


MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager 

RE: Ban of Firework Sales

DATE: May 24, 2022

Staff Recommendation: Resolved that the Board of County Commissioners hereby prohibits the sale of fireworks in the unincorporated areas of Jefferson County effective as of the date of this Resolution. This ban on the sale of fireworks shall remain in effect during any time in which the use of fireworks in Jefferson County is prohibited by order of the Jefferson County Sheriff. On April 20, 2022, Sheriff Shrader issued a Stage 1 Fire Ban, which prohibits the use of fireworks.

WHEREAS, pursuant to Section 30-15-401(1)(n.7), the Board of County Commissioners previously adopted an ordinance allowing the declaration of a ban on the sale, use or possession of fireworks under certain circumstances. See County Ordinance adopting Regulatory Policy Part 3, Chapter 6, Section 2 Authorizing the Declaration of Open Fire and/or Firework Sale, Use or Possession Bans, as adopted by Resolution CC12-239.

WHEREAS, such authority shall be exercised for the immediate preservation of the public health and safety upon the finding of a high fire danger, which exists when the danger of forest or grass fires is high; and

WHEREAS, on April 20, 2022, due to the continuing high fire danger conditions within the County, and pursuant to his authority under Section 30-15-401, C.R.S., the Jefferson County Sheriff enacted Stage 1 Fire Restrictions for all lands in unincorporated Jefferson County. This Fire Ban includes the use of all fireworks and was enacted in accordance with the Annual Operating Plan regarding the implementation of Fire Restrictions and Fire Bans; and

WHEREAS, based on the Stage 1 Fire Restrictions, comments from County officials and departments, testimony from all interested parties, and other competent evidence as defined in Section 30-15-401(1)(n.5)(V)(A), C.R.S., the Board of County Commissioners finds that the danger of forest or grass

fires is high throughout the unincorporated areas of the County and this ban on the sale of fireworks is necessary for the immediate preservation of the public health and safety.

WHEREAS, consistent with this ban on the sale of fireworks, the Board of County Commissioners finds it necessary to limit the issuance of permits relating to the sale of fireworks. As such, while the ban on the sale of fireworks is in effect, the Planning and Zoning Division shall not issue any Miscellaneous Zoning Permits under Regulatory Policy Part 7, Chapter 3, Section 3 providing the permit requirements for the sale of fireworks.

Resolution No. CC22-136

Background: The Sheriff's Office enacted Stage 1 Fire Restrictions on April 20, 2022. This open fire ban was based on the Fire Restriction Evaluation Guidelines used by the Sheriff's Office when weather factors or fire suppression impacts become a concern. The Sheriff's ban on open fires included the use of all fireworks, but it did not ban the sale of fireworks.

Like the Sheriff, the Board of County Commissioners has the authority to ban the sale, use, or possession of fireworks if the fire danger in the County is high. Based on the criteria used by the Sheriff's Office for the Stage 1 Fire Restriction, the Board can find there is competent evidence of high fire danger to support a ban on the sale of fireworks.

Fiscal Impact: Per the Development Application and Permit Fees Policy, Firework Stand Permit Fees are distributed equally to the applicable Fire Protection District and the Wildland Fire Fund. The permit fee is \$4,000 per stand.

BCC Briefing Presented on: N/A

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