

Worksession Agenda Summary

February 8, 2022

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Title:

Overview of the use, sales, response and enforcement of Fireworks in the City of Greeley.

Background:

On October 21, 2021, TNT Fireworks requested information from the Fire Department regarding the application process, fees, and permitted sales dates for fireworks within the City of Greeley (City) limits. The request was specific to the sales of permissible fireworks within the City from two temporary fireworks stands in the days preceding the 2022 New Year's holiday. The request to sell permissible fireworks was denied in accordance with the current City policy which limits the sales of permissible fireworks to a 2-week period preceding the Independence Day holiday.

Permissible fireworks, also known as consumer fireworks, are defined by C.R.S. §24-33.5-2001 as those firework devices designed to produce audible or visual effects by combustion. Permissible fireworks are considered legal in the State of Colorado and are more easily defined as those firework devices that do not explode and/or leave the ground. The amount of pyrotechnic composition and explosive material within permissible fireworks is much lower when compared to those aerial firework devices used for public display. Permissible firework devices are typically sold as cylindrical fountains, cone fountains, ground spinners, and sparklers, to name a few.

According to C.R.S. § 24-33.5-2002, it is unlawful for any person to possess or discharge any fireworks, other than permissible fireworks, anywhere in the State of Colorado. Additionally, C.R.S. § 24-33.5-2003 gives any governing body the power to adopt reasonable rules and issue permits within its jurisdiction for the retail sale of fireworks. Furthermore, C.R.S. § 24-33.5-2007 explains that municipalities may further regulate and prohibit the sale, use, and possession of fireworks, including permissible fireworks, within the limits of any city.

The Fire Department, pursuant to [Greeley Municipal Code Sec. 14-481](#), may adopt reasonable rules and regulations for the granting of permits for the retail sale of fireworks within the city. Additionally, the City's Policy for Public Distribution (PPD) 78-4 limits the sales of fireworks within the City to two (2) full weekends commencing in late-June and concluding immediately after the 4th of July Holiday. In 2021, the approved sales dates were June 25, 2021 through July 5, 2021.

The Police Department receives fireworks complaints from residents across the City. The complaints are typically related towards those individual's in possession and using illegal fireworks. Illegal fireworks produce noise complaints, risk of personal

injury, and quality of life issues. The majority of the complaints occur between June 20th and July 10th of any given year.

The Police Department has compiled data from the past five years including the number of calls for service and the disposition of these complaints. Fireworks complaints provide challenges to the Police Department as by ordinance and law they are considered "minor" violations and are currently classified as a low priority call for service. The complaints also create staffing challenges due to resources dedicated to the Greeley Stampede and patrol resources needed to handle calls for service during this busy time period.

The volume of illegal fireworks activity experienced in recent years has been significant and, though staff is seeking feedback on this item, it is highly unlikely that any of the proposed options below will fully eliminate the use of illegal fireworks within the City.

Strategic Work Program Item or Applicable Council Priority and Goal:

We are Greeley Proud.

Options:

This work session item is being presented for informational and discussion purposes with direction sought on the following identified options:

1. Option 1 - No action - Information and feedback only concerning the existing City policy (attached), which limits the sales of permissible fireworks within the City to a 2-week period around the 4th of July Holiday.
2. Option 2 - Modify existing ordinance in which permissible fireworks would remain legal in the City with potential modifications including but not limited to:
 - a. Add dates and times that permissible fireworks are allowed to be sold and used in the City
 - b. Add language that would allow the City Manager to ban the use of fireworks in the City during times of extreme weather, drought, red flag warnings, etc.
 - c. Increase the penalty for violations of fireworks ordinance with an escalated fee structure for subsequent violations.
3. Option 3 - Revise the existing ordinance to prohibit the possession, manufacture, storage, sale and use of ALL fireworks in the City.
 - a. Public fireworks displays conducted by a certified fireworks display operator would be still be allowed with the approval of the Fire Chief and Police Chief.
 - b. Current Colorado cities with a similar ordinance include:
 - i. Arvada
 - ii. Boulder

- iii. Colorado Springs
- iv. Fort Collins
- v. Northglenn
- vi. Thornton

Attachments:

PowerPoint Presentation