



THE SALE AND USE OF FIREWORKS IN COLORADO

by Jason Schrock

This issue brief examines the state's fireworks law, including the ability of cities and counties to regulate fireworks. Unlike the summer of 2002, there is no statewide ban on the sale and use of fireworks in effect this year.

Current Law on the Sale and Use of Fireworks

Colorado law regulates the type of fireworks that people may use, and local governments may further regulate or prohibit fireworks. The types of fireworks that are permissible in Colorado are:

- non-explosive fireworks that are not intended to leave the ground, such as sparklers, fountains, ground spinners, and novelty fireworks, such as party poppers.

Fireworks that are always illegal to use in Colorado (except for public and professional displays) are:

- firecrackers, rockets (including bottle rockets), roman candles, cherry bombs, mortars and similar items, such as M-80s.

Anyone selling fireworks in Colorado must first obtain a license. Fireworks that cannot be used in Colorado may be sold within the state for export purposes by vendors with an export license. Anyone who purchases illegal fireworks in Colorado must possess an out-of-state driver's license and proof of a valid out-of-state motor vehicle registration. An individual with an

out-of-state wholesale or retail license may also purchase illegal fireworks. It is illegal for anyone not licensed as a display retailer, exporter, or wholesaler to bring any fireworks purchased in other states into Colorado.

Municipal and County Fireworks Authority

Municipalities can further restrict the types of fireworks that can be sold or used within their boundaries and may ban the sale and use altogether. Counties have the authority to ban the sale and use of fireworks in unincorporated areas when the fire danger is high. The different regulatory authority between jurisdictions can mean that what is illegal to buy or use in one area may be legal in another area.

Penalties for Violations of the State Fireworks Law

Local law enforcement agencies enforce the state fireworks laws. Colorado law provides that:

- the sale or use of illegal fireworks is a Class 3 misdemeanor resulting in a fine of \$50 to \$750 and up to six months in jail; and
- violators can have their fireworks seized.

Municipalities may prescribe and enforce more severe penalties for any violations of their

ordinances restricting the sale and use of fireworks.

Other Possible Penalties

In addition to penalties directly relating to the use and sale of fireworks, the law establishes penalties for setting fires and reckless conduct resulting in fires, including any fires caused by fireworks. Depending on the circumstances, an offender could be fined up to \$750,000 or serve up to 12 years in jail.

Offenders could also be ordered to pay for property destroyed or for injuries caused by a fire, and to pay restitution to emergency responders (police, fire, medical, health response teams, state agencies) to cover their costs of responding to the fire. Individuals could also be sued by victims impacted by the criminal or irresponsible activity.