

ORDINANCE NO. 1329

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, REPEALING AND REENACTING SECTION 10-6-240 OF THE FORT MORGAN MUNICIPAL CODE CONCERNING FIREWORKS, AND ESTABLISHING UPDATED REGULATIONS FOR THE SALE, POSSESSION, AND USE OF PERMISSIBLE FIREWORKS WITHIN THE CITY

WHEREAS, the City of Fort Morgan, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, the City Council has authority under the Charter and state law to enact ordinances to protect the public health, safety, and welfare of its residents; and

WHEREAS, the City's existing fireworks regulations, adopted in 2010, are outdated and inconsistent with current Colorado statutes defining permissible fireworks and governing local regulation; and

WHEREAS, the City Council recognizes that the safe, limited use of certain non-launching fireworks during a defined period may be compatible with public safety when supported by clear enforcement provisions and local control; and

WHEREAS, this ordinance repeals and reenacts Section 10-6-240 of the Fort Morgan Municipal Code to establish clear definitions, a simplified permit process for retail sales and public displays, and updated enforcement standards; and

WHEREAS, the City Council finds and declares that adoption of this ordinance is necessary to safeguard persons and property, ensure consistency with state law, and promote the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2 **Section 10-6-240** of the Fort Morgan Municipal Code, is hereby repealed and replaced to read as follows:

Sec. 10-6-240. Fireworks.

(a) **Purpose.** The purpose of this section is to protect the public health, safety, and welfare of the residents of the City of Fort Morgan, to reduce the risk of fire and personal injury,

and to provide clear rules on when and where fireworks may be possessed, sold, and used in the city.

(b) **Definitions.** For the purposes of this section, the following words have the meanings set out below.

1. **City** means the City of Fort Morgan.
2. **Fire Chief** means the Fire Chief of the City of Fort Morgan or the Fire Chief's designee.
3. **Fireworks** means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks, or display fireworks.
4. **Permissible fireworks** means the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States consumer product safety commission as set forth in 16 CFR 1500.1 to 1500.272 and 1507.1 to 1507.12, and classified as consumer fireworks UN0336 and UN0337 pursuant to 49 CFR 172.101:
 - i. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
 - ii. Cone fountains, total pyrotechnic composition not to exceed fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
 - iii. Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;
 - iv. Ground spinner, a small device containing not more than twenty 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;
 - v. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;
 - vi. 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;
 - vii. Any of the following that do not contain more than fifty milligrams of explosive composition:
 - (A) Explosive auto alarms;

- (B) Toy propellant devices;
- (C) Cigarette loads;
- (D) Strike-on-box matches; or
- (E) Other trick noise makers;

- viii. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;
- ix. Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
- x. Multiple tube devices with:
 - (A) Each tube individually attached to a wood or plastic base;
 - (B) The tubes separated from each other on the base by a distance of at least one-half of one inch;
 - (C) The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground;
 - (D) Only one external fuse that causes all of the tubes to function in sequence; and
 - (E) A total pyrotechnic composition of no more than five hundred grams.
- xi. Permissible fireworks do not include launching or aerial devices or audible ground devices.

5. **Launching or aerial device** means any firework that is designed to rise into the air or to project flaming or exploding material into the air, including but not limited to bottle rockets, missiles, skyrockets, Roman candles, mortar or tube type devices, aerial shells, and similar items.
6. **Public property** means any real property that is owned, leased, or controlled by the City, including public parks, public buildings, public rights of way, public sidewalks, and public parking areas.
7. **Sell or sale** means to sell, offer for sale, or possess with intent to sell within the City.
8. **Use** means to ignite, discharge, light, fire, or otherwise set off fireworks.

(c) **General prohibition.** Except as expressly allowed in this section, it is unlawful for any person to sell, offer for sale, ~~possess~~—use, give away, or discharge fireworks within the City.

(d) Permitted ~~possession~~, sale, and use of permissible fireworks.

1. **Dates.** Permissible fireworks may be ~~possessed~~, sold, and used in the City only from July 1 through July 5 of each year.
2. **Hours.** Permissible fireworks may be used only between the hours of 10:00 a.m. and 12:00 midnight on the dates set out in subsection (d)(1).
3. **Location.** Use of permissible fireworks is allowed only on private property with the consent of the property owner or person in lawful possession of the property.
4. **Type of fireworks.** Only permissible fireworks that are not launching or aerial devices may be ~~possessed~~, sold, or used under this subsection. Launching or aerial devices remain always prohibited.
5. **Age limits.** No person under sixteen (16) years of age may purchase fireworks. No person may sell fireworks to a person under sixteen (16) years of age.
6. **Compliance with state and federal law.** All permissible fireworks that are possessed, sold, or used under this subsection must comply with all applicable state and federal standards, including packaging, labeling, and safety requirements.

(e) Permit required for sale or display

1. No one may sell fireworks or conduct a public display without a permit issued under this section.
2. The City Clerk will receive applications, review them for completeness and then send applications to the Fire Chief for review.
3. The City Manager will issue the permit upon Fire Chief approval.

(f) Retail sales permits

1. Applications must be submitted at least 20 days before July 1 and include: applicant identity, location, insurance certificate, and Fire Chief's pre-inspection approval.
2. The Fire Chief may impose reasonable fire-safety conditions. ~~(fire extinguishers, signage, stand setbacks)~~.
3. Permits are valid only July 1–5 and are non-transferable.
4. Each seller must maintain \$1,000,000.00 general liability coverage and name the City as an additional insured.

5. Bond or deposit (about \$200.00) required for cleanup and stand removal by July 10.
6. The City Manager may revoke a permit if safety conditions are violated or the Fire Chief orders suspension.

(g) Public display permits

1. Governmental entities must apply at least 20 days before the display date.
2. Application must include:
 - a. name of sponsoring entity and licensed pyrotechnic operator as defined by law,
 - b. date, time, and site map,
 - c. insurance certificate meeting the same coverage levels described in part (f) of this section.
3. The Fire Chief will inspect the site for safety and recommend approval or denial to the City Manager.
4. The Fire Chief may require a fire truck and personnel to be present at the exhibitor's expense.
5. The City Manager will issue the permit once all requirements are met.
6. The Fire Chief may revoke the permit if weather or safety conditions change.

(h) Effect of denial or revocation of permits

1. Denial or revocation is final unless appealed in writing to the City Manager within five days, whose decision is final.

(i) Use on public property prohibited. It is unlawful for any person to possess or use fireworks on public property, including parks and public rights of way, unless the Fire Chief has approved such use in writing for a specific time and location.

(j) Public fireworks displays.

1. A public fireworks display may be conducted only by or on behalf of a local government or public entity, and only upon the grant of a permit pursuant to part (g) of this section.
2. All public fireworks displays shall be conducted by or under the direct supervision of a pyrotechnic operator who holds a valid state license, and shall be in accordance with the International Fire Code and all applicable state laws.

3. The Fire Chief may require proof of insurance, a site plan, and the presence of fire apparatus or personnel at the display site when necessary for public safety.

(k) **Emergency suspension.** The Fire Chief may suspend the sale, possession, or and use of fireworks otherwise allowed by this section when, in the opinion of the Fire Chief, weather, drought, fire danger, or other conditions create an unreasonable risk to persons or property. The suspension shall be effective upon public notice in a form reasonably calculated to inform the public.

(l) **Seizure of fireworks.** Any fireworks that are sold, offered for sale, possessed, or used in violation of this section are subject to seizure and removal by the City at the expense of the owner.

(m) **Nuisance and responsibility of property owner.** It is unlawful for any person to allow or permit fireworks to be used or discharged on property owned or controlled by that person in violation of this section.

(n) **Penalty.**

1. Any person, firm, or corporation violating any provision of this section commits a municipal offense.
2. Each violation is punishable by a fine of up to one thousand dollars (\$1,000.00) or other punishment as authorized by Article 4 of this code.
3. Each day during which a violation continues constitutes a separate offense.
4. Fireworks possessed, sold, or used in violation of this section may be seized and destroyed by the City in addition to any penalty imposed.

Section 3. *Codification and formatting.* The City Clerk, in consultation with the City Attorney, is authorized to make non-substantive editorial revisions to this ordinance as needed during codification, including but not limited to changes to formatting, capitalization, numbering, punctuation, and internal cross references, in order to ensure consistency within the Fort Morgan Municipal Code.

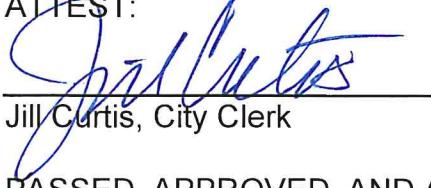
Section 4. *Severability.* The provisions of this Ordinance are severable. The invalidity of any section, subsection, sentence, clause, phrase, or portion of this Ordinance, as determined by a court of competent jurisdiction, shall not affect the validity or effectiveness of the remainder.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED PUBLISHED ON THE 20th DAY OF JANUARY 2026.

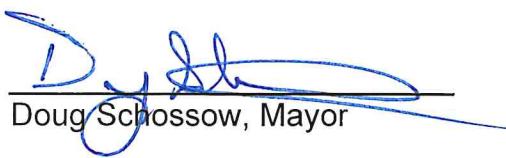
THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO



ATTEST:



Jill Curtis, City Clerk

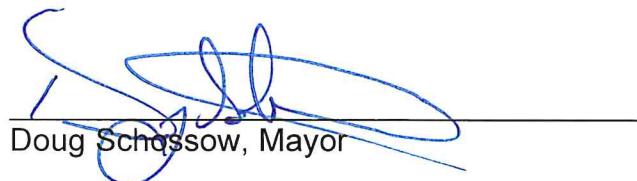


Doug Schossow, Mayor

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS 3rd DAY OF February, 2026.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



Doug Schossow, Mayor

ATTEST:

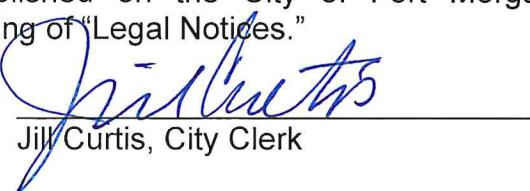


Jill Curtis, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, Jill Curtis, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1329** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of January, 2026. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of January, 2026, published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices." Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 3rd day of February 2026. Within five (5) days after its final passage, said **Ordinance No. 1329** was again published on the City of Fort Morgan website (www.cityoffortmorgan) under the heading of "Legal Notices."



Jill Curtis, City Clerk