



SB19-019
County Fireworks Restrictions

**Create Flexibility in County Regulatory Ability to Set
Restrictions on Fireworks During Times of High Fire Danger**

Sponsors: Sen. Fields/Rep. Gray

By statute, a county may currently prohibit or restrict by ordinance the sale, use, and possession of fireworks 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 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.

SB 19 modifies the statute to specify that such an ordinance may remain in effect for the period between May 31 and July 5 of any year if the county adopts a resolution making an express finding of high fire danger (as opposed to having to put the finding in the ordinance itself), based on competent evidence.

The bill also adds as an additional source of "competent evidence" (that can be used to justify a finding of high fire danger) predictions of future fire danger such as those issued by the national interagency coordination center.

Enacting an ordinance requires statutory notice and a publication requirement and can take 20-30 days to enact. The practical consequence is that a county must move to enact the ordinance banning fireworks a full month BEFORE the month of June without being able to adequately assess how the fire conditions are leading up to this time. In some cases it is possible that conditions might *improve* closer to the 4th of July holiday and the ban may not be necessary. This bill will give counties more time to better assess these conditions.

SB 19 was referred by the Wildfire Matters Interim Committee and will allow county commissioners to be more flexible and responsive when making the determination on fireworks sales, fire danger and the safety of the public.

Please Vote YES on SB 19

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ARAPAHOE COUNTY
COLORADO'S FIRST

Board of County Commissioners

January 22, 2019

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Dear Senator Fields and Honorable Committee Members,

On behalf of the Board of County Commissioners, I apologize we were unable to attend today's hearing due to conflicts with our Board meeting schedule. I wanted to reiterate Arapahoe County's strong support of SB19-019, which provides the County greater flexibility in balancing the needs public safety and community interests during times of high fire danger.

KATHLEEN CONTI
 District 1
NANCY N. SHARPE
 District 2
JEFF BAKER
 District 3
NANCY JACKSON
 District 4
BILL L. HOLEN
 District 5

By statute, a county may currently prohibit or restrict by ordinance the sale, use, and possession of fireworks, including permissible fireworks, 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 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.

This legislative tool (an ordinance) has statutory notice and publication requirements that takes a minimum of 20 to 30 days to enact. From a practical standpoint, this means the County cannot move very quickly to adopt a ban in a situation where the fire danger is rapidly increasing in advance of the 4th of July fireworks season, despite the threat to public safety. The lack of flexibility makes it more likely that the County will take a conservative approach and ban fireworks during the early part of May 31 to July 5 period if there is any evidence of high fire danger, and makes it less likely that the County will release the ban once it is implemented.

SB19-019 would allow Arapahoe and other counties to be more flexible. SB 19-019 modifies the statute to specify that a fireworks ban ordinance will be in effect during the period between May 31 and July 5 of any year only if and when the county adopts a *resolution* making an express finding of high fire danger (as opposed to having to put the finding in the ordinance itself), based on competent evidence.

The bill also adds as a source of "competent evidence," that can be used to justify 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. This additional change is necessary since the fire danger ratings system (which is currently the only index mentioned in the statute) only looks at the current fire danger, not future danger. Given Colorado's fast changing weather conditions, predicted future conditions are often more relevant to whether there is going to be high fire danger in the period leading up to July 4th, and therefore more relevant to the decision as to whether a ban should be implemented.

Arapahoe County strongly believes this approach aligns with recommendations from subject matter experts and the Wildfire Matters Interim Committee. We respectfully request a YES vote on SB19-019.

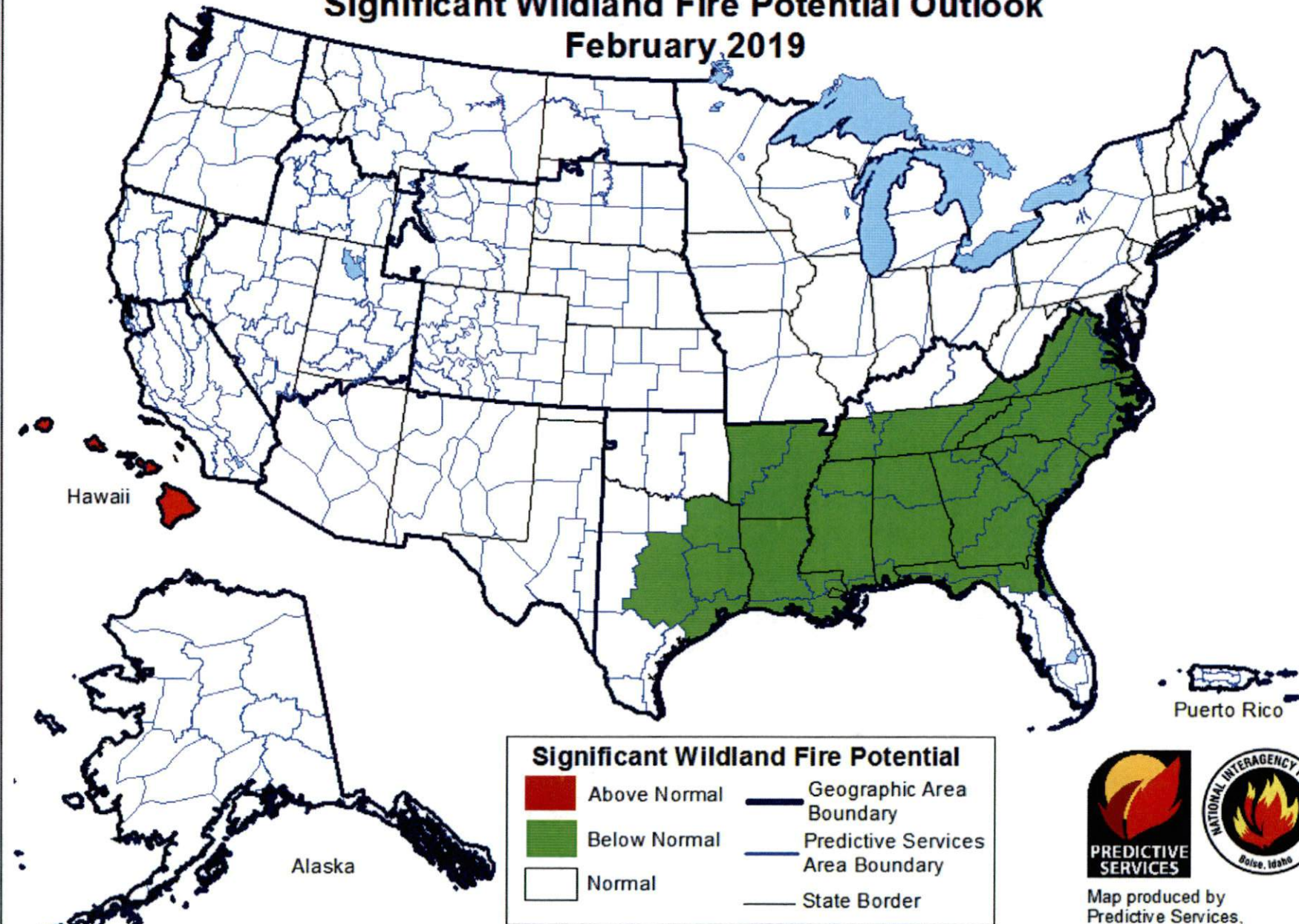
Sincerely,

Commissioner Nancy Jackson, Chair Pro Tem
 Board of County Commissioners

MISSION

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Significant Wildland Fire Potential Outlook February 2019



Above normal significant wildland fire potential indicates a greater than usual likelihood that significant wildland fires will occur. Significant wildland fires should be expected at typical times and intervals during normal significant wildland fire potential conditions. Significant wildland fires are still possible but less likely than usual during forecasted below normal periods.



Map produced by
 Predictive Services,
 National Interagency Fire Center
 Boise, Idaho
 Issued January 1, 2019
 Next issuance February 1, 2019