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1 membrane type structure, fenced area, or other place where permissible fireworks
2 are lawfully sold. A fireworks stand may not be a building, vehicle, or trailer.

3 B. "Permissible fireworks" means items listed as permissible
4 fireworks herein designed primarily to produce visual or audible effects by
5 combustion, including certain devices designed to produce audible or visual
6 effects; except that no device or component shall, upon functioning, project or
7 disburse any metal, glass, or brittle plastic fragments. Permissible fireworks as
8 defined in CRS 12-28-101, and the adopted fire code may include the following:
9 cylindrical fountains, cone fountains, wheels, ground spinners, illuminating
10 torches, colored fire, dipped sticks, sparklers, snakes and glow worms. All other
11 fireworks are unlawful, including, but not limited to, fire crackers, M-80s, aerial
12 shells, torpedoes, skyrockets, pop-bottle rockets, and roman candles.

13 10.60.030 Use Prohibited.

14 10.60.030 Use Prohibited.

15 A. It is unlawful for any person to discharge or cause to be discharged
16 any fireworks:

17 1. On any city street or alley, city sidewalk, city park or other city
18 property.

19 2. From within or upon any type of vehicle (motorized or not, moving
20 or not).

21 3. In, on, or adjacent to any grassland, combustible vegetation, or
22 other combustible materials.

1 4. Upon or adjacent to the property of another so as to cause sparks,
2 flame, smoke, heat, sound, or odor to migrate to the property of another.

3 B. It is unlawful for any person to sell any fireworks within the city to
4 anyone under the age of 16.

5 C. It is unlawful for any person under the age of 16 to purchase any
6 fireworks with the city.

7 10.60.040 Sale of Permissible Fireworks; Permit required.

8 A. Permit. No person shall sell, offer to sell, or possess for the
9 purpose of sale, any permissible fireworks without a valid, unrevoked “Fireworks
10 Sale Permit” issued by the public safety chief or designee under this section. The
11 public safety chief or designee may grant a permit for the sale of permissible
12 fireworks to an individual, organization, or group and may adopt reasonable rules
13 and regulations consistent with this code, regulating the granting of such permits.
14 A permit applicant shall make written application at least 30 days before the
15 proposed sale. Any use of public property or right-of-way requires separate
16 application and permit under Longmont municipal code chapter 13.37. Any
17 Fireworks Sale Permit is nontransferable. Fireworks may only be sold from a
18 fireworks stand.

19 1. Permit application. The permit application shall include:

20 a. A completed application form provided by the Longmont fire
21 department.

22 b. A site plan drawn to scale showing the location and size of the
23 fireworks stand, all property lines and improvements within 150 feet of the stand

1 including parking lots, buildings, roadways, and overhead utilities.

2 c. A copy of the applicant's Colorado Retailer of Fireworks License
3 from the Colorado Division of Fire Safety.

4 d. A certificate of insurance in the amount of \$1,000,000, naming the
5 city as additional insured.

6 e. A cash bond of \$250 for each permitted location. The deposit shall
7 be returned to the permit holder after the permit holder removes the stand and
8 cleans up all related debris to the satisfaction of the public safety chief or
9 designee. If the permit holder fails to remove the stand and debris before
10 midnight of July 6th in the calendar year in which the permit is granted, the cash
11 bond is forfeited to the city.

12 f. A permit fee of \$1,000 for each permitted location.

13 g. Written evidence of authority or permission to use the property for
14 fireworks sales and all related activity.

15 h. A copy of the applicant's sales and use tax license issued by the
16 city.

17 i. A statement and evidence that the applicant is 21 years of age or
18 older.

19 j. The name and address of an individual 21 years of age or older
20 designated to receive service on behalf of applicant of any notice issued under this
21 code.

22 2. Limited sales period. It is unlawful to sell any fireworks before
23 June 19th or after July 4th of any year. Fireworks stands shall limit their hours of

1 operation to 8:00 a.m. to 10:00 p.m. Sunday through Thursday, and to 8:00 a.m.
2 to 12:00 a.m. Friday and Saturday.

3 B. Fireworks stands. It is unlawful for any person to sell any
4 permissible fireworks except from temporary fireworks stands authorized under
5 this code. Sales from within buildings, from vehicles or trailers are prohibited.

6 1. Construction. Fireworks stands shall be constructed of non-
7 combustible or fire resistive materials. When tents, canopies, or temporary
8 membrane structures are used as fireworks stands they shall also comply with the
9 adopted fire code.

10 2. Electrical. All electrical installations shall comply with the
11 adopted electrical code. Generators and generator fuel shall be located in a
12 protected location at least 25 feet from the fireworks stand. Cords and lighting
13 shall be secured to prevent contact with combustible materials and to prevent any
14 tripping hazards.

15 3. Exits. Distance to an exit from any point in a fireworks stand shall
16 not exceed 15 feet. Two exits shall be available from any point within the
17 structure. Dead-end aisles are prohibited. All fireworks stands shall provide for
18 foot traffic at grade throughout. Steps and ramps or any abrupt change of grade is
19 prohibited. All aisles and exit openings shall be at least 48 inches in width. Exits
20 shall remain open; no curtain flap or door is allowed when the fireworks stand is
21 occupied.

22 4. Location. No fireworks stand shall be located within 100 feet of
23 any other building, structure, or vehicle fueling station, nor within 300 feet of any

1 other fireworks stand.

2 5. Storage. There shall not be any fireworks stored in any fireworks
3 stand overnight. All fireworks must be removed at the end of each business day
4 and stored in a type 1, 2, 3 or 4 magazine.

5 6. Supervision. Each temporary fireworks stand and each retail sale
6 shall be under the direct personal supervision of a person at least 21 years of age
7 at all times. It is unlawful for any person under the age of 18 years to sell
8 fireworks.

9 7. Smoking. It is unlawful to smoke inside or within 25 feet of a
10 fireworks stand.

11 8. Parking. It is unlawful to park any vehicle or trailer within 25 feet
12 of a fireworks stand.

13 9. Combustible materials, ground cover, flammables. No straw,
14 sawdust, hay, or other combustible ground cover may be located inside or within
15 25 feet of a fireworks stand. Weeds and combustible vegetation shall be removed
16 from the area occupied by a fireworks stand and from areas adjacent to and within
17 25 feet of a fireworks stand. All trash and rubbish shall be kept in containers at
18 least 25 feet from a fireworks stand. No flammable or combustible liquids or
19 gases may be stored, placed or used inside or within 25 feet of a fireworks stand.

20 10. Fire extinguisher. One 5 pound, or larger, ABC, U.L. rated 2A-
21 10B:C portable fire extinguisher shall be provided at each cashier location in a
22 fireworks stand.

23 11. Demonstrations or ignition of fireworks. Demonstration or

1 ignition of fireworks is prohibited within 100 feet of any fireworks stand or any
2 combustible vegetation or materials.

3 12. Ignition sources. The use of any electrical, gas or fuel fired
4 heating device, candle, lantern, oil lamp, open flame or heat generating device or
5 cooking equipment is prohibited within 25 feet of a fireworks stand. All light
6 bulbs in fireworks stands shall be protected and isolated from all combustible
7 materials.

8 13. Phone required. A working telephone shall be available within
9 100 feet of a fireworks stand at all times the stand is occupied.

10 C. Postings required.

11 1. At least one unlawful use warning sign shall be prominently
12 displayed in each fireworks stand, stating:

13 **THE POSSESSION, MANUFACTURE, STORAGE,**
14 **SALE, HANDLING, OR USE OF UNLAWFUL**
15 **FIREWORKS IS PROHIBITED IN THE CITY.**

16
17 **UNLAWFUL FIREWORKS INCLUDE**
18 **FIRECRACKERS, TORPEDOES, SKYROCKETS,**
19 **POP-BOTTLE ROCKETS, ROMAN CANDLES, AND**
20 **OTHER FIREWORKS OF LIKE CONSTRUCTION,**
21 **OR ANY FIREWORK ARTICLE OR DEVICE**
22 **LABELED (TYPE 1.3G) or UN0335.**

1 contrasting background. Letters shall be in a block style print at least 4” high
2 with a 1/2” stroke.

3 5. An unlawful purchase warning sign shall be prominently displayed
4 at each entrance and at each cashier position in a fireworks stand stating:

5 **WARNING-IT IS UNLAWFUL FOR ANY PERSON**
6 **UNDER THE AGE OF 16 TO BUY FIREWORKS**

7 6. Unlawful purchase signs shall be printed in a color contrasting
8 with the background. Letters shall be in a block style print at least 2” high with a
9 3/8” stroke.

10 D. Displays of fireworks. In addition to the other requirements of this
11 chapter and the adopted fire code, permit applications for the display of fireworks
12 using Division 1.3G, 1.4G & 1.4S fireworks shall include the following:

13 1. A completed application form provided by the Longmont fire
14 department.

15 2. A copy of the Permit to transport hazardous materials issued by the
16 Public Utilities Commission of the State of Colorado.

17 3. A current copy of the applicant’s Colorado Certificate Fireworks
18 Display Operator or Pyrotechnic Operator License.

19 4. A Certificate of Insurance in the amount of at least \$1,000,000
20 naming as additionally insured the city, its officers, and employees.

21 5. When public property or right-of-way is within the separation area
22 as established in the adopted fire code, a cash bond in an amount determined by
23 the public safety chief or designee to adequately cover the potential cost of

1 cleanup. The bond will be returned after an inspection of the affected public
2 property and right-of-way and the public safety chief or designee has determined
3 that all debris has been removed and the area restored to its pre-display condition.

4 6. A permit fee of \$75.

5 7. When in the opinion of the public safety chief or designee there
6 exists a risk to property or public safety, proof that the permit holder will employ
7 approved standby firefighters and equipment.

8 8. For outdoor displays, a statement that the applicant has notified
9 every property owner and tenant within an area twice the fireworks clearance
10 distances listed in the adopted fire code, of the intention to obtain a fireworks
11 display permit.

12 E. Revocation of permits. Permitted operations shall comply with all
13 applicable provisions of this code. The public safety chief or designee may
14 revoke a permit if operations under a permit fail to comply with any provision of
15 this code, or if the public safety chief or designee determines that operations
16 create a hazard. The public safety chief or designee may issue a Notice of
17 Revocation, stating the grounds for revocation of the permit. Any revocation is
18 effective immediately upon service to the permit holder or the permit holder's
19 designated agent. A permit holder may file a written appeal of the revocation
20 with the city manager within ten days of being served with a notice of revocation,
21 specifying the allegations of error claimed. Within 5 days of receiving a timely
22 appeal, the city manager or designee shall conduct a hearing complying with the
23 provisions of chapter 2.98 or this code.

1 Section 2

2 To the extent only that they conflict with this ordinance, the Council repeals any
3 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
4 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

5
6 Introduced this _____ day of _____, 2009.

7
8 Passed and adopted this _____ day of _____, 2010.

9
10
11
12 _____
13 MAYOR

14
15 ATTEST:

16
17
18 _____
19 CITY CLERK

20
21 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
22 7:00 P.M. ON THE _____ DAY OF _____, 2010, IN THE
23 LONGMONT COUNCIL CHAMBERS.

24
25 APPROVED AS TO FORM:

26
27
28 _____
29 DEPUTY CITY ATTORNEY

_____ DATE

30
31
32 _____
33 PROOF READ

_____ DATE

34
35 APPROVED AS TO FORM AND SUBSTANCE:

36
37
38 _____
39 ORIGINATING DEPARTMENT

_____ DATE

40
41 CA File: 8147

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