

Dacono FIREWORKS REGULATIONS

Dacono Municipal Code

Sec. 10-92. - Fireworks.

(a) In this Section, the following words shall have the following meanings:

(1) Fireworks shall be defined as set forth in CRS 24-33.5-2001(5)(a)

(2) Except during any state-wide or City ban on open burning as provided in Subsection (c) below, when no fireworks shall be considered *permissible* fireworks, permissible fireworks shall be those small fireworks devices set forth in 24-33.5-2001(11)(a)

(3) *Prohibited* fireworks means those fireworks that are not permissible fireworks.

(b) No person shall sell, offer for sale or possess with the intent to offer for sale any prohibited fireworks in the City; and no person shall sell, offer for sale or possess with the intent to offer for sale any permitted fireworks in the City, except from a permanent structure constructed pursuant to Chapter 18 of this Code and in compliance with the site plan regulations set forth in Chapter 16, Article 24 of this Code; and no person shall place any fireworks into any fire; and no person shall possess any prohibited fireworks while in any park, parkway, street, recreation area or open space, or use or explode any prohibited fireworks on any public or private property.

(c) During any period when there is in effect a state-wide ban on open burning issued by Executive Order of the Governor that includes fireworks, or a ban on open burning within the City imposed by Council resolution, all fireworks shall be considered prohibited fireworks and it shall be unlawful for any person to sell, offer for sale, possess with intent to sell or use or explode any fireworks on any public or private property within the City. The City Clerk shall post a notice on the City's website to advise when all fireworks are prohibited within the City.

(d) The Chief of Police may seize, take, remove and destroy, at the expense of the violator, any and all prohibited fireworks offered or exposed for sale, stored, held or possessed in violation of this Section.

(e) The provisions of this Section do not apply to approved municipal fireworks displays by the City.

Sec. 24-33.5-2001

(5)(a) "Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks, or display fireworks.

(b) "Fireworks" does not include:

(I) Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;

(II) Highway flares, railroad fusees, ship distress signals, smoke candles, and other emergency signal devices;

(III) Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;

(IV) Fireworks which are used in testing or research by a licensed explosives laboratory.

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- 11(a)** “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:
- (c)(I)** Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five 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 two hundred grams;
 - (II)** Cone fountains, total pyrotechnic composition not to exceed fifty 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 two hundred grams;
 - (III)** Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;
 - (IV)** Ground spinner, a small device containing not more than twenty 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;
 - (V)** Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;
 - (VI)** Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;
 - (VII)** Any of the following that do not contain more than fifty 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;
 - (VIII)** Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;