

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0219.01 Bob Lackner x4350

SENATE BILL 19-019

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Gray, Hooton

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Under current law, a county may prohibit or restrict by ordinance the sale, use, and possession of fireworks, including permissible fireworks (fireworks restrictions), for a period that does not exceed one year in length within all or any part of the unincorporated areas of the county; except that such an ordinance

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 8, 2019

shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an express finding of high fire danger, based on competent evidence. The bill specifies that such an ordinance is in effect for the period between May 31 and July 5 of any year only if the county adopts by resolution such fireworks restrictions for such period, which resolution includes an express finding of high fire danger, based on competent evidence.

The bill also adds as a source of "competent evidence" justifying a finding of high fire danger predictions of future fire danger such as those issued by the national interagency coordination center or any successor entity.

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

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

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article 15, the board of county commissioners has the
7 power to adopt ordinances for control or licensing of those matters of
8 purely local concern that are described in the following enumerated
9 powers:

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

12 (A) "Competent evidence" includes the use of the national fire
13 danger rating system, PREDICTIONS OF FUTURE FIRE DANGER SUCH AS
14 THOSE ISSUED BY THE NATIONAL INTERRAGENCY COORDINATION CENTER
15 OR ANY SUCCESSOR ENTITY, LOCALIZED EVIDENCE OF LOW FUEL MOISTURE
16 CONTENT, and any other similar indices or information.

17 (n.7) To prohibit or restrict the sale, use, and possession of
18 fireworks, including permissible fireworks, as defined in section
19 24-33.5-2001 (5) and (11), for a period no longer than one year within all

1 or any part of the unincorporated areas of the county. ~~except that~~ Such an
2 ordinance shall ~~not~~ be in effect FOR THE PERIOD between May 31 and July
3 5 of any year ~~unless the ordinance~~ ONLY IF THE COUNTY ADOPTS A
4 RESOLUTION SPECIFYING THAT THE ORDINANCE REMAINS IN EFFECT FOR
5 SUCH PERIOD, WHICH RESOLUTION includes an express finding of high fire
6 danger, based on competent evidence, as defined in subsection (1)(n.5)
7 of this section. HOWEVER, IF THE COUNTY ADOPTS A RESOLUTION
8 SPECIFYING THAT THE ORDINANCE REMAINS IN EFFECT FOR SUCH PERIOD,
9 OR ANY PORTION OF SUCH PERIOD, AND SUBSEQUENT TO THE ADOPTION OF
10 THE RESOLUTION, A CHANGE IN THE WEATHER OCCURS RESULTING IN
11 COMPETENT EVIDENCE THAT THE HIGH FIRE DANGER IS NOT PRESENT AND
12 NO LONGER WILL BE PRESENT DURING THE REMAINDER OF THE PERIOD, THE
13 COUNTY SHALL ENDEAVOR TO PROMPTLY CONSIDER WHETHER TO
14 EXERCISE ITS LEGISLATIVE DISCRETION TO RESCIND THE RESTRICTIONS IT
15 HAS ADOPTED ON THE SALE, USE, AND POSSESSION OF FIREWORKS.
16 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1)(n.7),
17 THE ORDINANCE REMAINS IN EFFECT AND IS FULLY ENFORCEABLE UNTIL
18 THE RESTRICTIONS HAVE BEEN RESCINDED.

19 **SECTION 2. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.