

8.24.030 - Sale, use and possession of fireworks.

A. Definitions. The following definitions shall apply to this section:

"Fireworks" shall mean any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definitions of "articles pyrotechnic", "permissible fireworks", or "display fireworks" as defined in C.R.S. 12-28-101. "Fireworks" shall not mean:

- (1) Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen (16) milligrams of pyrotechnic composition per item and snappers that do not contain more than one (1) milligram of explosive composition per item;
- (2) Highway flares, railroad fusees, ship distress signals, smoke candles, and other emergency signal devices; or
- (3) Educational rockets and toy propellant devices type engines used in such rockets when such rockets are nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means; or
- (4) Fireworks which are used in testing or research by a licensed explosives laboratory.

"Permissible fireworks" shall mean the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States consumer product safety commission as set forth in 16 C.F.R. 1500.1 to 1500.272 and 1507.1 to 1507.12, and classified as consumer fireworks UN0446 and UN0337 pursuant to 49 C.F.R. 172.101:

- (1) cylindrical fountains, total pyrotechnic composition not to exceed seventy-five (75) grams each for a single tube or, when more than one (1) tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred (200) grams;
- (2) Cone fountains, total pyrotechnic composition not to exceed fifty (50) grams each for a single cone or, when more than one (1) cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred (200) grams;
- (3) Wheels, total pyrotechnic composition not to exceed sixty (60) grams for each driver unit or two hundred (200) grams for each complete wheel;
- (4) Ground spinner, a small device containing not more than twenty (20) grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
- (5) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred (200) grams each;
- (6) Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred (100) grams, of which the composition of any chlorate or perchlorate shall not exceed five (5) grams;
- (7) Any of the following that do not contain more than fifty (50) milligrams of explosive composition:

- (a) Explosive auto alarms;
  - (b) Toy propellant devices;
  - (c) Cigarette loads;
  - (d) Strike-on-box matches; or
  - (e) Other trick noise makers.
- (8) Snake or glow worm pressed pellets of not more than two (2) grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five (25) units;
- (9) Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
- (10) Multiple tube devices with:
- (a) Each tube individually attached to a wood or plastic base;
  - (b) The tubes separated from each other on the base by a distance of at least one-half (0.5) of one (1) inch;
  - (c) The effect limited to a shower of sparks to a height of no more than fifteen (15) feet above the ground;
  - (d) Only one (1) external fuse that causes all of the tubes to function in sequence; and
  - (e) A total pyrotechnic composition of no more than five hundred (500) grams.

"Permissible fireworks" do not include aerial devices or audible ground devices, including, but not limited to, firecrackers.

"Person" shall mean an individual, partnership, firm, company, association, or corporation.

B. Sale of Fireworks.

1. Any person wishing to engage in the sale of "permissible fireworks", as defined C.R.S. 12-28-10,1 must first obtain the applicable licenses to do so, including, but not limited to a state retailer of fireworks license, a sales tax license, and a city business license.
2. The sale of "permissible fireworks" shall only be permitted from June 21st to July 4th. During all other times, the sale of "fireworks" shall not be allowed.
3. The sale of "fireworks" other than "permissible fireworks" is prohibited.

C. Use of Fireworks.

1. The use of "permissible fireworks" shall be permitted on July 4th between the hours of 12:00 p.m. and 12:00 a.m., on December 31st between the hours of 11:30 p.m. and 12:00 a.m., and January 1st between the hours of 12:00 a.m. and 12:30 a.m. During all other times, the use of "permitted fireworks" is prohibited.
2. The use of "fireworks" is prohibited other than the use of "permissible fireworks" as provided above.

D. Possession of Fireworks.

1. No person shall sell, purchase, possess, or use "fireworks" other than "permitted fireworks"

and in accordance with the provisions of this section.

2. No person under the age of sixteen (16) may purchase, possess, or use "permissible fireworks", unless under direct adult supervision.

E. Penalty.

1. Notwithstanding any other provision of this code, any person who violates Section 8.23.030C1 or 8.23.030D2 shall upon conviction be fined a mandatory minimum fine of one hundred dollars (\$100.00) plus any applicable surcharges and court costs.
2. Notwithstanding any other provision of this code, any person who violates Section 8.23.030B, 8.23.030C2, or 8.23.030D1 shall upon conviction be fined a mandatory minimum fine of one thousand dollars (\$1,000.00) plus any applicable surcharges and court costs.
3. Notwithstanding any other provision, any sale, use, or possession must be done in compliance with the provisions of C.R.S. 12-28-101 et seq. as may be amended from time to time.

(Ord. No. 08-21-2017B, § 1, 9-5-2017).

**Editor's note**— Ord. No. 08-21-2017B, § 1, adopted Sept. 5, 2017, repealed the former § 8.24.030 and enacted a new § 8.24.030 as set out herein. The former § 8.24.030 pertained to fireworks and derived from Ord. 365, § 3, adopted 1938.