

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2024-693**

**AN ORDINANCE OF THE TOWN OF LOCHBUIE, COLORADO
REPEALING AND READOPTING SECTION 10-10-10 OF THE
LOCHBUIE MUNICIPAL CODE PERTAINING TO FIREWORKS**

WHEREAS, the Town of Lochbuie, Colorado (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, Article X of Chapter 10 of the Lochbuie Municipal Code (“Code”), as recently adopted by Ordinance 2024-690 of the Town, addresses the regulation of fireworks; and

WHEREAS, the Town Board of Trustees has determined that the Town’s current fireworks regulations are overly stringent in prohibiting certain devices otherwise allowed under state law and equating the penalties for such violations with penalties appropriate for more serious offenses related to fireworks; and

WHEREAS, the Board of Trustees desires to amend Section 10-10-10 of the Code to address this deficiency as set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:**

Section 1. **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. **Repeal and readopt Section 10-10-10 of the Code.** Section 10-10-10 of the Lochbuie Municipal Code is hereby repealed and readopted to read in full as follows:

Sec. 10-10-10. Unlawful exploding of fireworks; penalties.

- (A) Except as provided in subsection (D), it is unlawful for any person to use, discharge or explode any fireworks as defined herein within the Town limits.
- (B) Fireworks shall have the meaning assigned in Section 24-33.5-2001(5), C.R.S., as amended from time to time.
- (C) Any person convicted of a violation of this Section shall be fined a minimum of \$500.00 for a first offense and \$1,000.00 for any subsequent offense within any two year period measured from the date of violation.
- (D) The Board of Trustees may grant permits for supervised public displays of fireworks by the Town, fair associations, amusement parks and other organizations and groups.

- (1) Such organizations or groups desiring such a permit shall file with the Town Clerk a written application for a permit. The application shall state the name of the organization or group, the date of the proposed public display of the fireworks, the name of the person or persons who will operate the display, the location of the display and the nature and type of fireworks to be displayed. The application shall be signed by the president or other principal officer of the organization or group making the application.
- (2) The application must be filed at least fifteen (15) days in advance of the meeting of the Town Board of Trustees at which it is to be considered.
- (3) Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator, location and handling of the display shall be approved, after investigation, by the police chief or his/her authorized agent.
- (4) The Town may place reasonable restrictions on the issuance of the permit as it deems appropriate to include, without limitation, that the permittee indemnify and hold the Town harmless from any losses, claims or damages incurred by the Town or any third party and provide adequate insurance coverage to cover all risks and liabilities.
- (5) No permit shall be transferable or assignable.
- (6) No permit shall be required for such public display of fireworks by the Town.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 5. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed;

provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage and publication by title.

ADOPTED by a vote the Board of Trustees with 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 19th day of March, 2024.

TOWN OF LOCHBUIE, COLORADO

Jamie Jeffery
Jamie Jeffery, Mayor Pro Tem

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of March 19, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on March 28, 2024.

[SEAL]

Heather Bowen
Heather Bowen, Town Clerk

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of March 19, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on March 28, 2024.



Heather Bowen
Heather Bowen, Town Clerk