

## Chapter 8.28

### FIREWORKS REGULATIONS

#### Sections:

- 8.28.010 General provisions.
- 8.28.020 Temporary stands.
- 8.28.030 Fireworks prohibited in certain areas.
- 8.28.040 Nuisance declared.

#### 8.28.010 General provisions.

A. The manufacture, sale and use of fireworks within the City shall be subject to the provisions of state statutes and regulations including C.R.S. 12-28-101 et seq. and the provisions of this Code. Whichever restrictions are the more stringent shall control in the case of any conflict. "Fireworks" as used in this Chapter shall include all items commonly known or sold as fireworks.

B. No fireworks display may be conducted without the approval of the City Council. The applicant must submit proof of general liability insurance for the event in a minimum amount equal to the liability limits as set out in the Colorado Intergovernmental Immunity Act for property damage and bodily injury. Fireworks and shells to be used in authorized public displays shall be stored, held, and handled in accordance with the conditions of the permit.

C. No fireworks may be manufactured within the City of Delta.

D. Except for fireworks held for an immediate and lawful retail sale, no fireworks may be stored within the City except within the Industrial District 1. No fireworks may be stored unless a permit for storage is obtained from the City. All storage facilities shall meet the requirements of the Code for the Manufacture, Transportation and Storage of Fireworks, N.F.P.A. 1124-1984 as published by the National Fire Protection Association. In addition, all applicable storage requirements of state and federal law shall be met. The permit may be revoked for failure to comply with applicable requirements.

E. It shall be unlawful to sell fireworks at retail within the City of Delta except for (1) sales allowed by C.R.S. 12-28-106, and (2) except for sales of those items allowed under state law including toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap, sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices and novelty auto alarms, so long as such

devices are not capable of flight, do not travel in excess of ten feet in any direction and do not produce loud noises.

F. Any person selling fireworks shall prohibit smoking and open flames within fifty feet of the location of the fireworks and post "No Smoking" signs accordingly. Retail sales of fireworks allowed pursuant to paragraph (E)(2) may be made only from June 1st to July 5th of any year.

G. No fireworks shall be sold from any motor vehicle, travel home, trailer, or any other vehicle. (Ord. 7, §1(part) 1988)

8.28.020 Temporary stands.

A. No fireworks may be sold from a temporary stand until a permit for the stand has been obtained from the City.

B. Applications for a permit for a temporary stand shall be made on forms supplied by the City which shall contain information as convenient to administer provisions of this Section.

C. Submitted with the application shall be an application fee in the amount of \$25.00 and a Certificate of Insurance indicating general liability insurance in an amount not less than \$150,000 per person, \$400,000 per occurrence for property damage and bodily injury, which may not be cancelled without at least thirty days notice to the City.

D. No permit shall be issued unless the City determines that the following criteria are met:

1. The applicant has a City Sales and Use Tax License and none of the applicant or its agents, employees or principals have fail to pay or remit City Sales or Use Tax in previous years.

2. Any applicable provisions of the Transient Merchant Regulations have been met.

3. The building inspector has approved the plans for the stand pursuant to Section 104(e) of the Uniform Building Code.

4. A clear zone of at least fifty feet shall be maintained around the stand.

5. The stand shall have at least one exit door a minimum of twenty inches in width and six feet in height which swings out in the direction of egress. Stands over twenty-five feet in length shall have at least two doors.

6. Each stand shall have at least one exit door a minimum of twenty inches in width and six feet in height which swings out in the direction of egress. Stands over twenty-five feet in length shall have a fire extinguisher at each end.

7. Vegetation around the stand shall be no more than two inches above grade except for trees and shrubs.

8. No smoking or burning shall be allowed within fifty feet of the stand. No fireworks shall be discharged within fifty feet of any stand.

E. The City Manager may revoke any permit if he determines at a hearing with reasonable notice that the above criteria are not being met. Any permit may be temporarily suspended pending such hearing.

F. Additional terms and conditions may be included in any permit as necessary to protect the public safety and welfare and to prevent fire hazards. (Ord. 7, §1(part), 1988)

8.28.030 Fireworks prohibited in certain areas. It shall be unlawful to discharge any fireworks in City parks or areas where a fire hazard exists. (Ord. 7, §1(part), 1988)

8.28.040 Nuisance declared. Any violation of this Chapter is hereby declared to be a nuisance which may be abated in any lawful manner. (Ord. 7, §1(part), 1988)