permit shall be issued under this Chapter while a firework ban imposed by the City pursuant to Section 8.28.050 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 applicable permit application fee or

request that the application remain pending until the ban is lifted.

H. Any violation of this Chapter is hereby declared to be a nuisance which may be abated in any lawful manner. (Ord. 7, §1(part) 1988; Ord. 4, §3 2018; Ord. 5, §3 2018; Ord. 4, 2022)

8.28.020 Fireworks displays.

A. No fireworks display may be conducted without a permit issued by the City. To apply for such a permit, an applicant must:

1. Submit an application on forms supplied by the City;
2. Pay the applicable fees, as set by the City's annual fee schedule;
3. Submit proof of general liability insurance in an amount not less than the limits set forth by the Colorado Governmental Immunity Act, C.R.S. § 24-10-114, as adjusted every four (4) years by the Colorado Secretary of State, which may not be canceled without at least thirty (30) days' notice to the City; and
4. Be licensed by the Colorado Department of Public Safety, Division of Fire Prevention and Control.

B. No permit shall be issued unless the City determines there is a satisfactory plan, reviewed and approved by the Building Inspector or their designee, which outlines the size of shells and the fallout zone of fireworks as well as safety procedures that will be in place. Fireworks and shells to be used in authorized public displays shall be stored, held, and handled in accordance with the conditions of the permit. (Ord. 4, 2022)

8.28.030 Fireworks sales.

A. It shall be unlawful to sell fireworks at retail within the City except for sales allowed by the Colorado Department of Public Safety, Division of Fire Prevention and Control. Retail sales of fireworks allowed pursuant to this section may be made only from June 1st to July 5th of any year.

B. Any person selling fireworks shall prohibit smoking and open flames within fifty (50) feet of the location of the fireworks and post "No Smoking" signs accordingly.

C. No fireworks shall be sold from any motor vehicle, travel home, trailer, or any other vehicle.

8.28.040 Temporary stands.

A. No fireworks may be sold from a temporary stand without a permit issued by the City. To apply for such a permit, an applicant must:

1. Submit an application on forms supplied by the City
2. Pay the applicable fees, as set by the City's annual fee schedule; and
3. Submit proof of general liability insurance in an amount not less than the limits set forth by the Colorado Governmental Immunity Act, C.R.S. § 24-10-114, as adjusted every four (4) years by the Colorado Secretary of State, which may not be canceled without at least thirty (30) days' notice to the City.

B. No permit shall be issued unless the City determines that the following criteria are met:

1. The applicant has a City Sales and Use Tax License and neither the applicant nor its agents, employees, or principals have failed to pay or remit City Sales or Use Tax in the last two (2) years.
2. Any applicable provisions of Chapter 5.06 have been met;
3. The stand shall maintain a minimum distance of twenty (20) feet from all structures, automobiles, roadways, and combustibles. The stand shall maintain a distance of fifty (50) feet from fueling stations.
4. The stand shall have at least one (1) exit door a minimum of twenty (20) inches in width and six (6) feet in height which swings out in the direction of egress. Stands over twenty-five (25) feet in length shall have at least two (2) exit doors.

5. Stands over twenty-five (25) feet in length shall have a fire extinguisher at each exit.

6. Vegetation around the stand shall be no more than two (2) inches above grade except for trees and shrubs.

7. No smoking or burning shall be allowed within fifty (50) feet of the stand, and "No Smoking" signs shall be posted accordingly.

8. No fireworks shall be discharged within fifty (50) feet of any stand.

9. Sales to persons under the age of eighteen (18) years are prohibited, and signs shall be posted accordingly.

10. The Building Inspector or their designee has approved the plan for the stand pursuant to applicable regulations.

C. Additional terms and conditions may be included in any permit as necessary to protect the public safety and welfare and to prevent fire hazards. (Ord. 7, §1(part), 1988; Ord. 5, §3 2018; Ord. 4, 2022)

8.28.050 Firework bans.

A. 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.

B. 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. (Ord. 4, 2022)