

## **Article 8 CHAPTER 8**

### **FIREWORKS**

#### **SECTION:**

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#### **8-8-1 DEFINITIONS.**

*Fireworks* shall be defined as set forth in Section 24-33.5-2001, C.R.S., as amended.

*Permissible fireworks* shall be those small fireworks devices set forth in Section 24-33.5-2001, C.R.S., as amended.

*Person:* includes an individual, partnership, firm, company, association, corporation, or governmental agency.

*Prohibited fireworks* means those fireworks that are not permissible fireworks.

#### **8-8-2 SALE AND DISCHARGE – PROHIBITED FIREWORKS.**

It is unlawful for any person, firm or corporation to sell, exhibit, offer or expose for sale, or to have in his or her possession, lend or give away, set fire to, discharge or explode, any prohibited fireworks.

#### **8-8-3 RETAIL SALES LICENSE – REQUIRED.**

No person shall sell at retail any permissible fireworks until he or she has obtained a license from the Town.

#### **8-8-4 RETAIL SALES LICENSE – REQUIREMENTS.**

A license to sell fireworks in this Town shall issue only for such sales as are permitted under this chapter and the state statutes, and only when the Town Manager or his or her designee has determined that the vendor meets the following requirements:

- A. That the applicant, or if a corporation, its officers and directors, are of a good moral character and reputation.

- B. That the applicant has no plan, intent or scheme to make sales which are prohibited by this chapter or the state statutes.

#### **8-8-5 RETAIL SALES LICENSE-TERM – FEE.**

- A. A retailer's license shall be good only for the calendar year in which it is issued.
- B. A retailer's license shall apply to only one retail location and to only one person. It shall not be transferable, and shall be displayed in an open and obvious manner at all times at the place of business where the person to whom the license is issued is authorized to sell fireworks.
- C. The fee for a Retailer of Fireworks Permit shall be \$25.00, or as otherwise set by resolution of the Board of Trustees.

#### **8-8-6 UNLAWFUL SALE OR POSSESSION.**

- A. The Town Board of Trustees or their designee shall be authorized from time to time, based upon climatic conditions related to the danger of fire, and upon the recommendation of the fire chief, to prohibit by resolution the sale and use of all forms of fireworks, including permissible fireworks, and all other explosive materials for pyrotechnic displays within the town, except for professional firework displays specifically approved by the fire chief in advance of any such display.
- B. Whenever a prohibition has been declared by the Town Board of Trustees or their designee pursuant to this section, the Police Chief, any police officers or other employees designated by the Town Manger are authorized and directed to enforce the ban on any sale or use of fireworks within the town and to seize, take and remove, at the expense of the owner, all stocks of fireworks, including permissible fireworks, offered or exposed for sale, stored or held in violation of, and to seize, take and remove all such fireworks from a person using them in violation of a prohibition declared by the Town Board of Trustees.

#### **8-8-7 SEIZURE BY POLICE.**

- A. The Police Department shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter.

#### **8-8-8 FIREWORKS DISPLAYS**

The provisions of this Chapter do not apply to fireworks displays sponsored or co-sponsored by the Town.