

**TOWN OF PIERCE, COLORADO
ORDINANCE NO. 2024-03**

SENT FOR PUBLICATION
DATE: 9/10/24
BY: KRD

**AN ORDINANCE AMENDING
CHAPTER 10 ARTICLE 10 OF THE TOWN OF PIERCE
MUNICIPAL CODE CONCERNING THE PROHIBITION OF FIREWORKS**

WHEREAS, C.R.S. §12-28-107 provides that municipalities may adopt more restrictive limitations on the sale, use and possession of fireworks than those imposed under State law; and

WHEREAS, the Town of Pierce (the “Town”) current prohibits the sale, use or discharge of most fireworks; and

WHEREAS, the Board of Trustee of the Town (the “Board”) desires to amend the Town code regarding the restrictive provisions related to fireworks.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO, as follows:

Section 1. Chapter 10 Article 10 of the Pierce Town Code is repealed and reenacted to read as follows:

Section 10-10-10. – Fireworks – Definitions.

The following words, terms and phrases, when used In this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Display* means a supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations.
- (b) *Fireworks* means any combustible or explosive composition, or any substance or combination of substances or particles prepared for the purpose of producing a visible or an audible effect by combustion. explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons that require lire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Day-Glo bombs, any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substances, except that the term “fireworks” shall not include automobile flares, sparklers or other devices of like construction, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap manufactured in accordance with the interstate Commerce Commission regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the same and use of which shall be permitted at all times.

- (c) *Permissible fireworks* means the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States Consumer Product Safety Commission as set forth in 16 CFR 1500.1 to 1500.272 and 1507.1 to 1507.12, and classified as consumer fireworks UN0336 and UN0337 pursuant to 49 CFR 172.101:
1. Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than 200 grams;
 2. Cone fountains, total pyrotechnic composition not to exceed 50 grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than 200 grams;
 3. Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 200 grams for each complete wheel;
 4. Ground spinner, a small device containing not more than 20 grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
 5. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 200 grams each;
 6. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed 100 grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;
 7. Any of the following that do not contain more than 50 milligrams of explosive composition:
 - a. Explosive auto alarms;
 - b. Toy propellant devices;
 - c. Cigarette loads;
 - d. Strike-on-box matches; or
 - e. Other trick noise makers;
 8. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than 25 units;
 9. Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
 10. Multiple tube devices with:
 - a. Each tube individually attached to a wood or plastic base;
 - b. The tubes separated from each other on the base by a distance of at least one-half of one inch;
 - c. The effect limited to a shower of sparks to a height of no more than 15 feet above the ground;
 - d. Only one external fuse that causes all of the tubes to function in sequence; and
 - e. A total pyrotechnic composition of no more than 500 grams.

Section 10-10-20. – Manufacture, Sale, Use or Possession of Fireworks.

The possession, storage, sale, handling and use of fireworks is illegal except as set forth herein.

- (a) The Town of Pierce may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks and retail sale of fireworks within the Town.
 - 1. Such permits may be granted upon application to the Town.
 - 2. The Town may prescribe reasonable requirements for the issuance of such permits, including, but not limited to, a reasonable fee for such permits, the posting of an appropriate bond, limitation as to the type of fireworks displayed, time and location of such display, requirements concerning the licensure or certification of the operator of the display and disposal of unused fireworks.
 - 3. Permits Issued by the Town for a public display of fireworks within the Town must be reviewed and approved in writing by the chief of police or designee. No permit Issued by the Town shall be valid in the absence of the written approval thereof by the chief of police or designee.
- (b) Permissible fireworks may be possessed, stored, sold, handled and used within the Town by any individual age 16 years and older.
- (c) Permissible fireworks may be possessed and used within the Town by an individual under the age of 16 years if the individual is under adult supervision.

Section 10-10-30. – Knowingly Provide Private Property for Possession or Use of Illegal Fireworks.

No one who owns, rents, leases or controls private property shall knowingly allow any person to possess or use fireworks, except for permissible fireworks as allowed in section 10-10-10, anywhere on said property.

Section 10-10-40. – Evidence.

The court shall not preclude evidence regarding violations of this chapter based solely on the fact that the firework was destroyed by its use, ignition, or discharge.

Section 10-10-50. – Seizure of Illegal Fireworks.

Members of the police or fire department 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.

Section 10-10-60. – Penalty.

Any person who violates this chapter commits a misdemeanor offense and shall be fined not less than \$1,000.00.

Section 10-20-10. – Burning Prohibited.

No person shall burn weeds, leaves, limbs, trees, lawns, gardens, or any other refuse, or start any fires of any kind within the Town of Pierce, unless they have first obtained a burn permit from the Weld County Department of Public Health and Environment. Any person burning within the Town of Pierce shall comply with all applicable laws and regulations then in effect related to burning and which are promulgated in the Weld County, Colorado, Code.

Notwithstanding any of the foregoing, it shall be lawful for any person to burn limbs, and unvarnished wood, so long as such fire is in a fireplace, stove, grill, or outdoor fire ring being used for heating or cooking.

Section 2. In the opinion of the Board, this Ordinance is necessary for the preservation and protection of the health, safety, welfare and property of inhabitants and owners of property in the Town of Pierce.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, clauses or phrases be declared invalid.

Section 4. This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

Section 5. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

Section 6. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 9th DAY OF SEPTEMBER, 2024.

TOWN OF PIERCE

By: Cathy Ortiz
Cathy Ortiz, Mayor

ATTEST

Kristina Duran
Kristina Duran, Town Clerk

