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| Title: Regulatory Policy Sale of Fireworks | Policy No. Part 7, Planning and Land Use Chapter 3, Permits Section 3 |
| | Effective Date November 1, 2006 |
| Policy Custodian Planning and Zoning Division | Adoption/Revision Date October 31, 2006 |

Adopting Resolution(s): CC06-459

References (Statutes/Resos/Policies): 30-15-401C.R.S; Uniform Building Code

Purpose: To provide an explanation of permit requirements for the temporary sale of fireworks.

Policy: Sale of Fireworks

A. Permits

1. A Miscellaneous Zoning Permit shall be obtained from the Planning and Zoning Division prior to the sale of fireworks from a temporary fireworks stand.
2. Applications shall be submitted to the County at least 30 days prior to the actual operation of the temporary stand to allow for appropriate review and input from the applicable Fire District and/or Sheriff's Department Official.
3. The permit shall be valid for a maximum of sixty (60) days. Permits shall not be transferable.
4. Applicants shall pay an application fee as specified by the Board of County Commissioners.
5. The following items shall be submitted as the application:
 - a. A copy of the lease agreement or written permission of the property owners to use the land for the sale of fireworks.
 - b. Certificate of general liability insurance in the amount of at least \$1,000,000.
 - c. Copy of Colorado Public Utility Commission Hazardous Material Transportation Permit used by the transporter of the fireworks or statement indicating that less than 1,000 pounds of fireworks will be transported.
 - d. A scaled site plan that shows the following:
 - 1) The location of the sales structure showing the setbacks to all property lines and all other buildings.
 - 2) The location of any on-site storage of fireworks and the on-site trash receptacle.
 - 3) The location of all exits from the structure.
 - 4) The location of fire extinguishers within the sales structure.
 - 5) The location of any other fuel or heat sources such as auxiliary generators, gasoline storage, etc.
 - 6) The location of the phone to be used for sales staff to call for emergency assistance during the hours of operation.

- 7) The 100-foot buffer between the stand and any agricultural and residential zoned properties.
 - 8) A parking plan for the site drawn to scale which shows access, parking spaces and parking barriers to be used around the sales structure. Parking spaces shall be numbered and drawn to scale.
 - e. Community Notification Packets to inform property owners and tenants within 200 feet of the proposed sale. Notification of sales shall be by certified mail. Applicant shall provide a list of all property owners and tenants within 200 feet and proof of notification.
 - f. Proof of available potable water and sanitation facilities.
6. Application must be signed by the applicable Fire Protection District prior to issuance of a permit.

B. Standards

1. Selling any illegal fireworks, failing to comply with any order of a Fire District or Sheriff's Department official, failing to submit any required document, falsifying or withholding any information on this application, or failing to get the required documents when required, shall result in the immediate revocation of this permit and closure of this sales facility. A summons and/or confiscation of products may also result.
2. Temporary fire work stands may be permitted as part of events leading up to the following holidays:
 - a. Fourth of July
 - b. Christmas
 - c. New Year's Eve
3. The Board of County Commissioners may, at their discretion, ban the sale of fireworks as part of temporary firework stands under the provisions of C.R.S. [30-15-401(1)(n)].
4. Temporary firework stands may not be permitted during seasons where the State of Colorado issues a statewide ban on fires due to high and/or hazardous wildfire conditions.
5. The Permittee shall immediately comply with applicable Fire District and Sheriff's orders.
6. Sales Personnel
 - a. All sales employees may be subjected to a personal criminal history review before being permitted to work as sales personnel.
 - b. Fireworks shall not be sold or dispensed by any person under the age of 16. An adult shall be present during all hours of operation. (An adult is a person 18 years of age or older.)
7. Location
 - a. Site shall be located in a Commercial Zone District or Planned Development Zone District which permits retail sales.
 - b. There shall be a minimum of 100 feet between the location of the temporary firework stand and any agricultural and/or residential zoned properties.

- c. The location shall adhere to all applicable setbacks for the property.
- d. No fireworks shall be sold or dispensed from any motor vehicle or towed vehicle.

8. On-Site Requirements

- a. A copy of the completed permit application, supporting documents and the permit shall be kept on site at all times.
- b. Adequate security of explosives shall be maintained at all times. (A Class II magazine capable of handling all fireworks available for sale is required on-site.)
- c. Safe on-site procedures shall be strictly adhered to.
- d. No smoking or open flame shall be allowed at any time within 25 feet of the sales site.
- e. No alcohol, drugs, or persons under the influence shall be allowed at the sales site.
- f. All unauthorized personnel shall be kept out of all storage areas.
- g. Trash and storage requirements shall be strictly maintained.
- h. Vegetation within the required stand setbacks shall not exceed two inches above the ground with the exception of trees and shrubs. Weeds, not within the stand setback, but on the premises, shall be no taller than 12 inches within a radius of 200 feet from any point on the stand or to the property line; whichever is the lesser distance.
- i. No fireworks shall be discharged within a 200 foot radius from any point on the stand.

9. Sales

- a. A stand shall be used only for retail sales of fireworks. No wholesale of fireworks shall be conducted from stands.

10. Stands

- a. All fireworks stands shall be dismantled and removed no later than 10 days after the last sales day.
- b. All structural stands shall be securely anchored, painted, and structurally sound.
- c. Exit doors shall be a minimum of 24 inches in width and 6 feet in height and swing in the direction of egress.
- d. Any stand measuring more than 25 feet in length across the face shall have two exits.
- e. Stands shall not have wheels or tires. A motor vehicle, travel trailer, or tent cover attached to or combined as a part of a stand shall not be permitted.
- f. Any stand that is a tent (as defined in the Uniform Fire Code) shall meet all the requirements stated in Article 32 of the Uniform Fire Code concerning tents. All flooring in a tent shall be gravel or other noncombustible type material.
- g. All other stands may be constructed of wood, metal, or other approved materials. Combustible construction shall be painted with a water-based latex paint.

- h. All stands shall be provided with two 3A40BC or two 2A10BC or one of each multipurpose dry chemical fire extinguishers readily accessible and in good working order. Each extinguisher shall carry a current annual inspection tag. One extinguisher shall be placed at each end of the stand.
- i. All stands provided with electrical wiring shall be as required by the State Electrical Board and/or County permitting requirements.
- j. A "NO SMOKING" sign shall be conspicuously placed both inside and outside of all stands. A warning sign shall be displayed in a prominent place on the site that states: "Warning, it is illegal for any person under 16 years of age to purchase any fireworks. Violators may be punishable by a fine of up to \$750.00, by imprisonment for up to six months, or both such fine and imprisonment". The sign letter shall be a minimum height of 1 inch.
- k. "NO PARKING" signs in front of the exits shall be posted and visible from the parking area.
- l. A phone shall be located within 200 feet of the sales site to allow sales staff to call for emergency assistance during the hours of operation.

11. Inspections

- a. All initial inspections of fireworks sales shall be conducted a minimum of one day prior to the opening of the site. There shall be no sales without an initial inspection by the applicable Fire District or Sheriff's Department.
- b. The applicant shall obtain and have available the following prior to site inspection:
 - 1) Copy of the invoice from the wholesaler of fireworks to be sold. This must show the number of pounds of product.
 - 2) The applicable Fire Protection District and/or Sheriff's Department Official may require a submittal of at least two samples of items to be offered for sale for testing of performance against the legal performance standards as specified in CRS.
 - 3) The Fire Protection District may require submittal of Material Safety Data Sheets on the products used at the site that are potential "Hazardous Materials".