

Fireworks

Sales, Use, Response, and Enforcement

February 8, 2022

City Council Worksession



Objectives

- **Provide information and background on:**
 - **State and Local code and policy regarding fireworks**
 - **Fireworks sales within Greeley**
 - **Fire and PD fireworks related response data**
 - **Enforcement efforts and challenges**
 - **Benchmarking information from other communities**
- **Obtain Council direction on ordinance change options**



State Statutes - Fireworks

- **§ 24-33.5-2002:**
 - **Makes it unlawful for any person to possess or discharge any fireworks, other than permissible fireworks, anywhere in this state.**
- **§ 24-33.5-2003. Permits**
 - **Governing bodies have the power to adopt reasonable rules and issue permits within its jurisdiction for the storage and retail sales of fireworks, including permissible fireworks.**
- **§ 24-33.5-2007. Regulation by municipalities**
 - **Municipalities may further regulate and prohibit the sale, use, and possession of fireworks, including permissible fireworks, within the limits of any city.**



Greeley Ordinances - Fireworks

- **Sec. 14-480 - Definitions**

- **Permissible fireworks**: small fireworks devices designed to produce audible or visual effects by combustion and are classified as **consumer fireworks***.

- **Illegal Fireworks: explodes on the ground or in the air. (Skyrockets, bottle rockets, roman candles, aerial shells, firecrackers, etc)**

- **Legal fireworks remains on the ground and combusts include fountains, sparklers, ground spinners, and other fireworks with low pyrotechnic composition.**



*complying with the requirements of the United States Consumer Product Safety

Greeley Ordinances - Fireworks

- **Sec. 14-481 – Manufacture, sale, use or possession of fireworks**
 - (b) The fire department may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks and retail sale of fireworks within the city.
 - (d) Permissible fireworks may be possessed, stored, sold, handled and used within the city by any individual age 16 years and older.



Greeley Ordinance - Fireworks

- **Sec. 14-482 – Penalty**
 - Any person who violates this chapter commits a misdemeanor infraction.
- **Sec. 14-483 – Seizure of illegal fireworks**
 - The police department or any city police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale or stored or held in violation of this chapter or of the adopted portions of the International Fire Code.



Misdemeanor Charge
\$150 + \$30 surcharge = \$180 Fine

City of Greeley – Policy Number 78-4

- **Requirements for Fireworks Sales**
 - **Permit Application and Fee**
 - **\$1,500.00 / submitted 2 weeks prior to sales dates**
 - **Sales Dates – 2 full weeks leading up to the 4th of July holiday**
 - **2021 – June 25th – July 5th**
 - **Operating Hours – 8am to 10pm**
 - **Various safety, compliance and inspection procedures**



Fire Department

Number of Fireworks Stands in Greeley during the July 4th holiday

Year	Number of Fireworks Stands	Revenue (\$1,500.00/Stand)
2018	11 Stands	\$16,500.00
2019	10 Stands	\$15,000.00
2020	10 Stands	\$15,000.00
2021	7 Stands	\$10,500.00

FD conducted 6 random inspections and DFPC conducted 4 random inspections. No illegal fireworks were found in any stands in the City.



Calls for Service – Fire & EMS

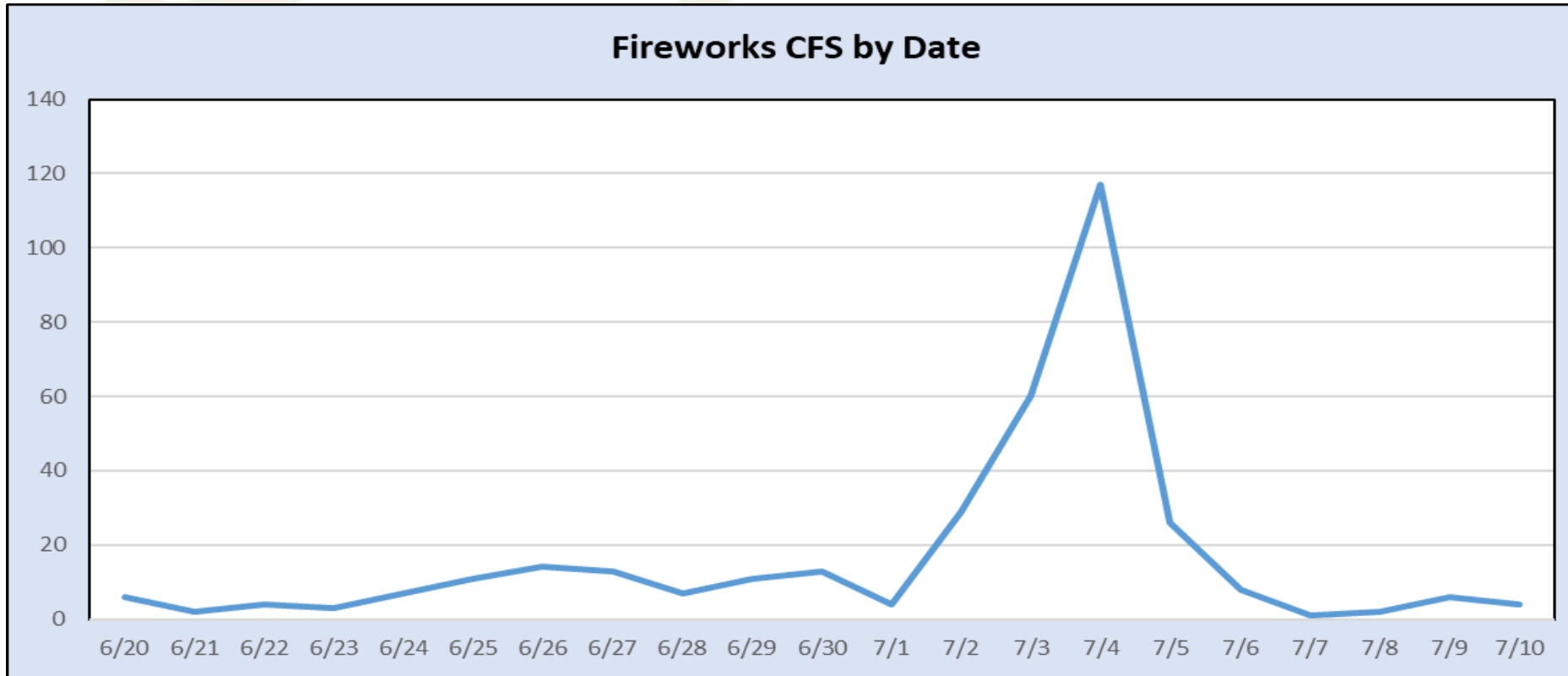
Number of calls for service between June 15 – July 15

Year	Number of calls for service	Fire related / EMS related	Number of fireworks related incidents
2018	1,194	unavailable	5
2019	1,221	38% / 62%	1
2020	1,134	24% / 76%	8
2021	1,403	25% / 75%	3

No significant increase in the number of calls noted when compared to any other 30-day time slice

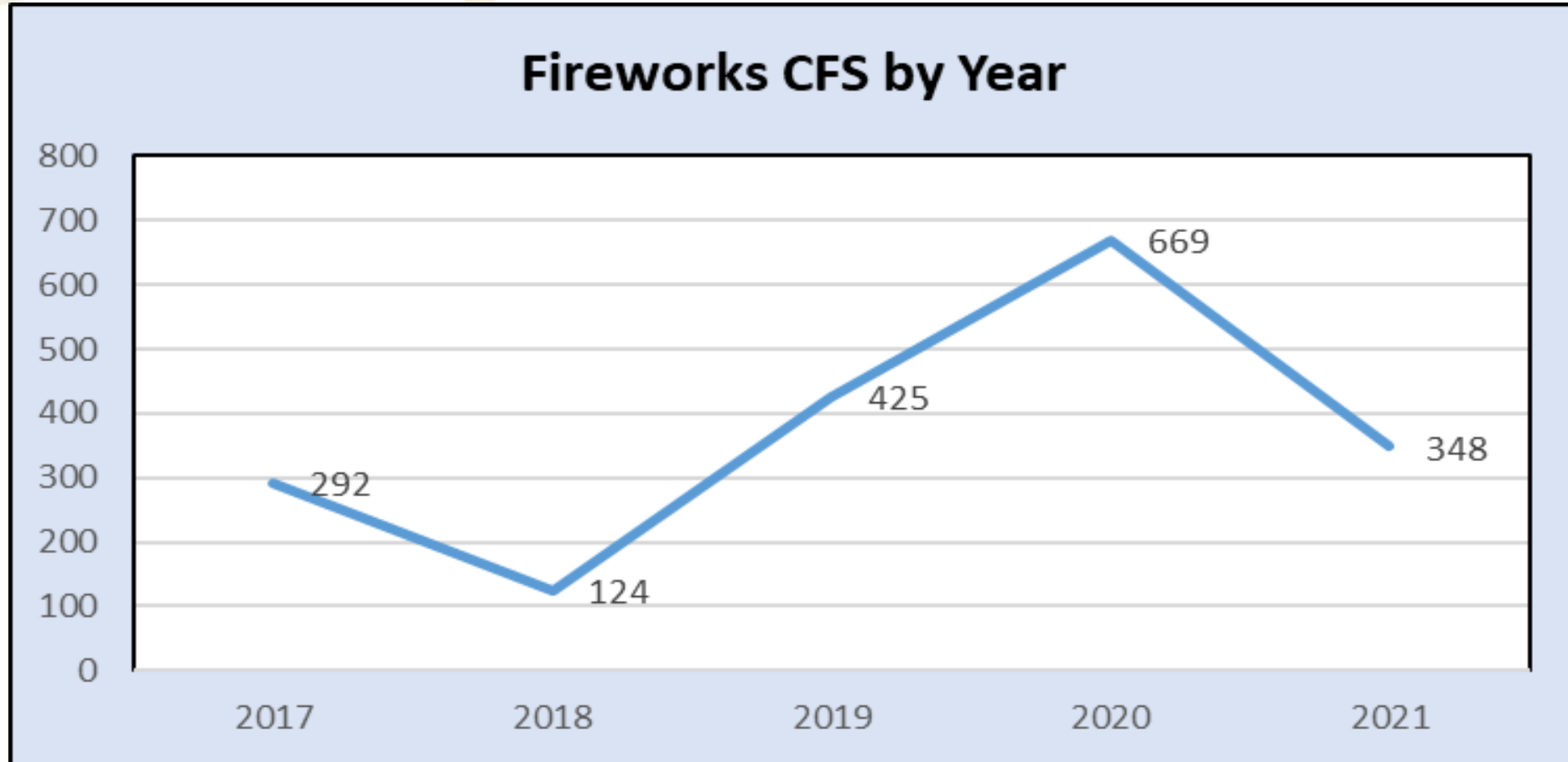


Police Calls for Service – Day of Week

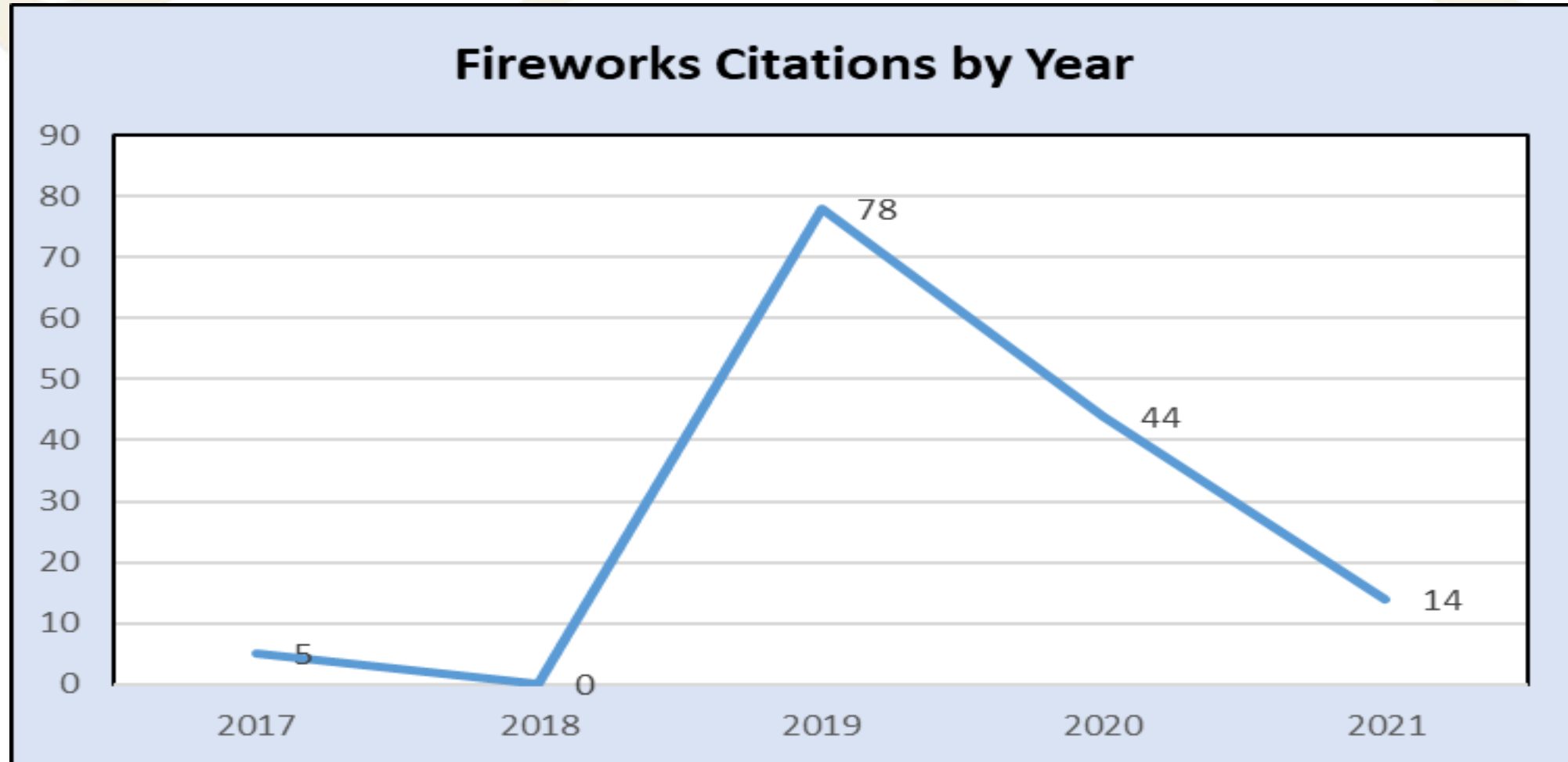


- **348 Total Firework Calls for Service (June 20 – 7/10)**
- **Majority of Calls for Service occur between the hours of 1900hrs - 0100hrs**

Police Calls for Service 5 Year Comparison



Police Fireworks Citations



Enforcement Challenges

- **Staffing**
- **Low-level crimes – prioritization of more serious calls**
- **Ability to cite individuals (Consideration of a Social Host Ordinance)**
- **Evidence collection**
- **Distinction between permissible fireworks and illegal fireworks**
- **Civil liability concerns (SB 217)**



Municipal Fines & Surcharge

City	Current Fines	Notes
Greeley	\$150 + \$30 surcharge = \$180	For subsequent violations, officer discretion to issue citation/fine or summons only into court
Ft. Collins	\$1,000-\$3,000	Summons only with possibility of up to 6 months in jail
Longmont	fines range up to \$999	Summons only with possibility of up to 18 months in jail
Loveland	\$1,000	If the defendant cannot pay immediately, sentenced to 3 days in county jail
Thornton	\$500-\$1,000	Summons only

Option 1 – No changes to ordinance

- **Permissible fireworks remain legal**
- **Update existing City policy pertaining to Requirements for Fireworks Sales**
- **Update application and permitting processes**
- **Enhanced public education safety campaign**



Option 2 – Modify Existing Ordinance

Permissible fireworks remain legal and changes to the existing ordinance:

- **Add dates and times that permissible fireworks are allowed to be sold and used in the City**
- **Include language that would allow the City Manager to ban the use of fireworks during times of extreme weather, drought, red flag warnings, etc.**
- **Increase penalty for violations with escalated fines for subsequent violations**
- **Consideration of a Social Host Ordinance**



Option 3 – Prohibit all Fireworks

- **Municipal Code Change**
 - **Prohibit the possession, manufacture, storage, sale and use of ALL fireworks in the City of Greeley.**
 - **Exception – public fireworks displays conducted by a certified fireworks display operator with the approval of the Fire Chief and Police Chief.**

Colorado cities that have enacted a similar ordinance

- | | |
|---------------------------|-----------------------|
| • Arvada | • Fort Collins |
| • Boulder | • Northglenn |
| • Colorado Springs | • Thornton |





Questions?

