

DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

PERSONS DEALING WITH FIREWORKS

8 CCR 1507-12

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

CHAPTER I SCOPE AND DEFINITIONS

1.0 PURPOSE

This regulation is promulgated to establish minimum requirements and standards for licenses to sell, store, or use fireworks in the interest of the life, health and safety of employees and the general public, as well as the protection of property.

1.1 AUTHORITY

The Executive Director of the Department of Public Safety is authorized to promulgate rules and regulations for the licensing of persons dealing with fireworks pursuant to C.R.S. 12-28-104(7). Within the Department of Public Safety, the Director of the Division of Fire Safety shall administer these rules and regulations.

1.2 SCOPE

These rules and regulations shall apply to the possession, sale, storage, and use of fireworks in the State of Colorado by any person.

For a thorough understanding of all requirements concerning the possession, sale, storage, and use of fireworks in Colorado, these rules must be used in conjunction with Article 28 of Title 12, Colorado Revised Statutes, as amended and contained in Senate Bill 91-51.

These rules do not supercede, and are to be used in conjunction with any other state and federal laws and regulations concerning the manufacture, sale, storage, transportation and use of fireworks.

These rules and regulations shall not apply to:

- (a) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.(b) The sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations.
- (b) Fireworks which are used in testing or research by a licensed explosives laboratory.
- (c) The sale, purchase, possession, or use of fireworks distributed by the Division of Wildlife for agricultural purposes under conditions approved by said Division.
- (d) Toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap.
- (e) Highway flares, railroad fusees, ship distress signals, smoke candles, and other emergency signal devices.

- (f) Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.
- (g) The transportation of fireworks when such transportation is under the jurisdiction of the U.S. Department of Transportation.
- (h) The manufacture, transportation, and storage of fireworks by federal and state military agencies.

1.3 DEFINITIONS

The definitions contained in C.R.S. 12-28-101 shall apply to these rules and regulations. In addition, the following words, when used in these rules and regulations, shall mean:

APPROVAL, APPROVED or AUTHORIZED: Acceptable to the Director of the Division of Fire Safety or the “authority having jurisdiction.”

AUTHORITY HAVING JURISDICTION: The organization, office or individual responsible for “approving” equipment, an installation or a procedure.

CERTIFIED FIREWORKS DISPLAY OPERATOR: A person certified by the Division of Fire Safety to conduct fireworks displays.

CERTIFIED PYROTECHNIC OPERATOR: A person certified by the Division of Fire Safety to conduct pyrotechnic special effect performances.

C.F.R. or CFR: Code of Federal Regulations.

C.R.S.: Colorado Revised Statutes.

DEPARTMENT: The Colorado Department of Public Safety.

DIRECTOR: The Director of the Division of Fire Safety located within the Colorado Department of Public Safety.

DISCHARGE SITE: The area immediately surrounding the display fireworks mortars used for an outdoor fireworks display.

DISPLAY FIREWORKS: Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for U.S.D.O.T. classification as “common fireworks.” Display fireworks are classified as Class B explosives by the U.S.D.O.T.

DIVISION: The Division of Fire Safety in the Colorado Department of Public Safety.

EXECUTIVE DIRECTOR: The Executive Director of the Colorado Department of Public Safety.

EXPLOSIVE: Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to: dynamite, black powder, pellet powder, igniting explosives, detonators, squibs, detonating cord, igniter cord, and igniters.

FALLOUT AREA: The area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area. The fallout area is the location where a typical aerial shell dud will fall to the ground considering wind and the angle of mortar placement.

FIREWORKS DISPLAY: An outdoor display of aerial shells and/or ground pieces conducted by a certified fireworks display operator and performed as entertainment, or a special effect performance utilizing pyrotechnic materials and devices before a live audience.

FIREWORKS PLANT: All land and buildings thereon used for in connection with the manufacture, research or processing of fireworks, including storage buildings used with or in connection with plant operation.

GROUND DISPLAY PIECE: A pyrotechnic device that functions on the ground (as opposed to an aerial shell that functions in the air). Typical ground display pieces include fountains, roman candles and wheels.

HIGHWAY: Any public street, public alley or public road.

INSPECTOR: An Inspector of the Division of Fire Safety.

LOCAL AUTHORITY: The duly authorized fire department, police department, or sheriffs department of a local jurisdiction.

MAGAZINE: Any building or structure, or container, other than a fireworks plant, approved and used exclusively for the storage of explosive materials.

MIXING BUILDING: Any building used primarily for mixing and blending of pyrotechnic compositions.

MONITOR: A person designated by the sponsors of a fireworks display to keep the audience in the intended viewing area and out of the discharge site and fallout area.

MORTAR: A tube from which aerial shells are fired into the air.

MOTOR VEHICLE: Any self-propelled vehicle, truck, tractor, semi-trailer, or truck-trailer combination used for the transportation of freight over public highways.

N.F.P.A.: National Fire Protection Association.

OPERATOR: The person with overall responsibility for safety and the setting up and discharge of a fireworks display.

PERMISSIBLE FIREWORKS: Those small firework devices designed primarily to produce visible effects by combustion and which are listed in, and comply with the construction, chemical composition, and labeling requirements of C.R.S. 12-28-101. Some small devices designed to produce audible effects are included, such as whistling devices. Permissible fireworks burn without explosion, and do not produce a loud report, and no device or component shall, upon functioning, project or disburse any metal, glass, or brittle plastic fragments.

PUBLIC DISPLAY: See Fireworks Display.

PYROTECHNIC COMPOSITION: A chemical mixture, which upon burning and without explosion, produces visible, brilliant displays, bright lights, or sounds.

PYROTECHNIC OPERATOR: The person with responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects. The pyrotechnic operator is also responsible for storing, setting up, and removing pyrotechnic materials after a performance.

PYROTECHNIC SPECIAL EFFECT PERFORMANCES: A special effect created through the use of pyrotechnic materials and devices performed by a Certified Pyrotechnic Operator for the entertainment of a live audience.

SHALL Indicates a mandatory requirement.

SHOULD: Indicates a recommendation or that which is advised but not required.

STORAGE BUILDING: Any building, structure, or facility in which Common Fireworks (Class C Explosives) in any state of processing, providing there is no exposed pyrotechnic material, but in which no processing, manufacturing or sale is actually performed.

U.S.D.O.T. or U.S. DOT: United States Department of Transportation.

WAREHOUSE: Any building or structure used exclusively for the storage of non-explosive materials.

CHAPTER II GENERAL PROVISIONS

2.1 GENERAL PROVISIONS

Except as provided in C.R.S. 12-28-101 through 12-28-111 and these rules and regulations, no person shall possess or discharge any fireworks, other than permissible fireworks, anywhere in Colorado.

Except as provided in C.R.S. 12-28-101 through 12-28-111 and these rules and regulations, no person shall manufacture, offer for sale, expose for sale, sell, or have in his possession with the intent to offer for sale, any fireworks including permissible fireworks, unless said person is licensed to conduct such activity by the Division of Fire Safety, and has obtained a permit, if any, required by the local authority.

2.2 SALE OF FIREWORKS TO JUVENILES

Except as provided in paragraph 2.3, no person shall furnish, by gift, sale or other means, any fireworks, including permissible fireworks, to any person who is under sixteen years of age.

2.3 PURCHASE, POSSESSION OR DISCHARGE OF FIREWORKS BY JUVENILES

No person under sixteen years of age may purchase any fireworks, including permissible fireworks.

No person under sixteen years of age may possess or discharge any permissible fireworks unless such person is under adult supervision during these acts. Adult supervision shall mean that a responsible adult is in the immediate vicinity of the juvenile, in order to oversee the activities of the juvenile and to remedy any unsafe acts.

2.4 CODES AND STANDARDS

The following codes and standards, including all addenda, appendices, and interpretations are hereby incorporated by this reference in accordance with C.R.S. 24-4-103 (12.5):

- (a) 49 C.F.R. Parts 173.88 and 173.100 through 173.111 (Inclusive), 1990 edition; U.S. Department of Transportation.

This standard is published by the U.S. Government Printing Office, Washington, D.C. 20401. Copies are available at the Colorado Division of Fire Safety, 700 Kipling Street, Suite 1200, Denver, CO 80215, for public inspection during business hours. Copies of the incorporated material may be purchased from the U.S. Government Printing Office, 1961 Stout Street, Room 117, Denver, CO 80294.

- (b) NFPA1124, 1988 edition; Code for the Manufacture, Transportation, and Storage of Fireworks. National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.
- (c) NFPA 1123, 1990 edition; Standard for Public Display of Fireworks. National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

These standards are published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. Copies are available at the Colorado Division of Fire Safety, 700 Kipling Street, Suite 1200, Denver, CO 80215, for public inspection during business hours. Copies of the incorporated material can be purchased from the NFPA at the address above.

- (d) Uniform Building Code, 1991 edition. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.
- (e) Uniform Fire Code, 1991 edition. ICBO and Western Fire Chiefs' Association, 5360 South Workman Mill Road, Whittier, CA 90601.

These codes are published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601. Copies are available at the Colorado Division of Fire Safety, 700 Kipling Street, Suite 1200, Denver, CO 80215, for public inspection during business hours. Copies of the incorporated material can be purchased from the ICBO at the address above.

THIS RULE DOES NOT INCLUDE AMENDMENTS TO OR LATER EDITIONS OF THE INCORPORATED MATERIAL.

2.5 REGULATION BY MUNICIPALITIES

These rules and regulations shall not be construed to prohibit the imposition by municipal ordinance of further regulations and prohibitions upon the sale, use, and possession of fireworks, including permissible fireworks, within the corporate limits of any city or town, but no such city or town shall permit or authorize the sale, use, or possession of any fireworks in violation of C.R.S. 12-28-101 through 12-28-111 and these rules and regulations.

CHAPTER III PERMISSIBLE FIREWORKS

3.1 GENERAL

Unless otherwise restricted by the ordinances or resolutions of any municipality or other governing body authorized by law to restrict the sale, possession or use of fireworks, the following fireworks may be sold to, possessed by, and/or used by the general public, when such sale, possession and/or use is in accordance with C.R.S. 12-28-101 through 12-28-111 and these rules and regulations:

- (a) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside diameter shall not exceed three-quarters of one inch.
- (b) Cone fountains, total pyrotechnic composition not to exceed fifty grams each in weight.

- (c) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half of one inch.
- (d) Ground spinner, a small device containing not more than 20 grams of pyrotechnic composition venting out of an orifice usually in the side of the tube. Similar in operation to a wheel, but intended to be placed flat on the ground.
- (e) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.
- (f) Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams.
- (g) Explosive auto alarms, as described in Title 49, Code of Federal Regulations, Part 173.100.
- (h) Toy propellant devices and toy smoke devices, as described in Title 49, Code of Federal Regulations, Part 173.100.
- (i) Cigarette loads, as described in Title 49, Code of Federal Regulations, Part 173.100.
- (j) Trick matches, as described in Title 49, Code of Federal Regulations, Part 173.100.
- (k) Trick noise makers, as described in Title 49, Code of Federal Regulations, Part 173.100.
- (l) Snake or glow worm, pressed pellets of pyrotechnic composition that produce a large snake-like ash upon burning.
- (m) Novelties consisting of two or more devices enumerated in this section.
- (n) Fireworks which are used exclusively for testing or research by a licensed explosives laboratory.

3.2 LICENSE REQUIRED

No person shall sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks for retail, unless said person is licensed as a fireworks retailer.

CHAPTER IV FIREWORKS LICENSING

4.1 GENERAL PROVISIONS

No person shall purchase, possess, keep, store, sell or offer for sale, give away, use, or dispose of in any manner any fireworks, except permissible fireworks, unless said person holds a valid license from the Department of Public Safety.

No person shall sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks for retail, unless said person is licensed as a fireworks retailer.

Application for a fireworks license shall be made to the Division of Fire Safety on forms prescribed by the Director and shall contain such information as the Director may require.

Application for a fireworks license shall be filed with the Division of Fire Safety at least thirty days before the start of activities for which the license is required. Under extraordinary circumstances, exceptions to

this rule may be approved by the Executive Director of the Department of Public Safety on a case-by-case basis when such exception is permitted by statute and would not adversely affect the public health, safety and welfare as determined by and in the sole discretion of the Executive Director.

Payment of the fee required by C.R.S. 12-28-104(6)(c) must accompany the application for a license to the Division of Fire Safety. A check or money order for the fee shall be made payable to the Division of Fire Safety.

Licenses issued under these rules and regulations shall be dated and numbered. Each license will indicate the class of license and will be valid through September 1 of the year following the date on which the license was issued. Exception: a retailer of fireworks license shall be valid only for the calendar year in which it is issued.

Where application for a fireworks license is made in the name of a corporation or company, the application shall also include the name of the person who will be responsible for compliance with the provisions of the Fireworks Act, Article 28 of Title 12, C.R.S., and any rules and regulations promulgated thereunder.

Where application for a fireworks license is made in the name of a corporation or company, a copy of the Certificate of Good Standing from the Secretary of State must be filed with the application.

Where business is to be conducted under a fictitious name, a copy of the trade name affidavit as filed with the Colorado Department of Revenue must be filed with the application.

All applicants for a fireworks license will be subject to a background investigation, including, but not limited to: criminal history, reference checks and review of fireworks records.

4.2 CLASSES OF FIREWORKS LICENSES

Following are the classes of fireworks licenses required by C.R.S. 12-28-104 and these rules and regulations, and the general activities permitted by such license:

- (a) RETAILER OF FIREWORKS LICENSE: To sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks at retail.
- (b) DISPLAY RETAILER OF FIREWORKS LICENSE: To sell deliver, consign, give or furnish fireworks to any person authorized to conduct a fireworks display in Colorado.
- (c) WHOLESALER OF FIREWORKS LICENSE: To sell, deliver, consign, give or furnish permissible fireworks to a retailer for resale in Colorado.
- (d) EXPORTER OF FIREWORKS LICENSE: To sell, deliver, consign, give or furnish fireworks for export outside of Colorado.

4.3 LICENSE RESTRICTIONS

No license holder shall sell, store, or use fireworks except in compliance with C.R.S. 12-28-101 through 12-28-111 and these rules and regulations.

No person shall have any fireworks, except permissible fireworks, in his possession or control without a license required by C.R.S. 12-28-104 and these rules and regulations.

No person under the age of twenty-one years of age shall be issued a license to sell, store, or use fireworks.

No license shall be assigned or in any way transferred.

4.4 PROTECTION AND EXHIBITION OF LICENSES

License holders shall take every reasonable precaution to protect their licenses from loss, theft, defacement, destruction or unauthorized duplication.

The loss or theft of any license shall be reported immediately to the Division of Fire Safety.

Licenses shall be prominently displayed at the location where fireworks are sold.

4.5 REPORTS OF ACCIDENTS, FIRES AND INJURIES

Any accident, fire or injury which occurs in connection with the manufacture, sale, transportation, storage, or use of fireworks, and known to the license holder, shall be reported immediately by the license holder to the Division of Fire Safety, and local fire and law enforcement authorities whenever there is loss of life, injury to any person, or damage to property.

4.6 RECORDS OF TRANSACTIONS - GENERAL REQUIREMENTS

Unless otherwise required by C.R.S 12-28-101 through 12-28-111 and these rules and regulations, all license holders shall keep a complete record of all transactions involving fireworks for two years following the year in which the transactions occurred. An accumulation of invoices, sales slips, delivery tickets, bills of lading, or receipts or similar papers representing individual transactions will satisfy the general requirements of complete records. The specific record- keeping requirement for each class of license is found herein under the heading for the class of license.

Such records must be retained by the license holder and furnished to the Division of Fire Safety during normal business hours upon request.

4.7 LICENSE CHANGES

The Division of Fire Safety shall be notified within twenty-four hours when:

- (a) The permanent address of a person who possesses a fireworks license is changed.
- (b) The ownership of any business possessing fireworks licenses is changed.
- (c) The person who is responsible for compliance with the provisions of the Fireworks Act, Article 28 of Title 12, C.R.S. is changed.
- (d) The location of a retail sales outlet is changed and the address of the new location.

Failure of the license holder to provide such information shall result in the license being void.

4.8 DENIAL, SUSPENSION OR REVOCATION OF A LICENSE

A license for the sale, storage, or use of fireworks may be denied, suspended, or revoked by the Executive Director because of, but not limited to:

- (a) Non-compliance with any lawful order by the Executive Director of the Department of Public Safety within the time specified in such order.
- (b) Violations of any of the provisions of the Fireworks Act, Article 28 of Title 12, C.R.S., and any rules and regulations promulgated thereunder.

- (c) A conviction of any felony, but subject to the provisions of C.R.S. 24-5-101.
- (d) A conviction pursuant to C.R.S. 12-28-110.
- (e) Any material misstatement, misrepresentation, or fraud in obtaining a fireworks license.
- (f) Failure to exercise reasonable safeguards resulting in a serious hazard to life, health or property.

4.9 PROCEDURE ON DENIAL, SUSPENSION OR REVOCATION

In any case where the Executive Director denies, suspends, or revokes a license, the Department shall notify the applicant or license holder. Said notice shall state the reasons for denial, suspension or revocation and state that upon a written request a hearing before the issuing authority shall be held.

Upon notice of the revocation or suspension of any license, the former license holder shall immediately surrender to the Executive Director of the Department of Public Safety the license and all copies thereof.

The period of denial, suspension or revocation shall be within the sound discretion of the Executive Director.

Any hearing requested pursuant to this section shall be conducted by the Executive Director or an Administrative Law Judge on behalf of the Executive Director pursuant to the provisions of the "State Administrative Procedure Act", Article 4 of Title 24, C.R.S.

Any person aggrieved by the decision or order of the Executive Director of the Department may seek judicial relief pursuant to the provisions of C.R.S. 24-4-106.

CHAPTER V RETAILER OF FIREWORKS LICENSE

5.1 GENERAL

No person shall sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks for retail until that person first obtains a retailer of fireworks license from the Division of Fire Safety and the permit, if any, required by the authority having jurisdiction.

No person shall sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks which have not been purchased by a wholesaler licensed by the State of Colorado.

A retailer of fireworks license will permit only such sales as provided by Title 12, Article 28, Colorado Revised Statutes, entitled "Fireworks."

5.2 ACTIVITIES PERMITTED

The only activity permitted under this license is the sale, or possession with intent to sell permissible fireworks for retail to the public.

Prior to the start of permitted activities, the license holder must obtain a permit, if any required, from the authority having jurisdiction.

5.3 LICENSE PROVISIONS

Application for a retailer of fireworks license shall be made to the Division at least thirty days prior to the start of permitted activities. Under extraordinary circumstances, exceptions to this rule may be approved by the Executive Director on a case-by-case basis when such exception is permitted by statute and would

not adversely affect the public health, safety and welfare as determined by and in the sole discretion of the Executive Director.

A retailer of fireworks license shall be good only for the calendar year in which it is issued and shall apply to only one retail location.

The license shall be prominently displayed at the place of business of the licensed retailer.

5.4 VERIFICATION REQUIRED FOR SALES

For all sales, the retailer must verify that the purchaser is over sixteen years of age by way of inspecting the purchaser's drivers license or other state- issued identification card.

5.5 RECORD OF TRANSACTIONS

A retailer of fireworks shall keep available for inspection a copy of each invoice for fireworks purchased. Such invoice shall show the license number of the wholesaler from whom such fireworks were purchased. Said records shall be maintained for as long as any fireworks included on the invoice are held in such person's possession.

5.6 ADDITIONAL REQUIREMENTS

A retailer of fireworks shall comply with all building and fire codes adopted by the local authority. In the absence of locally adopted building or fire codes, said person shall comply with the Uniform Fire Code, 1991 Edition.

CHAPTER VI DISPLAY RETAILER OF FIREWORKS LICENSE

6.1 GENERAL

No person shall sell, deliver, consign, give, or furnish fireworks to any person authorized by C.R.S. 12-28-103 and these rules and regulations to conduct a fireworks display in Colorado until that person first obtains a display retailer of fireworks license from the Division of Fire Safety and the permit, if any, required by the authority having jurisdiction.

A display retailer of fireworks license will permit only such sales as provided by Title 12, Article 28, Colorado Revised Statutes, entitled "Fireworks."

6.2 ACTIVITIES PERMITTED

The only activity permitted under this license is the sale of display fireworks and fireworks displays to sponsors of fireworks displays or certified fireworks display operators who are holders of permits for fireworks displays.

Prior to the start of permitted activities, the license holder must obtain a permit, if any required, from the authority having jurisdiction.

6.3 LICENSE PROVISIONS

Application for a display retailer of fireworks license shall be made to the Division at least thirty days prior to the start of permitted activities.

A display retailer of fireworks license shall be valid through September 1 of the year following the date on which the license was issued and shall apply to only one location.

The license shall be prominently displayed at the place of business of the licensed display retailer.

6.4 VERIFICATION REQUIRED FOR SALES

For all sales, the display retailer must verify that the display will be conducted by a certified fireworks display operator and that the sponsor holds a current and valid permit for a fireworks display.

6.5 RECORD OF TRANSACTIONS

A display retailer of fireworks shall keep available for inspection a copy of each invoice for fireworks sold. Such invoice shall show:

- (a) The full legal name, address and certification number of the purchaser, who may not be the certified fireworks display operator.
- (b) The full legal name, address and certification number of the certified fireworks display operator responsible for the display.
- (c) The quantity and type of firework sold.

Said records shall be retained by the license holder for two years following the year in which the transactions occurred.

6.6 ADDITIONAL REQUIREMENTS

A display retailer of fireworks shall comply with all building and fire codes adopted by the local authority. In the absence of locally adopted building or fire codes, said person shall comply with the Uniform Fire Code, 1991 Edition.

CHAPTER VII WHOLESALER OF FIREWORKS LICENSE

7.1 GENERAL

No person shall sell, deliver, consign, give, or furnish permissible fireworks to a retailer for resale in Colorado until that person first obtains a wholesaler of fireworks license from the Division of Fire Safety and the permit, if any, required by the authority having jurisdiction.

A wholesaler of fireworks license will permit only such sales as provided by Title 12, Article 28, Colorado Revised Statutes, entitled "Fireworks."

7.2 ACTIVITIES PERMITTED

The only activity permitted under this license is the sale, delivery, consignment, gift or otherwise providing permissible fireworks to a retailer for resale in Colorado.

Prior to the start of permitted activities, the license holder must obtain a permit, if any required, from the authority having jurisdiction.

7.3 LICENSE PROVISIONS

Application for a wholesaler of fireworks license shall be made to the Division at least thirty days prior to the start of permitted activities.

A wholesaler of fireworks license shall be valid through September 1 of the year following the date on which the license was issued and shall apply to only one retail location.

The license shall be prominently displayed at the place of business of the licensed wholesaler.

7.4 VERIFICATION REQUIRED FOR SALIES

For all sales, the wholesaler must verify that the purchaser is a holder of a valid retailer, display retailer, or exporter of fireworks.

7.5 RECORD OF TRANSACTIONS

A wholesaler of fireworks shall keep available for inspection a copy of each invoice for fireworks sold. Such invoice shall show:

- (a) The full legal name, address and license number of the purchaser.
- (b) The quantity and type of firework sold.
- (c) The wholesale or retail license number or retail license or tax identification number.

Said records shall be retained by the license holder for two years following the year in which the transactions occurred.

7.6 ADDITIONAL REQUIREMENTS

A wholesaler of fireworks shall comply with all building and fire codes adopted by the local authority. In the absence of locally adopted building or fire codes, said person shall comply with the Uniform Fire Code, 1991 Edition.

CHAPTER VIII EXPORTER OF FIREWORKS LICENSE

8.1 GENERAL

No person shall sell, deliver, consign, give, or furnish fireworks for export outside of Colorado until that person first obtains a exporter of fireworks license from the Division of Fire Safety and the permit, if any, required by the authority having jurisdiction.

A exporter of fireworks license will permit only such sales as provided by Title 12, Article 28, Colorado Revised Statutes, entitled "Fireworks."

8.2 ACTIVITIES PERMITTED

The only activity permitted under this license is the sale of fireworks for export outside of Colorado.

Prior to the start of permitted activities, the licer se holder must obtain a permit, if any required, from the local authority.

8.3 LICENSE PROVISIONS

Application for a exporter of fireworks license shall be made to the Division at least thirty days prior to the start of permitted activities.

A exporter of fireworks license shall be valid through September 1 of the year following the date on which the license was issued and shall apply to only one retail location.

The license shall be prominently displayed at the place of business of the licensed exporter.

8.4 VERIFICATION REQUIRED FOR SALES

For all permitted sales, the exporter must verify that the purchaser;

- (a) holds a valid motor vehicle driver's license issued by a state other than Colorado; and holds a valid motor vehicle registration issued by a state other than Colorado; or
- (b) holds a valid Colorado motor vehicle driver's license; and holds a valid wholesale, retail or resale license issued by a state or local authority located outside the State of Colorado.

8.5 RECORD OF TRANSACTIONS

A exporter of fireworks shall keep available for inspection a copy of each bill of lading for fireworks sold. Such bill of lading shall show:

- (a) The full legal name and address of the purchaser; and
- (b) The quantity and type of firework sold; and
- (c) The drivers license number of the purchaser and the state of issue; and
- (d) The motor vehicle license number and state of issue, or
- (e) The wholesale, retail or resale license number and state of issue.

Said records shall be retained by the license holder for three years following the year in which the transactions occurred.

8.6 ADDITIONAL REQUIREMENTS

A exporter of fireworks shall comply with all building and fire codes adopted by the local authority. In the absence of locally adopted building or fire codes, said person shall comply with the Uniform Fire Code, 1991 Edition.

CHAPTER IX FIREWORKS PERMITS

9.1 GENERAL

Any governing body has the power to grant nontransferable and nonassignable permits within the area under its jurisdiction for the storage of fireworks or for:

- (a) the facilities used for the retail sales; of fireworks, including permissible fireworks.
- (b) displays of fireworks by any person, fair association, amusement park, or other organizations or groups.

9.2 PERMIT REQUIRED

Prior to the start of permitted activities, the holder of any license pursuant to C.R.S. 12-28-104 and these rules and regulations must obtain a permit, if any required, from the governing body.

Application for permits pursuant to C.R.S. 12-23-103 and these rules and regulations shall be made to the governing body or the Division, whichever is applicable, at least thirty days prior to the start of permitted activities, unless otherwise required by the authority having jurisdiction. For permit applications made to the Division, exceptions to this rule may be approved on a case by case basis when such exception

would not adversely affect the public health, safety and welfare as determined by and in the sole discretion of the Executive Director.

9.3 PERMIT FOR FIREWORKS DISPLAY

No fireworks display shall be conducted in the State of Colorado without a valid permit. In the event the governing body does not regulate and/or issue permits for fireworks displays, the sponsor shall apply for a permit from the Division of Fire Safety.

CHAPTER X DISPLAY OF FIREWORKS

10.1 GENERAL PROVISIONS

No fireworks display shall be conducted in the State of Colorado without a valid permit. In the event the governing body does not regulate and/or issue permits for fireworks displays, the operator shall apply for a permit from the Division of Fire Safety. Exception: No permit shall be required for fireworks displays conducted by the Colorado State Fair Authority or any other governing body.

These provisions apply to both outdoor fireworks displays and pyrotechnic special effect performances.

10.2 PERMIT PROVISIONS

Application for a fireworks display permit shall be made to the Division at least thirty days prior to the date of the fireworks display. Under extraordinary circumstances, exceptions to this rule may be approved by the Executive Director on a case-by-case basis when such exception is permitted by statute and would not adversely affect the public health, safety and welfare as determined by and in the sole discretion of the Executive Director.

All fireworks display permits shall be valid for only one date or event and location and shall expire the day following the permitted date. An alternate date shall be permitted should the display or event covered by the permit be postponed.

The application for a fireworks display permit shall be accompanied by a site plan, evidence of financial responsibility, and a check or money order in payment of any required fee.

No permit for a fireworks display shall be issued to any person unless said person is a certified fireworks display operator or a certified pyrotechnic operator, whichever classification is appropriate.

10.3 CONDUCT OF FIREWORKS DISPLAY

All fireworks displays performed in the State of Colorado must be conducted by a certified fireworks display operator or a certified pyrotechnic operator, whichever classification is appropriate. Exception: Legitimate employees of a unit of local government who are performing a fireworks display on behalf of the local government are exempt from this certification requirement.

In addition to any other requirements of the authority having jurisdiction, any outdoor fireworks display conducted in the State of Colorado must be performed in accordance with the requirements of NFPA 1123-1990; Code for the Outdoor Display of Fireworks.

Any pyrotechnic special effect performances must be performed in accordance with the requirements of the authority having jurisdiction.

Unless otherwise required by the authority having jurisdiction, the display site shall be set-up and ready for inspection a minimum of sixty (60) minutes prior to the start of the display.

Prior to conducting an authorized fireworks display, the operator shall conduct an inspection of the display site.

10.4 REPORTS OF ACCIDENTS, FIRES AND INJURIES

Any pyrotechnics-related accident, fire or injury which occurs in connection with an authorized fireworks display, and known to the operator, shall be reported immediately by the operator to the Division of Fire Safety, and local fire and law enforcement authorities whenever there is loss of life, injury to any person, or damage to property.

CHAPTER XI FIREWORKS DISPLAY OPERATOR CERTIFICATION

11.1 GENERAL PROVISIONS

No person shall be certified as a fireworks display operator unless he has passed a general knowledge fireworks examination, except that any person who holds a valid fireworks display operator certification from an approved national fireworks organization may request a waiver of the required examination.

Any person who has actively participated in at least five fireworks displays and has satisfactory references may request a waiver of the required examination.

11.2 APPLICATION FOR CERTIFICATION

Application for certification as a fireworks display operator shall be filed with the Division of Fire Safety on forms prescribed by the Director and shall contain such information as the Director may require.

Application for certification as a fireworks display operator shall be filed with the Division of Fire Safety at least thirty days before the date of any fireworks display to be conducted by the applicant.

Payment of the fee required by these rules and regulations must accompany the application for certification to the Division of Fire Safety. A check or money order for the fee shall be made payable to the Division of Fire Safety.

Certification issued under these rules and regulations shall be dated and numbered and shall be valid for a period of three years unless earlier revoked.

Renewal of the certification shall be granted to an operator without the need to retest, provided: (a) they are in good standing with the Division; and (b) they have actively participated in at least three fireworks displays during the previous three year period.

11.3 GENERAL KNOWLEDGE EXAMINATION

A General Knowledge Fireworks Examination designed to indicate that personnel who handle display fireworks in the State of Colorado have a minimum understanding of safety requirements and State regulations, shall be administered to all persons who apply for certification as an operator of fireworks displays. This examination shall be developed or approved by the Director. Length and content of the examination and the passing grade will be at the discretion of the Director.

Any person may retake the examination when a passing grade is not achieved, however, a waiting period of thirty (30) days is required after each unsuccessful attempt.

Applicants may receive three successive examination attempts. Should the applicant fail the examination on the third attempt, he will not be allowed to retake the examination until he produces evidence of satisfactory completion of an approved program of instruction in conducting fireworks displays.

A company or corporation which utilizes a training and testing program to qualify their personnel may petition the Division to use this test in lieu of this General Knowledge Fireworks Examination.

CHAPTER XII PYROTECHNIC OPERATOR CERTIFICATION

12.1 GENERAL PROVISIONS

No person shall be certified as a pyrotechnic operator unless he has passed a general knowledge fireworks examination, except that any person who holds a valid pyrotechnic operator certification from an approved national fireworks organization may request a waiver of the required examination.

Any person who has actively participated in at least five performances where pyrotechnic materials were used may request a waiver of the required examination.

12.2 APPLICATION FOR CERTIFICATION

Application for certification as a pyrotechnic operator shall be filed with the Division of Fire Safety on forms prescribed by the Director and shall contain such information as the Director may require.

Application for certification as a pyrotechnic operator shall be filed with the Division of Fire Safety at least thirty days before the date of any fireworks display to be conducted by the applicant.

Payment of the fee required by these rules and regulations must accompany the application for certification to the Division of Fire Safety. A check or money order for the fee shall be made payable to the Division of Fire Safety.

Certification issued under these rules and regulations shall be dated and numbered and shall be valid for a period of three years unless earlier revoked.

Renewal of the certification shall be granted to an operator without the need to retest, provided: (a) they are in good standing with the Division; and (b) they have actively participated in at least three pyrotechnic displays during the previous three year period.

12.3 GENERAL KNOWLEDGE EXAMINATION

A General Knowledge Fireworks Examination designed to indicate that personnel who handle display fireworks in the State of Colorado have a minimum understanding of safety requirements and State regulations, shall be administered to all persons who apply for certification as an operator of pyrotechnic displays. This examination shall be developed or approved by the Director. Length and content of the examination and the passing grade will be at the discretion of the Director.

Any person may retake the examination when a passing grade is not achieved, however, a waiting period of thirty (30) days is required after each unsuccessful attempt.

Applicants may receive three successive examination attempts. Should the applicant fail the examination on the third attempt, he will not be allowed to retake the examination until he produces evidence of satisfactory completion of an approved program of instruction in conducting fireworks displays.

A company or corporation which utilizes a training and testing program to qualify their personnel may petition the Division to use this test in lieu of this General Knowledge Fireworks Examination.

CHAPTER XIII LICENSE, CERTIFICATION AND PERMIT FEES

13.1 GENERAL

The Department of Public Safety will charge the following fees for licenses, certification and permits issued under these rules and regulations:

RETAILER OF FIREWORKS LICENSE	\$ 25.00
DISPLAY RETAILER OF FIREWORKS LICENSE	\$750.00
WHOLESALE OF FIREWORKS LICENSE.....	\$750.00
EXPORTER OF FIREWORKS LICENSE	\$750.00
FIREWORKS DISPLAY OPERATOR CERTIFICATION.....	\$ 25.00
PYROTECHNIC OPERATOR CERTIFICATION	\$ 25.00
FIREWORKS DISPLAY PERMIT	\$250.00*

*This is the maximum fee. The fee for a Fireworks Display Permit shall be ten percent (10%) of the total cost of the display, up to a maximum of \$250.00.

The above fees are established for licenses, certification and permits issued by the Department of Public Safety. Consult the local authority to determine their fees for permits, if any, pursuant to C.R.S. 12-28-103.

Of the above fees, the sum of \$25.00 represents the cost to process applications for licensing or certification. In the event an application for licensing or certification is denied, for any reason, this amount is non-refundable. In addition, the above listed fees are non-refundable in the event a license is suspended or revoked.

Editor's Notes

History