

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 19-019

BY SENATOR(S) Fields, Court, Gonzales, Story, Todd;
also REPRESENTATIVE(S) Gray, Hooton, Arndt, Bird, Cutter, Esgar,
Exum, Hansen, Herod, Kipp, McLachlan, Sirota, Snyder, Sullivan, Becker.

CONCERNING THE POWER OF A COUNTY TO RESTRICT THE USE OF FIREWORKS
DURING THE PERIOD BETWEEN MAY 31 AND JULY 5 OF ANY YEAR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-15-401, **amend** (1)(n.5)(V) introductory portion, (1)(n.5)(V)(A), and (1)(n.7) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(n.5) (V) For purposes of this ~~paragraph (n.5)~~ SUBSECTION (1)(n.5):

(A) "Competent evidence" includes the use of the national fire danger rating system, PREDICTIONS OF FUTURE FIRE DANGER SUCH AS THOSE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ISSUED BY THE NATIONAL INTERRAGENCY COORDINATION CENTER OR ANY SUCCESSOR ENTITY, LOCALIZED EVIDENCE OF LOW FUEL MOISTURE CONTENT, and any other similar indices or information.

(n.7) To prohibit or restrict the sale, use, and possession of fireworks, including permissible fireworks, as defined in section 24-33.5-2001 (5) and (11), for a period no longer than one year within all or any part of the unincorporated areas of the county. ~~except that~~ Such an ordinance shall ~~not~~ be in effect FOR THE PERIOD between May 31 and July 5 of any year ~~unless the ordinance~~ ONLY IF THE COUNTY ADOPTS A RESOLUTION SPECIFYING THAT THE ORDINANCE REMAINS IN EFFECT FOR SUCH PERIOD, WHICH RESOLUTION includes an express finding of high fire danger, based on competent evidence, as defined in subsection (1)(n.5) of this section. HOWEVER, IF THE COUNTY ADOPTS A RESOLUTION SPECIFYING THAT THE ORDINANCE REMAINS IN EFFECT FOR SUCH PERIOD, OR ANY PORTION OF SUCH PERIOD, AND SUBSEQUENT TO THE ADOPTION OF THE RESOLUTION, A CHANGE IN THE WEATHER OCCURS RESULTING IN COMPETENT EVIDENCE THAT THE HIGH FIRE DANGER IS NOT PRESENT AND NO LONGER WILL BE PRESENT DURING THE REMAINDER OF THE PERIOD, THE COUNTY SHALL ENDEAVOR TO PROMPTLY CONSIDER WHETHER TO EXERCISE ITS LEGISLATIVE DISCRETION TO RESCIND THE RESTRICTIONS IT HAS ADOPTED ON THE SALE, USE, AND POSSESSION OF FIREWORKS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1)(n.7), THE ORDINANCE REMAINS IN EFFECT AND IS FULLY ENFORCEABLE UNTIL THE RESTRICTIONS HAVE BEEN RESCINDED.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO