

ORDINANCE NO. 2478  
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 8-28 OF THE BRIGHTON MUNICIPAL CODE TO UPDATE THE FIREWORKS AUTHORIZED OFFICERS AND PENALTIES FOR VIOLATIONS

WHEREAS, the unlawful possession, manufacture, storage, sale, handling, discharge, and use of fireworks within the City of Brighton ("City") poses a substantial and direct risk to the public's health, safety, and welfare, including a risk of injury, death, and property damage, and threatens to diminish the quality of life of the City's residents; and

WHEREAS, the unlawful possession, manufacture, storage, sale, handling, discharge, and use of fireworks within the City, especially during holidays, is a drain on the resources of law enforcement, fire protection, and emergency medical service providers; and

WHEREAS, C.R.S. § 24-33.5-2007(1) allows municipalities to further regulate and enact prohibitions upon the sale, use, and possession of fireworks within the corporate limits of any city; and

WHEREAS, the City has an overriding interest in prohibiting the illegal storage, sale, use, and possession of illegal fireworks; and

WHEREAS, City Council desires to increase the penalties for fireworks violations to deter residents from using illegal fireworks in the City and authorize alternative penalties in the event violators are juveniles; and

WHEREAS, the City Council finds it is in the best interests of the City of Brighton and its residents to make the following updates to the *Brighton Municipal Code* for the public health, safety, and welfare.

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

Section 1. The following definition is hereby added to Sections 8-28-20 as follows:

"*Authorized Officer*" shall mean and include any police officer and any code enforcement officer of the City.

Section 2. Section 8-28-90(b) is hereby amended as follows:

(b) No temporary fireworks stand permit shall be issued to any person who, during the preceding five-year period, has had a previous temporary fireworks stand permit revoked or a previous conviction under Article 8-28 of the Brighton Municipal Code or Colorado Revised Statutes § 24-33.5-2001, et seq.

Section 3. Section 8-28-130(a) is hereby amended as follows:

(a) It shall be unlawful for any person to possess or discharge any fireworks other than permissible fireworks, as defined in Section 8-28-20, anywhere in the City.

Section 4. Section 8-28-140 is hereby repealed and replaced with the following:

Sec. 8-28-140. Penalties

(a) It shall be unlawful for any person to violate any provision of this Article. A violation of this Article shall be a criminal offense, punishable by imprisonment, or fine or both as provided in Section 1-24, General Penalties, of this Code.

(b) Any violation of this Article shall also be deemed a public nuisance within the meaning of Chapter 8 of the Brighton Municipal Code. In addition to an individual who is observed to be violating the provisions of this Article, any person who owns or possesses the property upon which fireworks are sold, possessed, or used in violation of Section 8-28-130 of this Article shall be deemed to be the author of the public nuisance and shall be subject to the penalties set forth herein.

(c) Mandatory Minimum Penalty. Any person eighteen years or older who pleads guilty or is found guilty shall be subject to the following mandatory minimum penalties:

(1) A mandatory minimum fine of \$1,500 or \$500 fine with 20 hours of community service and a fireworks safety class as ordered by the Brighton Municipal Court for a first violation;

(2) A mandatory minimum fine of \$2,000 or \$1000 with 40 hours of community service for a second violation within a two-year period; and

(3) A mandatory minimum fine of \$2,500 for a third violation within a two-year period.

(d) For any juvenile offender, the Court may order alternative penalties, such as diversion, in lieu of the mandatory minimum penalties set forth in Section 8-28-150(c).

(e) All remedies set forth herein are cumulative, and the exercise of any one shall not be deemed to prevent the exercise of another, nor to bar, nor abate, any prosecution or petition for injunction hereunder.

Section 5. Section 8-28-150 is hereby added as follows:

Sec. 8-28-140. Seizure of Fireworks.

Any Authorized Officer of the City shall be authorized to seize, take and remove at the expense of the violator, all fireworks offered or exposed for sale, or otherwise used, possessed, held, or stored in violation of this Article.

Section 6. All sections, subsections, and definitions not expressly amended or modified herein remain in full force and effect.

Section 7. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 20<sup>th</sup> DAY OF MAY 2025.

PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 17<sup>th</sup> DAY OF JUNE 2025.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: June 5, 2025

Final Publication: June 26, 2025

APPROVED AS TO FORM:

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MICHAEL DAVIS, Assistant City Attorney