CITY OF LAKEWOOD

RETAIL SALES OF DISPLAY FIREWORKS

Lakewood Civic Center

Any person, partnership, association or corporation desiring to obtain a fireworks sale permit shall file an application with the City Clerk. A fireworks sale permit shall be valid only for the premises or location for which it is issued. Such permit(s) shall not be transferable, assignable or renewable. Each application for a fireworks sale permit shall be filed with the City Clerk on or before June 20th of the calendar year in which the permit is sought.

Applicants are responsible for knowing and observing the requirements of the Lakewood Municipal Code Chapter 5.20, Fireworks Permits – Sale and Display (copy attached).

ADDITIONAL DOCUMENTS REQUIRED WITH APPLICATION

- Policy of public liability insurance.
- Policy of property damage insurance.
- Such other information as the City Clerk may require to make, or aid in the investigation required by Section 5.20.160.

FEES REQUIRED

- $50.00 Nonrefundable application fee.
- $25.00 Permit fee for each location at which display fireworks shall be sold at retail.

APPROVAL OF LICENSE

After completion of the application, the application is routed to Lakewood's Police Department for approval. The application is then routed to the fire district within the proposed location. An investigation of this location will determine its safety. The results of this investigation, indicating approval or denial, will be forwarded to the City Clerk's Office.

If you have any questions regarding permit for Retail Sales of Display Fireworks, please call the City Clerk's office at 303-987-7080.

Retail sales are allowed only for those who obtain a Public Display Permit from the City of Lakewood.

Rev 04/13

CITY OF LAKEWOOD

City Clerk's Office
Lakewood Civic Center
480 S. Allison Pkwy.
Lakewood, CO 80226-3127
Phone: 303-987-7080
Fax: 303-987-7088
TDD: 303-987-7057

CITY OF LAKEWOOD, COLORADO
APPLICATION FOR RETAIL SALES OF DISPLAY FIREWORKS

ALL INFORMATION MUST BE COMPLETED - Illegible and/or incomplete applications will be rejected

DATA ON RESPONSIBLE PARTIES

1. Name of Applicant: _____

2. Address of Applicant: _____

3. Telephone Number of Applicant: _____

4. Is applicant:

   _____ Individual _____ Corporation _____ Partnership _____ Other (specify) _____

5. If Corporation, names and addresses of the principal officers of the corporation:

NAME	ADDRESS	DATE OF BIRTH	PHONE NUMBER

6. Name and address of the person who will manage, be responsible for and be in charge of the sale of fireworks.

   _____

7. If Partnership, names and addresses of the partners:

NAME	ADDRESS	DATE OF BIRTH	PHONE NUMBER

8. Name and address of the person who will manage, be responsible for and be in charge of the sale of fireworks.

9. Location where display fireworks will be sold:

   _____

   _____

10. Describe the manner and method of storage and sales of fireworks.

   _____

   _____

Applicants Signature: _____ Date: _____

480 S. Allison Parkway, Lakewood Colorado 80226 (303) 987-7080 Fax: (303) 987-7088

Chapter 5.20

FIREWORKS PERMITS-SALE AND DISPLAY

Sections:

5.20.010 Definitions.
5.20.020 Unlawful to sell or use fireworks.
5.20.030 Applicability.
5.20.040 Public displays.
5.20.050 Application for permit.
5.20.060 Investigation.
5.20.070 Competent fireworks operators.
5.20.080 Spectators.
5.20.090 Issuance of permit.
5.20.100 Conducting displays and prohibition.
5.20.110 Transferability.
5.20.120 Liability insurance.
5.20.140 Sale of display fireworks at retail.
5.20.150 Application for permit to sell display fireworks at retail.
5.20.160 Investigation.
5.20.170 Issuance of license.
5.20.180 Limit on location and transferability.
5.20.190 Filing application.
5.20.200 Insurance for sales at retail.
5.20.210 Seizure of fireworks.

5.20.010 Definitions.

As used in this chapter unless the context otherwise requires:

"Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, dayglo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

"Manufacturer" includes any wholesaler and any person who manufactures, makes, constructs or produces any fireworks article or device.

"Person" includes an individual, partnership, firm, company, association or corporation.

"Retailer" includes any person who sells, delivers, consigns or furnishes fireworks to another person not for resale.

"Wholesaler" includes any person who sells, delivers, consigns, gives or in any way furnishes fireworks to a retailer for resale. (Ord. O-86-7 § 2, 1986: Ord. O-81-78 § 2, 1981: Ord. O-74-38 § 1 (part), 1974).

5.20.020 Unlawful to sell or use fireworks.
Except as provided in Sections 5.20.030 and 5.20.040, it is unlawful in the city for any person to:
A. Use or explode any fireworks; or
B. Offer for sale, expose for sale or sell any fireworks; or
C. Have fireworks in his possession with intent to offer the same for sale. (Ord. O-74-38 § 1 (part), 1974).

5.20.030 Applicability.
This chapter shall not be construed to prohibit:
A. Any person, including a manufacturer, who has first obtained a license to sell display fireworks in accordance with the provisions of this chapter, from offering for sale, exposing for sale, selling and having in his possession with intent to offer for sale, or sell display fireworks to any municipality, fair association, amusement park or other organization or group holding a display permit issued as provided in this chapter, or to the Colorado State Fair and Industrial Exposition Commission, or to any county or district fair duly organized under the laws of this state;
B. The manufacture or wholesale of fireworks, or any phase thereof, which are of concern is subject to the sole authority of the Secretary of State of Colorado;
C. Any person from using or exploding fireworks in accordance with the provisions of any public display permit issued as provided in this chapter, or as part of a supervised public display of any county or district fair organized under the laws of this state;
D. Any person from using, exploding, selling or offering for sale any fireworks when such is done for a legitimate purpose other than for the purposes of display, exhibition, noise, amusement or entertainment; provided, however, it shall be the burden of those using, exploding or selling fireworks to prove their purpose was a legitimate and permitted one. Such permitted legitimate purposes shall include, but not be limited to, the following:
1. The explosion of blank cartridges for a show or theater or for signal or ceremonial purposes in organized athletics or sports,
2. The sale or use of model or educational rockets which utilize a replaceable engine or motor cartridge or nonmetallic construction, containing less than two ounces of propellant and designed to be launched by an electrical ignition system and which contain a parachute or other means for safe recovery of the rocket vehicle,
3. The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds. (Ord. O-74-38 § 1 (part), 1974).

5.20.040 Public displays.
The city may grant permits within the city boundaries for supervised public displays of fireworks by fair associations, amusement parks or other organizations and groups, subject to the rules and regulations hereinafter set forth. (Ord. O-74-38 § 1 (part), 1974).

5.20.050 Application for permit.
Any fair association, amusement park or other organization or group desiring to conduct a supervised public display of fireworks shall apply in writing to the City Clerk for such a permit not less than thirty days in advance of the date of the display. Such application shall be accompanied by a nonrefundable application fee of twenty-five dollars; and such application shall contain the following information:

A. The name of the organization sponsoring the display, together with the names of persons actually in charge of the display;
B. The date and time of day at which the display is to be held;
C. The exact location planned for the display;
D. The name of the competent fireworks operators who are to supervise discharge of the fireworks;
E. The type and class of fireworks to be discharged and the number of set pieces, shells (specifying single or multiple break) and other items including experimental or model rockets or missiles;
F. The manner and place of storage of such fireworks prior to and during the display;
G. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and the location of all nearby trees, telegraph or telephone lines, or other overhead obstructions;
H. Proof that satisfactory compensation insurance is carried for all employees;
I. Proof of public liability insurance with the same limits and coverage as are set forth in Section 5.20.120, protecting the city, applicant, manufacturer, wholesaler, seller, supplier and property owner, and operators of the display from liability. (Ord. O-74-38 § 1 (part), 1974).

5.20.060 Investigation.
On receipt of any such application, the City Clerk shall provide to the Police Department and the Fire Department or fire protection district within which the proposed location lies, a copy of the application together with a request that an investigation of the location of the proposed display be conducted for the purpose of determining if the fireworks will be of such character or so located as to be hazardous to property or dangerous to any person. Before a permit is granted, the location and handling of the display shall be approved, after investigation, by the Chief of Police and the Chief of the Fire Department or the fire protection district in which the display is to be conducted, or their authorized agents. The Chief of Police and the Chief of the Fire Department or fire protection district concerned or their authorized agents shall be requested to report to the City Clerk with respect to the results of their investigations and shall further be requested to make recommendations for the granting or denial of the permit, and recommendations with respect to the prescribing of reasonable conditions for the display, taking into account locations, parking of vehicles, controlling spectators, storage and firing of fireworks, and precautions in general, against danger to life and property from fire, explosion or panic. No permit for public display shall be granted if the operator and the location in the handling of the display are not approved by the Chief of Police and the Chief of the Fire Department or the fire protection district in which such display is to be located or their authorized agents. No permit for public display shall be granted where discharge, failure to fire, faulty firing or fallout from any fireworks or other objects would endanger persons, buildings, structures, woods and trees, brush, parks or other grass-covered land. (Ord. O-93-64 § 23, 1993: Ord. O-74-38 § 1 (part), 1974).

5.20.070 Competent fireworks operators.
No public fireworks display permit shall be granted unless at least two experienced fireworks operators are provided. Both operators shall:
A. Be responsible for, and have charge of, the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming, firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;
B. Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the fire department or fire district, and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and missiles shall not be permitted to cross or burst above areas occupied by persons;
C. Be responsible for acts of all persons employed in connection with fireworks for the display. He shall have authority to dismiss or discharge any employee or person, whether remunerated or not, at any time during the operation of the display who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person or any property. (Ord. O-93-64 § 24, 1993: Ord. O-74-38 § 1 (part), 1974).

5.20.080 Spectators.
Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation or firing of fireworks. (Ord. O-74-38 § 1 (part), 1974).

5.20.090 Issuance of permit.
If the required approval of the Chief of Police and Chief of the Fire Department (or their authorized agents), or any of them, is not received by the City Clerk, no permit shall issue; however, if such approval is received, the City Clerk shall issue a public fireworks display permit, subject to such reasonable conditions as may be prescribed by the Chief of Police or by the Chief of the Fire Department or the fire protection district in which the display is to be conducted, if all requirements of this chapter are met. (Ord. O-93-64 § 25, 1993: Ord. O-74-38 § 1 (part), 1974).

5.20.100 Conducting displays and prohibition.
The display shall be conducted only at such times, at such places and pursuant to such conditions as may be prescribed by the Chief of Police or the Chief of the Fire Department or the fire protection district in which the display is to be conducted. No public display of fireworks shall be conducted by any person or organization without a duly issued public display permit issued as provided for in this chapter. (Ord. O-93-64 § 26, 1993: Ord. O-74-38 § 1 (part), 1974).

5.20.110 Transferability.
No public fireworks display permit shall be transferable or assignable. (Ord. O-74-38 § 1 (part), 1974).

5.20.120 Liability insurance.
Each applicant for a public display permit shall file with the City Clerk, prior to the issuance of any such permit, a policy of public liability insurance, in form satisfactory to the City Clerk, with coverage of at least three hundred thousand dollars and a policy of property damage insurance in the amount of at least one hundred thousand dollars, all protecting from liability the applicant, the manufacturer, the supplier, the seller, the buyer, the property owner, the user, and the city. (Ord. O-89-29 § 1, 1989: Ord. O-87-33 § 1, 1987: Ord. O-74-38 § 1 (part), 1974).

5.20.140 Sale of display fireworks at retail.
It is unlawful for any person to sell or offer to sell at retail in this city any fireworks which are to be used for display purposes until he first obtains a permit for the sale of display fireworks at retail from the city. (Ord. O-74-38 § 1 (part), 1974).

5.20.150 Application for permit to sell display fireworks at retail.
Any person, partnership, association or corporation desiring to obtain a fireworks sale permit shall file an application therefor with the City Clerk, which application shall be accompanied by a nonrefundable application fee of fifty dollars and which shall contain the following:
A. Name and address of applicant;
B. If applicant is a corporation, the names and addresses of the principal officers of the corporation and the name of the person who will manage, be responsible for and be in charge of the sale of fireworks;
C. If the applicant is a partnership, the names and addresses of the partners and the name and address of the person who will be in charge of and supervise and manage the sale of display fireworks;
D. Location where the applicant will sell display fireworks;
E. The manner and method of proposed sales at retail of display fireworks;
F. Such other information as the City Clerk may require to make, or aid in, the investigation required by Section 5.20.160. (Ord. O-74-38 § 1 (part), 1974).

5.20.160 Investigation.
Upon receipt of an application for a permit to sell display fireworks at retail, the City Clerk shall refer the same to the Chief of Police and the Chief of the Fire Department or fire protection district within which the location named in the permit lies with a request that they determine whether the applicant can safely engage in the sale of such fireworks at the location named in the application. (Ord. O-93-64 § 27, 1993: Ord. O-87-33 § 3, 1987: Ord. O-74-38 § 1 (part), 1974).

5.20.170 Issuance of license.
If the City Clerk receives a report from the Police Department or the Fire Department or fire protection district concerned, approving the issuance of the license on the basis of the criteria set forth in Sections 5.20.150 and 5.20.160, the City Clerk, upon payment of a license fee of twenty-five dollars for each location at which display fireworks shall be sold at retail, shall issue a permit for the sale of display fireworks at retail which shall be valid for a period of twenty months from the date of issuance. Each separate permit issued shall apply and be valid only with respect to the location for which it is issued. If the report of the Police Department or the Fire Department or fire protection district indicates that the criteria set forth in Section 5.20.160 are not met, then, and in that event, no license shall be issued. (Ord. O-93-64 § 28, 1993: Ord. O-87-33 § 4, 1987: Ord. O-74-38 § 1 (part), 1974).

5.20.180 Limit on location and transferability.
A fireworks sale permit shall be valid only for the premises or location for which it is issued. Such permit or permits shall not be transferable, assignable or renewable. (Ord. O-74-38 § 1 (part), 1974).

5.20.190 Filing application.
Each application for a fireworks sale permit shall be filed with the City Clerk on or before June 20th of the calendar year in which the permit is sought. (Ord. O-74-38 § 1 (part), 1974).

5.20.200 Insurance for sales at retail.
Every applicant for a permit to sell display fireworks at retail shall comply within the insurance requirements in the amount set forth in Section 5.20.120. (Ord. O-93-64 § 29, 1993: Ord. O-74-38 § 1 (part), 1974).

5.20.210 Seizure of fireworks.
The Chief of Police or any authorized agent of the City shall seize, take and remove at the expense of the owner or possessor all stocks of fireworks stored or held in violation of this chapter. (Ord. O-93-64 § 30, 1993: Ord. O-74-38 § 1 (part), 1974).