

**TOWN OF SEVERANCE
ORDINANCE NO. 2019-06**

AN ORDINANCE AUTHORIZING FIREWORKS IN ACCORDANCE WITH COLORADO
REVISED STATUTE §§ 24-33.5-2001 *et. seq.*

WHEREAS the use and possession of fireworks is currently governed by the Town of Severance Municipal Code sections 10-10-10 and 10-10-20; and

WHEREAS the Board of Trustees of the Town of Severance desires to amend the Town of Severance's Municipal Code to conform to the Colorado's Statutes that govern firework use, possession, storage, and sale; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:

Section 1. Chapter 10 Article 10 of the Severance Municipal Code is amended to read as follows:

Section 10-10-05 – Definitions

As used in this Chapter:

A. **Fireworks** means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks:

1. Toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, Day-Glo bombs and torches, or other fireworks of like construction and any fireworks containing any explosive, flammable compound or any tablets or other device containing any explosive substance.

2. Fireworks do not include highway flares, railway fuses, ship distress signals, smoke candles and other emergency signal devices.

B. **Fireworks permitting regulations** means Chapter 1 of Article 28 of Title 12, C.R.S., as the same apply to licensing and permitting for sale, possession and use or display of fireworks and all other regulations contained therein.

C. **Permissible fireworks** means items designed primarily to produce visual or audible effects by combustion, including certain devices designed to produce audible or visual effects; except that no device or component shall, upon functioning, project or disburse any metal, glass or brittle plastic fragments. Neither shall any device or component explode, leave the ground or act like a Roman candle. Permissible fireworks includes toy caps which do not contain more than twenty-five hundredths (.25) of a grain of explosive compound per cap, sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices, novelty auto alarms and other novelty

devices primarily manufactured for the use and sale to individuals at or about the time of the Fourth of July holiday period, which commonly produce a visual or auditory sensation by some sort of combustion or explosion.

Section 10-10-10 – Fireworks

1. It shall be unlawful to manufacture, sell, or store for sale any fireworks within the municipal limits of the Town except as specifically allowed by thisSection.
2. It is unlawful to for any person to use or ignite fireworks within the municipal limits of the Town except in accordance with the provisions of the fireworks permitting regulations of the State. Any and all use of fireworks within the Town shall conform to Colorado Revised Statute §§ 24-33.5-2001*et. seq.* as the same may be amended from time to time. Violation of any provision of such state statute shall constitute a municipal offense under this code as well as a violation of the StateStatute.
3. All rights to use or ignite any fireworks granted by state statute or under thepreceding section shall be suspended during any fire emergency declared by the Chief of the Windsor Severance Fire Protection District applicable to the Town ofSeverance.

Section 2.Chapter 10 Article 10 Section 20 of the Severance Municipal Code is amended to read as follows:

Section 10-10-20 – Firework Violation

1. Any person who violates any of the provisions of Section 10-10-10 shall be punished by a fine of no more than seven hundred fifty dollars (\$750.00) or imprisonment not to exceed one hundred eighty (180) days, or both such fineand imprisonment.

Section 3. Effective Date: This ordinance shall take effect thirty days after its publication in the manner provided by law.

PASSED, ADOPTED, SIGNED AND APPROVED this the 26thday of March 2019.

TOWN OF Severance

By:_____

Donald M. McLeod, Mayor

ATTEST:

By:_____

Michael Jenner, Town Clerk