

**GARFIELD COUNTY ORDINANCE NO. 2022-1**

**ORDINANCE PROHIBITING THE SALE, USE, OR POSSESSION OF FIREWORKS  
WITHIN UNINCORPORATED GARFIELD COUNTY**

WHEREAS, pursuant to § 30-15-401, Colo. Rev. Statutes (C.R.S.) the Board of County Commissioners of Garfield County (the Board) has the power to adopt ordinances for the control of those matters of local concern; and

WHEREAS, pursuant to § 30-15-401(1)(n.7), C.R.S., matters of local concern include prohibiting or restricting the sale, use, and possession of fireworks, including permissible fireworks as defined in §§ 24-33.5-2001(5) and (11); and

WHEREAS, the unincorporated geographic area of Garfield County, Colorado, is periodically subject to hot, dry, windy conditions, and contains heavily forested, grass and other vegetation areas, which, in combination with the presence and use of fireworks, create a high fire danger; and

WHEREAS, the Board finds it is in the best interests of the citizens and residents of Garfield County to ban and prohibit the sale, use or possession of fireworks and permissible fireworks to preserve the health, safety, and welfare of citizens and residents within the County; and

WHEREAS, pursuant to § 30-15-401(1)(n.7), C.R.S., the Board may prohibit the sale, use, and possession of fireworks, including permissible fireworks, for a period of no longer than one year within all or part of the unincorporated areas of the county; except that such an ordinance shall not be in effect between May 31 and July 5 of any year. Only if the Board adopts a resolution specifying the ordinance remains in effect from May 31 through July 5, or any period of time therein, and includes a finding of high fire danger consistent with the requirements of § 30-15-401, C.R.S., shall the ban on the sale, use or possession of fireworks remain effective from May 31 through July 5.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Garfield County:

**SECTION I. PROHIBITION ON THE SALE, USE, OR POSSESSION OF FIREWORKS**

The sale, use, or possession of fireworks, including permissible fireworks, as defined in §§ 24-33.5-2001(5) and (11), C. R. S., is prohibited throughout the unincorporated area of Garfield County, Colorado. Unincorporated areas of Garfield County include public and state lands and any incorporated town or city that elects by ordinance or resolution to have the provisions of this Ordinance apply as provided by § 30-15-401(2)(a)(I), C.R.S.

The prohibition on the sale, use, or possession of fireworks does not apply with respect to display fireworks, display retailers, and display operators, as defined in § 24-33.5-2001, C.R.S., to

the extent such use is in compliance with the applicable state and local laws, ordinances, and regulations, and to the extent the following conditions are satisfied: (1) any use of display fireworks is supervised by firefighting and/or local public safety personnel, and (2) adequate fire suppression equipment is at the scene of any use of display fireworks.

SECTION II: EFFECTIVE DATE:

This Ordinance prohibiting the sale, use or possession of fireworks shall take effect thirty (30) days after publication, and shall remain in effect for one year; except that the ban on the sale, use or possession of fireworks shall not be in effect from May 31 through July 5 unless the Board adopts a resolution imposing a ban on the sale, use or possession of fireworks during the period of May 31 through July 5, as allowed by § 30-15-401(1)(n.7), C.R.S.; and

SECTION III: VIOLATIONS

Persons who sell, use, or possess fireworks, including permissible fireworks, in violation of this Ordinance commit a civil infraction, and shall be subject to all surcharges set forth in § 30-15-402, C.R.S., and shall pay a fine of not more than \$1,000.00 for each separate violation. The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed by the arresting Sheriff's deputy or other officer for any violation of this Ordinance. Persons given a penalty assessment notice that choose to acknowledge his/her guilt before trial, shall pay a fine of \$300.00 for each separate offense in person or by mail at the place and within the time specified in the notice. If he/she chooses not to acknowledge his/her guilt, he/she shall appear as required in the notice.

All fines for violations of this Ordinance shall be paid into the General Fund of Garfield County.

SECTION IV: ENFORCEMENT

The Garfield County Sheriff and any of his deputies shall enforce the provisions of this Ordinance. Peace officers, whether or not certified under part 3 of Article 31 of Title 24, C.R.S., as amended, are also hereby designated to enforce this Ordinance. Pursuant to § 30-15-402(1), C.R.S., as amended, any arresting peace officer may give the person arrested for violating this Ordinance a penalty assessment notice pursuant to § 16-2-201, C.R.S., as amended.

SECTION V. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION VI. PRIOR ORDINANCE SUPERSEDED

This Ordinance supersedes and replaces Garfield County Ordinance Number 2021-1.