

Council Agenda Summary

June 7, 2022

Key Staff Contacts: Brian Kuznik, Fire Chief, 970-350-9501 and Adam Turk, Interim Police Chief, 970-351-5381

Title:

Public Hearing and Final Reading of an Ordinance Amending Chapter 15 of Title 14 of the Greeley Municipal Code relating to fireworks

Summary:

At the February 8, 2022 worksession, City Council was presented with an overview of the use, sales, response and enforcement of Fireworks in the City of Greeley. This worksession item was 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.

At the conclusion of the worksession discussion, Council indicated it would be willing to advance an ordinance change that (a) allows for a change in penalty from an infraction to an offense, (b) allows for an increase in fines for unlawful possession, storage, use, sales, handling and use of fireworks to be not less than \$1000.00, and (c) that criminalizes those who knowingly provide private property for possession or use of illegal fireworks. Attached is an ordinance to accomplish these objectives.

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, in the State of Colorado. 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 volume of illegal fireworks activity in recent years has been significant. The Police Department receives illegal fireworks complaints from residents across the City. Illegal fireworks produce noise complaints, risk of personal injury and property damage and quality of life issues.

The manufacture, sale, use or possession of fireworks is currently a misdemeanor infraction with a penalty of a maximum fine of \$500. This Ordinance amends the violation to a misdemeanor offense, with a fine of \$1000, plus any additional penalties assessed, which could include imprisonment. The Fire Department will offer a fire safety class for persons charged with a fireworks violation. After completion of the fire safety course, the fine will be reduced to \$500.

The Ordinance also adds an additional violation for when someone knowingly provides private property for the possession and use of illegal fireworks. The penalty is the same as outlined above, with the option to reduce the fine after completing a fire safety course.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Decision Options:

- 1) Adopt the ordinance and publish by reference to title only;

- 2) Amend the ordinance and adopt the amended ordinance and publish in full;
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only

Attachments:

PowerPoint Summary

Ordinance

Appendix A