



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Brad Emmons, Planning and Development Director

DATE: January 8, 2019

TITLE: Review and Action on rescinding the 2002 Fireworks Regulations and adopting the 2019 Fireworks Regulations

Over the last couple of years, we have had several new Consumer Firework Retail Sales (CFRS) projects go through the Laramie County Site Plan and Building Department process. In reviewing these projects, it was noticed that the regulations had not been updated for some time and that sections of the code were not consistent with adopted building regulations. Staff determined it necessary to update the regulations in order to avoid confusion in the future when additional fireworks (CFRS) stores\companies would like to develop within the County.

The primary changes to the regulations are:

1. a clearer document that updates the previous regulations and incorporates the most recent industry regulations for CFRS facilities/stores.
2. to update document sections, definitions and correct grammatical errors.

On November 20, 2018, the Board approved the Resolution providing 45-day rulemaking public notice for this amendment. The published deadline for written comments to be submitted to the Laramie County Clerk's office will be on January 8th at noon. No Public Comment have been received as of January 2nd, 2019.

Proposed motion:

I move to rescind the 2002 Fireworks Regulations and approve the 2019 Laramie County Consumer Fireworks Retail Sales (CFRS) Regulations

Attachment:

Resolution

**2019 Laramie County Consumer Fireworks
Retail Sales (CFRS) Regulations**

These fireworks regulations adopted on the 8th day of January, 2019, are adopted for the purpose of promoting the health, safety and welfare of the public and the citizens of Laramie County Wyoming.

These regulations shall be known and cited as the “Fireworks Regulations of Laramie County, Wyoming”, and are adopted in accordance with Wyoming Law.

GENERAL LEGAL PROVISIONS

A. Interpretation, Conflict and Separability: In their interpretation and application the provisions of these regulations shall be held to be the *minimum* requirements for the promotion of the public health, safety and the general welfare.

B. Conflicts: These regulations are not intended to interfere with, abrogate, modify, restrict or in any way annul or replace, unless otherwise expressly specified herein, any other ordinance, rule or regulation, code, obligation under or provision of any law, statute, regulation, ordinance or code. Where any provisions of these regulations impose restrictions different from those imposed by any other provision of these regulations or any other ordinance, statute, law, regulation or code whichever provisions are more restrictive or impose higher standards shall control.

C. Separability: If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid in any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which judgement shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Laramie County Board of County Commissioners hereby

declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

D. Saving Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of any prior existing regulation, ordinance, law, statute or code or as discontinuing abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any rights of Laramie County under any section of any applicable ordinance, statute, law, regulation or code except as shall be expressly provided for in these regulations.

E. Reservations and Repeal: Upon the adoption of these regulations, according to law, the Emergency Laramie County Fireworks Regulations adopted April 6, 1999 are repealed, except as to such sections expressly retained herein.

F. Amendments: For the purpose of providing for the public health, safety and general welfare, the Board of Commissioners of Laramie County may amend, modify or add to the provisions of these regulations. Public hearings on all such amendments shall be held by the Laramie County Commissioners on all proposed amendments as prescribed by law.

G. Authority: These regulations are enacted pursuant to the powers delegated to the Board of Commissioners of Laramie County in accordance with Wyoming Statutes §§ 18-2-101, 18-3-504, 35-9-301, 35-9-401 et seq., and 35-10-201 et seq, and as an exercise of the valid police power delegated by the State of Wyoming to Laramie County.

H. Incorporation: These regulations specifically incorporate and adopt the rules and regulations, enforcement powers and penalties pursuant to Wyoming Statute § 35-9-101 et seq.

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I. Sovereign Immunity: By the issuance of these regulations or in taking action with regard to their provisions Laramie County does not waive its Governmental Immunity and it fully retains all immunities and defenses provided by law with regard to any action based on these regulations. Nor does Laramie County surrender its sovereign immunity under contract, tort or any other applicable theory of law by issuing or taking action in regard to these regulations.

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Definitions

General. The definitions contained in this section shall apply to the terms used in this regulation. Where terms are not defined in this section they shall be defined using their ordinarily accepted meanings within the context in which they are used. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be the source for the ordinarily accepted meaning.

1.1 Approved. Acceptable to the authority having jurisdiction.

1.2 Authority Having Jurisdiction (AHJ). An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

1.3 Code. A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.

1.4 Labeled. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

1.5 Listed. Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate

designated standards or has been tested and found suitable for a specified purpose.

1.6 Shall. Indicates a mandatory requirement.

1.7 Should. Indicates a recommendation or that which is advised but not required.

1.8 General Definitions.

1.8.1 Aerial Shell. A cartridge containing pyrotechnic composition, a burst charge, and an internal time fuse or module, that is propelled into the air from a mortar and that is intended to burst at or near apogee.

1.8.2 Airburst. A pyrotechnic device that is suspended in the air to simulate outdoor aerial fireworks shells without producing hazardous debris.

1.8.3 Area.

1.8.3.1 Consumer Fireworks Retail Sales (CFRS) Area. The portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

1.8.4 Black Powder. See 1.8.39.1.

1.8.5 Building.

1.8.5.1 Consumer Fireworks Storage Building. A building in which finished consumer fireworks are received, stored, and shipped but in which no manufacturing is performed.

1.8.5.2 Consumer Fireworks Work Building, Room, or Area. A building, room, or area where finished consumer fireworks are picked and packaged into retail packages, including assortments and those picked and packed into DOT-approved packaging, and where related operations are performed.

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1.8.5.3 Storage Building. A building, structure, or facility in which consumer fireworks in any state of processing are stored, but in which no processing or manufacturing is performed.

1.8.6 Comet. A single pellet of pyrotechnic composition that is ignited and simultaneously propelled into the air from a mortar or tube; a comet is self-consuming as it rises into the air and can be designed to split apart.

1.8.7 Common Fireworks. See 1.8.23.1, Consumer Fireworks.

1.8.8 Composition.

1.8.8.1 Explosive Composition. Any chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect (report) in a fireworks device.

1.8.8.2 Pyrotechnic Composition. A chemical mixture that, upon burning, produces visible, brilliant displays, bright lights, or sounds.

1.8.8.3 Whistle Composition. A pyrotechnic composition that when pressed into a tube with an open end burns in an oscillatory manner to produce an audible effect.

1.8.9 Consumer Fireworks. See 1.8.23.1.

1.8.10 Consumer Fireworks Retail Sales (CFRS) Area. See 1.8.3.1.

1.8.11 Consumer Fireworks Retail Sales (CFRS) Facility. See 1.8.22.1.

1.8.12 Consumer Fireworks Retail Sales (CFRS) Stand (not allowed in Laramie County).

A temporary or permanent building or structure that has a floor area not greater than 800 ft² (74 m²), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

1.8.13 Consumer Fireworks Storage Building. See 1.8.5.1.

1.8.14 Consumer Fireworks Work Building, Room, or Area. See 1.8.5.2

1.8.15 Covered Fuse. A fuse or designed point of ignition that is protected against accidental ignition by contact with a spark, smoldering items, or small open flame.

1.8.16 Display Fireworks. See 1.8.23.2.

1.8.17 Distribution Facility. See 1.8.22.2.

1.8.18 DOT-Approved Packaging. Packaging for fireworks complying with the regulations of the U.S. Department of Transportation (DOT), Title 49, Part 178.

1.8.19 Electric Match. An electric device that contains a small amount of pyrotechnic material that ignites when current flows through the device.

1.8.20 Explosive. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

1.8.21 Explosive Composition. See 1.8.8.1.

1.8.22 Facility.

1.8.22.1 Consumer Fireworks Retail Sales Facility (CFRS Facility). A permanent building or structure that is used primarily for the retail display and sale of consumer fireworks to the public.

1.8.22.2 Distribution Facility. A place where consumer fireworks are received, stored, picked, packaged and packed into shipping cartons, and shipped to other distribution facilities, manufacturing facilities, or CFR facilities or stores.

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1.8.22.3 Manufacturing Facility. A place where manufacturing of fireworks, novelties, pyrotechnic articles, or components for these devices is conducted.

1.8.23 Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation, that meets the definition of Consumer Fireworks or Display Fireworks as set forth in this regulation.

1.8.23.1 Consumer Fireworks. Small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC); as set forth in CPSC 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

1.8.23.2 Display Fireworks. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in Title 27 CFR Part 555, Title 49 CFR 172, and APA Standard 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

1.8.24 Flame Break. A solid material without holes or other openings, used to retard the spread of flame.

1.8.25 Flash powder. See 1.8.39.3, Salute Powder.

1.8.26 Highway. Any public street, public alley, or public road, including a privately financed, constructed, or maintained road, that is

regularly and openly traveled by the general public.

1.8.27 Magazine. A building or structure, other than an explosives manufacturing building, approved for the storage of explosive materials.

1.8.28 Manufacturing. The mixing, pressing, and loading of explosive or pyrotechnic compositions for the purpose of producing fireworks or pyrotechnic articles.

1.8.29 Manufacturing Facility. See 1.8.22.3.

1.8.30 Mercantile Occupancy. An occupancy used for the display and sale of merchandise.

1.8.31 Mine. A device containing multiple pyrotechnic effects that are simultaneously ignited and dispersed into the air from mortar or tube.

1.8.32 Mobile Storage Unit. A movable structure such as a box, semi-trailer, or other movable container.

1.8.33 Novelties. Small devices containing limited amounts of pyrotechnic or explosive composition that produce a visible or an audible effect and that are not classified as consumer fireworks.

1.8.34 Oxidizer. Any solid or liquid material that readily yields oxygen or other oxidizing gas or that readily reacts to promote or initiate combustion of combustible materials and that can, under some circumstances, undergo a vigorous self-sustained decomposition due to contamination or heat exposure.

1.8.35 Packaged Fireworks Merchandise. A consumer fireworks device or group of consumer fireworks devices that has been packaged within an unperforated container or packaging material by the manufacturer, distributor, or seller for retail display and sale as a unit.

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1.8.36 Permanent. As applied to buildings or structures: a building or structure affixed to a foundation on a site and having fixed utility connections, that is intended to remain on the site for more than 180 consecutive calendar days.

1.8.37 Person. An individual, a firm, a co-partnership, a corporation, a company, an association, or a joint-stock association, including any trustee, receiver, assignee, or personal representative thereof.

1.8.38 Pest Control Device. An explosive device used to control animal pests.

1.8.39 Powder.

1.8.39.1 Black Powder. A low explosive consisting of an intimate mixture of potassium or sodium nitrate, charcoal, and sulfur.

1.8.39.2 Flash powder. See 1.8.39.3, Salute Powder.

1.8.39.3 Salute Powder. An explosive composition that makes a loud report when ignited and constitutes the sole pyrotechnic mixture in a salute.

1.8.39.3.1 Bulk Salute Powder. A quantity of salute powder in an amount exceeding 1 lb. (0.45 kg).

1.8.40 Pyrotechnic Article. A pyrotechnic device, other than a device classed as fireworks, for use in the entertainment industry.

1.8.41 Pyrotechnic Composition. See 1.8.8.2.

1.8.41.1 Pyrotechnic Material (Pyrotechnic Special Effects Material). A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation.

1.8.42 Pyrotechnic Special Effect. A special effect created through the use of pyrotechnic materials and devices.

1.8.43 Pyrotechnics. Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

1.8.44 Retail Sales. The retail display and sale of merchandise to the public within a mercantile occupancy.

1.8.45 Rocket (Fireworks Rocket). A pyrotechnic device that is designed to move by the ejection of matter produced by the internal combustion of propellants.

1.8.46 Salute. A display firework that is designed to produce a loud report.

1.8.46.1 Aerial Salute. A salute that functions as an aerial shell.

1.8.46.2 Bulk Salute. A collection of salutes or salute components containing more than 2 lb. (0.9 kg) of salute powder, unless the salutes are mixed with other types of aerial shells so that the total quantity of salutes to other types of shells is less than 50 percent in a single magazine.

1.8.46.3 Ground Salute. A salute that functions from a stationary or secured position.

1.8.47 Salute Powder. See 1.8.39.3.

1.8.48 Special Fireworks. See 1.8.23.2, Display Fireworks.

1.8.49 Stars. Small masses of pyrotechnic compounds that are projected from aerial shells, mines, or roman candles.

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1.8.50 Store. A building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks.

1.8.51 Temporary (not allowed in Laramie County). As applied to buildings or structures: a building or structure not meeting the definition for permanent structure. As applied to electrical power and wiring: electrical service in use or in place for a period of 90 consecutive calendar days or less.

1.8.52 Whistle Composition. See 1.8.8.3.

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CFRS Construction and Operation Standards

2.1 Applicability.

2.1.1 General Requirements. Retail sales of consumer fireworks in both new and existing buildings, structures, and facilities shall comply with the requirements of this regulation unless otherwise indicated. Requirements for the manufacture, transportation and storage of fireworks and pyrotechnic articles shall comply with the current edition of the NFPA 1124.

2.1.1.1 New Facilities.

2.1.1.1.1 For the purpose of applying the requirements of these regulations, the following consumer fireworks retail sales (CFRS) facilities and stores shall be considered to be new:

(1) Permanent CFRS facilities and stores that are not initially occupied until after the effective date of this regulation, unless plans are submitted and accepted for review, plans have been approved for construction, or a building permit has been issued prior to the effective date of this regulation.

(2) Permanent CFRS facilities and stores constructed prior to the effective date of this regulation and in which the retail sales of consumer fireworks have not been conducted either seasonally or year-round within one year prior to the effective date of this regulation.

2.1.1.1.2 In a CFRS facility or store where the area of the retail sales floor occupied by the retail displays of consumer fireworks is increased, after the effective date of this regulation, such that the area exceeds the limits specified in 2.5.1.1(1), the building shall be considered to be a new CFRS facility or store.

2.1.1.2 Existing Facilities.

2.1.1.2.1 For the purpose of applying the requirements of this regulation, CFRS facilities and stores not considered to be new as

specified in 2.1.1.1 shall be considered to be existing.

2.1.1.2.2 The enactment of these regulations shall not prohibit the continuing use of any land, structure or building in the fireworks business as long as the use pre-dated the passage of the regulations and was in compliance with the Laramie County Fireworks Regulations enacted May 16th, 1995 or July 16th, 2002 and any other applicable ordinance, statute law or code, provided, however, that:

(1) The alteration of, or addition to, existing structures which increases the size or value of the structure by 20% shall require the owner of the permit to comply with all the regulations contained herein in addition to any other existing law, statute, ordinance or code.

(2) "20%" shall be determined by the enforcing agent and may be based on assessed value and/or square footage.

(3) The correction of a violation or a condition at the direction of an enforcing agent may not, in and of itself, be grounds for the loss of the "grandfathering" of the owner's status.

(4) All new structures must meet applicable fire codes, laws and other statutes and ordinances.

2.1.1.3 Minimum Requirements. Existing life safety features that do not meet the requirements for new buildings but that exceed the requirements for existing buildings shall not be further diminished.

2.1.1.4 Modernization or Renovation. Any alteration or any installation of new equipment shall meet, as nearly as practicable, the requirements for new construction.

2.1.1.4.1 Only the altered, renovated, or modernized portion of an existing building, system, or individual component shall be required to meet the provisions of this

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regulation that are applicable to new construction.

2.1.1.4.2 If the alteration, renovation, or modernization adversely impacts required life safety features, additional upgrading shall be required.

2.1.1.4.3 Except where another provision of this regulation exempts a previously approved feature from a requirement, the resulting feature shall be not less than that required for existing buildings.

2.1.2 Facility Classification. The requirements of this regulation shall apply to the following:
(1) Permanent buildings and structures, including the following:
(a) CFRS Stores
(b) CFRS facilities

2.1.2.1 Permanent CFRS Facilities Construction Methods. Permanent CFRS Facilities shall be constructed in accordance with this regulation and the adopted codes of Laramie County. The use of tents, canopies or membrane structures shall not be an allowable construction method utilized for permanent CFRS Facilities within the unincorporated area of Laramie County.

2.1.2.2 Temporary CFRS Stands. Temporary CFRS Stands are not permitted within the unincorporated area of Laramie County.

2.2 Special Limits for Retail Sales of Consumer Fireworks.

2.2.1 Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this regulation.

2.2.2 Retail sales of consumer fireworks shall be limited to occupancies defined in the current codes adopted by Laramie County.

2.2.3 Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with current codes adopted by Laramie County, except as provided in this regulation. Should there be a conflict in compliance requirements the more stringent of the requirements shall govern.

2.2.4 Retail sales of *display fireworks* and pyrotechnic articles, including the related storage and display for sale of such fireworks and articles, shall be prohibited at a CFRS facility or store.

2.2.5 Retail sales of certain explosive devices prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a CFRS facility or store.

2.2.6 The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a CFRS facility or store.

2.2.7 The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 and 1507 and the regulations of the U.S. Department of Transportation as set forth in 49 CFR 100 to 178, including their related storage and display for sale, shall be prohibited.

2.3 General Requirements for All Retail Sales.

2.3.1 Exempt Amounts.

2.3.1.1 The requirements of this chapter shall not apply to permanent CFRS facilities and Class A and Class B stores where the consumer fireworks are in packages, there are no quantities of aerial devices meeting the descriptions in NFPA 1124 Annex C (C.3.1.2), and the total quantity of consumer fireworks on hand does not exceed 125 lb. (net) [56.8 kg] of pyrotechnic composition or, in a building

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protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, 250 lb. (net) [113.6 kg] of pyrotechnic composition.

2.3.1.2 Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

2.3.2 Permits. Where required by state or local laws, ordinances, or regulations, a permit for the following shall be obtained:

- (1) Construction, erection, or operation of the following:
 - (a) Permanent building or structure
 - (2) Storage of consumer fireworks in connection with the retail display or sale of consumer fireworks to the public

2.3.3 Plans. Plans for facilities shall include the following:

- (1) Minimum distances from the following:
 - (a) Public ways
 - (b) Buildings
 - (c) Other CFRS facilities
 - (d) Motor vehicle fuel-dispensing station dispensers
 - (e) Retail propane-dispensing station dispensers
 - (f) Flammable and combustible liquid aboveground tank storage
 - (g) Flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 300 ft. (91.5 m) of the facility/store used for the retail sales of consumer fireworks
- (2) Vehicle access and parking areas
- (3) Location and type of portable fire extinguishers
- (4) Floor plan and layout of storage and displays to indicate compliance with this chapter and applicable state or local laws, ordinances, or regulations
- (5) Means of egress
- (6) Construction details

2.3.4 Fire Department Access. Any portion of an exterior wall of a building or other defined perimeter of a CFRS facility or store shall be accessible within 150 ft. (45.7 m) of a public way or an approved fire apparatus access.

2.3.5 Construction of Buildings and Structures. Consumer fireworks shall only be permitted to be sold at retail in permanent buildings or structures, provided that any new building or structure does not exceed one story in height and does not contain a basement. Permanent buildings or structures shall be constructed in accordance with the building codes enforced by the AHJ.

2.3.6 An automatic sprinkler system designed and installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, shall be provided throughout permanent CFRS facilities and stores in which CFRS are conducted in the following buildings:

- (1) New buildings greater than 3000 ft² (278.7 m²) in area
- (2) Existing buildings greater than 7500 ft² (694 m²) in area

2.3.7 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent CFRS **facility or store** shall be protected with an automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, and separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.

2.3.7.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with current adopted codes of Laramie County.

2.3.7.1.1 In **stores** in which retail sales of consumer fireworks are conducted, doors in the required fire barrier wall shall not be required to have a fire protection rating.

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2.3.7.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with current adopted codes of Laramie County.

2.3.8 Portable Fire Extinguishers.

2.3.8.1 Specification. Portable fire extinguishers shall be provided as required for extra (high) hazard occupancy in accordance with current adopted codes of Laramie County.

2.3.8.2 Minimum Number. No fewer than two portable fire extinguishers with a minimum 2A rating shall be provided, at least one of which shall be of the pressurized-water type.

2.3.8.3 Extinguisher Type. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type.

2.3.8.4 Location. Portable fire extinguishers for permanent consumer fireworks retail sales facilities and stores shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 ft. (23 m), as specified in the current adopted codes of Laramie County.

2.3.9 Fire Alarms. A fire alarm system shall be provided as required by the current adopted codes of Laramie County.

2.3.10 No Smoking Signs/Open Burning.

2.3.10.1 Smoking shall not be permitted inside or within 50 ft. (15.2 m) of the CFRS area.

2.3.10.2 At least one sign that reads as follows, in letters at least 2 in. (51 mm) high on a contrasting background, shall be conspicuously posted at each entrance or within 10 ft. (3.05 m) of every aisle directly serving the CFRS area in a store:

FIREWORKS-NO SMOKING

2.3.10.3 No open burning of fires shall be allowed on the property, which is leased, rented, owned or controlled by the CFRS facility/store owner and used for the purpose of engaging in the sale or storage of fireworks. A violation of this provision shall be sanctioned as enumerated in section 1.8 of these regulations.

2.3.11 Separation Distances.

2.3.11.1 CFRS facilities and stores shall not be located within 50 ft. (15.2 m) of the following:

- (1) Retail propane-dispensing station dispensing devices
- (2) Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas
- (3) Compressed natural gas-dispensing station dispensing devices

2.3.11.2 New CFRS facilities and stores shall not be located within 150 ft. (45.7 m) of motor vehicle fuel-dispensing station dispensing devices.

2.3.11.3 Existing permanent CFRS facilities constructed prior to the date of adoption of this regulation shall not be required to comply with 2.3.11.2. In no case shall an existing permanent CFRS facility/store that undergoes any modernization or renovation work be allowed to be located within 150 ft. (45.7 m) of motor vehicle fuel-dispensing station dispensing devices.

2.3.11.4 Fuel tanks on vehicles or other motorized equipment shall not be considered bulk storage.

1.3.11.5 Fuel storage for generators shall be in accordance with 2.4.8.2.

2.3.11.6 CFRS areas and storage areas shall not be located within 300 ft. (91.2 m) of any bulk plant or bulk terminal for the following:

- (1) Flammable or combustible liquid
- (2) Flammable gas

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(3) Flammable liquefied gas

2.3.12 Mobile Storage Units: Mobile storage units used for the temporary storage of consumer fireworks shall meet the criteria of one of the following for a Type 4 outdoor magazine and shall be located not less than 50 ft. (15.24 m) from CFRS facilities and stores. A Type 4 magazine shall be a permanent, portable, or mobile structure such as a building, igloo, box, semitrailer, or other mobile container that is fire resistant, theft resistant, and weather resistant.

2.3.12.1 Type 4 Outdoor Magazine. A Type 4 outdoor magazine shall comply with the following provisions:

(A) The magazine shall be constructed of the following:

- (1) Masonry
- (2) Wood covered with sheet metal, fabricated metal, or a combination of these materials
- (B) Doors shall be metal or wood covered with metal.

(C) Permanent magazines shall;

(1) Have a completely enclosed foundation, and the following requirements also shall apply:

(a) A wood foundation enclosure shall be covered on the exterior with not less than 26-gauge metal.

(b) Openings provided for cross ventilation on the exterior of a wood foundation enclosure shall not be required to be covered with 26-gauge metal.

(D) Each door of the magazine shall be equipped with one of the following locking systems:

- (1) Two mortise locks
- (2) Two padlocks in separate hasps and staples
- (3) A mortise lock and a padlock
- (4) A mortise lock that needs two keys to be opened
- (5) A three-point lock or an equivalent lock that secures the door to the frame at more than one point.

(E) Vehicular magazines shall have hinges, hasps, locks, and locking hardware complying with 2.3.12.1(D), excluding padlocks on vehicular magazines, which are not required to be protected by steel hoods.

(1) Vehicular magazines shall be immobilized where unattended, as follows;

- (a) The wheels shall be removed
- (b) The kingpins shall be locked
- (c) The vehicular magazine shall be otherwise immobilized

2.3.13 Fire Safety and Evacuation Plan. For a CFRS facility or store, an approved fire safety and evacuation plan shall be prepared in writing and maintained current.

2.3.14 Means of Egress.

2.3.14.1 Number of Exits.

2.3.14.1.1 The minimum number of exits provided from the retail sales area shall be not less than three or as determined in accordance with the current adopted codes of Laramie County, whichever number is greater.

2.3.14.1.2 Required means of egress from the retail sales area shall not be allowed to pass through storage rooms.

2.3.14.2 Egress Travel Distance. Exits provided for the retail sales area of permanent CFRS facilities, including Class C stores, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed 75 ft. (22.9 m).

2.3.14.3 Egress Capacity. Egress capacity shall be based on 0.7 in./person (18 mm/person) for stairs or 0.4 in./person (10 mm/person) for level components and ramps.

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2.3.14.4 Aisles. Aisles serving as a portion of the exit access in CFRS areas shall comply with this paragraph.

2.3.14.4.1 Aisle Width.

2.3.14.4.1.1 Aisles shall have a minimum clear width of 48 in. (1.2 m).

2.3.14.4.1.2 The required width of aisles shall be maintained unobstructed at all times the facility/store is occupied by the public.

2.3.14.4.2 Aisle Arrangements.

2.3.14.4.2.1 Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit.

2.3.14.4.2.2 Other required exits shall be located at, or within 10 ft. (3.05 m) of the end of an aisle or a cross-aisle.

2.3.14.4.2.3 Aisles shall terminate at an exit, another aisle, or a cross-aisle.

2.3.14.4.2.4 Dead-end aisles shall be prohibited.

2.3.14.4.2.5 Where more than one aisle is provided, not less than one cross-aisle shall have an unobstructed connection with every aisle, other than cross-aisles.

2.3.14.4.2.6 Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 ft. (15.2 m) as measured along the aisle.

2.3.14.4.2.7 Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at, or within 10 ft. (3.05 m) of, an exit.

2.3.14.5 Doors and Doorways. Doors and doorways used in the means of egress shall comply with this paragraph.

2.3.14.5.1 Egress doors shall be not less than 36 in. (910 mm) in width [providing a minimum of 32 in. (813 mm) clear width].

2.3.14.5.2 Every egress door that has a latching device shall be provided with panic hardware complying with the current adopted codes of Laramie County.

2.3.14.5.3 Means of egress doors shall be of the side-hinge swinging type and shall be arranged to swing in the direction of egress travel.

2.3.14.5.4 Delayed egress locks shall be prohibited.

2.3.14.6 Exit Signs.

2.3.14.6.1 Exits shall be marked by an approved exit sign in accordance with the current adopted codes of Laramie County.

2.3.14.6.2 Exit signs shall be required to be self-luminous or internally or externally illuminated.

2.3.14.7 Illumination of Means of Egress. The means of egress, including the exit discharge, shall be illuminated whenever the facility/store is occupied, in accordance with the current adopted codes of Laramie County.

2.3.14.8 Emergency Lighting. Emergency lighting shall be provided for all permanent CFRS facilities and stores and shall comply with the current adopted codes of Laramie County.

2.3.15 Retail Sales Displays.

2.3.15.1 General. The requirements of this section shall apply only to CFRS areas, unless otherwise specifically indicated.

2.3.15.2 Flame Breaks.

2.3.15.2.1 Where continuous displays of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a

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flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 ft. (4.9 m) where measured along the length of the display.

2.3.15.2.2 Flame breaks shall have a flame break rating of not less than 5 minutes as determined in accordance with PYR 1128, Standard Method of Fire Test for Flame Breaks.

2.3.15.2.2.1 Combustible flame breaks shall have a flame spread index not greater than 75, as determined in accordance with ASTM E 84, Standard Test Method for Surface Burning Characteristics of Building Materials.

2.3.15.2.3 The flame break shall extend as follows:

- (1) From the display surface to not less than 6 in. (150 mm) above the full height of the displayed merchandise or to the underside of the display surface directly above
- (2) For the full depth of the displayed merchandise

2.3.15.2.4 Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 2.3.15.2.1 shall not be required where both of the following criteria are met:

- (1) The length of the display level containing individual unpackaged fireworks devices is interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than 8 ft. (2.4 m).
- (2) The distance between flame breaks does not exceed 32 ft. (9.8 m).

2.3.15.2.5 Where a merchandise display level contains packaged fireworks merchandise, such merchandise shall be permitted to be displayed in a continuous length on the same level, where the display does not exceed 32 ft. (9.8 m) without the flame break required in 2.3.15.2.1.

2.3.15.2.6 An aisle having a minimum width of 48 in. (1.2 m) shall be permitted to substitute for the flame break required in 2.3.15.2.1.

2.3.15.2.7 Where displays of merchandise face aisles that run along both long sides of the display fixtures or display surface, a flame break shall be installed lengthwise between the abutting display fixtures or along the approximate longitudinal centerline of the display surface so as to separate the merchandise facing one of the aisles from the merchandise that abuts it facing the other aisle.

2.3.15.2.8 Freestanding display racks, pallets, tables, or bins containing packaged fireworks merchandise shall be permitted without flame breaks, provided the dimensions of the area occupied by the fireworks merchandise do not exceed 4 ft. (1.2 m) in width, 8 ft. (2.4 m) in length, and 6 ft. (1.8 m) in height, and the displayed fireworks merchandise is separated from other displays of merchandise by aisles having a minimum clear width of 48 in. (1.2 m).

2.3.15.3 Shelving.

2.3.15.3.1 Shelving or other surfaces used to support fireworks display merchandise shall be permitted to have not more than 10 percent of the area of the shelf contain holes or other openings.

2.3.15.3.2 The 10 percent limitation on the area of holes or other openings in the shelf used to support fireworks display merchandise shall not be applicable where such merchandise is suspended from or fastened to the shelf or surface or is displayed as packaged merchandise on the surface or in bins.

2.3.15.3.3 Flame breaks and solid display surfaces shall not be required for packaged fireworks merchandise displayed in bins or display racks or on pallets or tables located at the end of a row of display fixtures where the following conditions are met:

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- (1) Such end displays are separated from the ends of the display fixtures by an open space not less than 3 in. (76 mm) wide.
- (2) The fireworks merchandise occupies an area having dimensions not greater than the width of the end of the row of display fixtures and a depth not greater than 36 in. (910 mm).
- (3) The minimum required widths of the adjacent aisles are maintained, but in no case is the aisle width less than 48 in. (1.2 m).

2.3.15.4 Covered Fuses.

2.3.15.4.1 Only consumer fireworks that have been successfully tested in accordance with PYR 1129, Standard Method of Fire Test for Covered Fuse on Consumer Fireworks, to determine compliance with the covered fuse requirements of this regulation shall be permitted where the retail sales of consumer fireworks are conducted.

2.3.15.4.2 The individual consumer fireworks device or the packaging in which the consumer fireworks device or devices are encapsulated for retail sale shall be labeled to indicate compliance with PYR 1129, Standard Method of Fire Test for Covered Fuse on Consumer Fireworks.

2.3.15.5 Aerial Devices. Aerial devices shall be packaged and displayed for sale in a manner that will limit travel distance of ejected pyrotechnic components if ignition of the fireworks occurs.

2.3.15.6 Horizontal Barriers. Combustible materials and merchandise shall not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier is installed directly above the consumer fireworks as prescribed in 7.4.2.2.5 of NFPA 400, Hazardous Materials Code.

2.3.16 Electrical Equipment. All electrical wiring shall be in accordance with NFPA 70, National Electrical Code.

2.3.17 Heating Equipment.

2.3.17.1 Heating units shall be listed and shall be used in accordance with their listing.

2.3.17.2 Temporary heating sources shall have tip-over and temperature-overheat protection.

2.3.17.3 Open-flame and exposed-element heating devices shall be prohibited.

2.3.18 Portable Generators. Fuel for generators shall be permitted to be Class I, Class II, or Class III liquids and shall be limited to not more than 5 gallons (18.9 L).

2.3.19 Operations.

2.3.19.1 General. Means of egress, including but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or store is occupied.

2.3.19.2 Distances from Entrances and Exits.

2.3.19.2.1 No consumer fireworks shall be displayed for sale or stored within 5 ft. (1.5 m) of any public entrance or public exit in an enclosed building or structure.

2.3.19.2.2 No consumer fireworks shall be displayed for sale or stored within 2 ft. (0.6 m) of any private entrance or private exit in an enclosed building or structure.

2.3.19.3 Security.

2.3.19.3.1 CFRS facilities and stores shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility or store during such times.

2.3.19.3.2 The fireworks displayed or stored in a CFRS facility or store shall be allowed to be removed and transferred to a temporary storage structure or location.

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2.3.19.4 Fireworks shall not be ignited, discharged, or otherwise used within 500 ft. (152.4 m) of a CFRS facility or store.

2.3.20 Housekeeping.

2.3.20.1 CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.

2.3.20.2 Any loose pyrotechnic composition shall be removed immediately.

2.3.20.3 Vacuum cleaners or other mechanical cleaning devices shall not be used to clean up any loose pyrotechnic composition.

2.3.20.4 Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of non-sparking materials.

2.3.20.5 Consumer fireworks devices that are damaged shall be removed and not offered for sale.

2.3.20.6 Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of according to the manufacturer's instructions.

2.3.21 Training. All personnel handling consumer fireworks shall receive safety training related to the performance of their duties.

2.3.22 Under the Influence. Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.

2.4 Consumer Fireworks Retail Sales (CFRS) Facility Requirements.

2.4.1 Plans. Where required, construction documents for CFRS facilities shall be submitted to the AHJ with the permit application. All plans

and submittals shall comply with this regulation and the current adopted codes of Laramie County.

2.4.2 Site Plan. The site plan for permanent CFRS facilities shall show the location of the permanent CFRS facility on the site and indicate the minimum separation distances required by 1.4.6.

2.4.3 Multiple-Tenant Buildings.

2.4.3.1 Where a new CFRS facility is located in a building containing other tenants, the CFRS facility shall be separated from the other tenants by fire barriers complying with the current adopted codes of Laramie County, without openings and having a fire resistance rating of not less than 2 hours.

2.4.3.2 Where a multiple-tenant building containing a new CFRS facility is protected throughout the building with an automatic sprinkler system designed and installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, the fire resistance rating of the fire barrier required by 2.4.3.1 shall be permitted to be not less than 1 hour.

2.4.3.3 Any penetrations of the fire barrier shall be protected in accordance with the current adopted codes of Laramie County.

2.4.4 Fire Protection.

2.4.4.1 Automatic Sprinkler System Alarm. Any water-flow alarm device shall be arranged to activate audible and visual alarms throughout the CFRS facility in accordance with NFPA 72, National Fire Alarm and Signaling Code.

2.4.4.2 Portable Fire Extinguisher. Portable fire extinguishers for permanent CFRS facilities shall be installed and located so that the maximum distance of travel required to reach an

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extinguisher from any point does not exceed 75 ft. (22.86 m).

2.4.4.3 Public Notification. In permanent CFRS facilities greater than 3000 ft² (278.6 m²) in area, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with NFPA 72, National Fire Alarm and Signaling Code, shall be provided at a constantly attended location when the CFRS facility is occupied.

2.4.5 Site Requirements.

2.4.5.1 Clearance to Combustibles. The area located within 50 ft. (15.2 m) of a CFRS facility shall be kept free of accumulated dry grass, dry brush, and combustible debris. Tall grass shall be kept trimmed to a height not to exceed two (2) inches.

2.4.5.2 Parking. No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within 10 ft. (3 m) of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

2.4.5.3 Fireworks Discharge. At least one sign that reads as follows, in letters at least 4 in. (102 mm) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility:

NO FIREWORKS DISCHARGE
WITHIN 500 FEET

2.4.6 Separation Distances.

2.4.6.1 New Facilities. New permanent consumer fireworks retail sales facilities shall be separated from adjacent permanent buildings and structures in accordance with Table 2.4.6.1.

Table 2.4.6.1 Separation Distances Between New Permanent Buildings and Structures

Separation Distances		Exterior Wall Fire Resistance Rating (hr)	Exterior Wall Opening Protection Rating (hr)
ft	m		
<10	<3.05	2	1½
≥10 to <60	≥3.05 to <18.3	1	¾
≥60	≥18.3	0	0

2.4.6.2 Existing Facilities. Existing permanent CFRS facilities shall be separated from adjacent permanent buildings and structures by not less than 10 ft. (3.05 m) or shall be separated by a wall with a 1-hour fire resistance rating.

2.4.7 Means of Egress.

2.4.7.1 General.

2.4.7.1.1 Means of egress in CFRS facilities shall comply with the applicable requirements of the current adopted codes of Laramie County and as modified by 2.3.14 and 2.4.7.

2.4.7.2 The required evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility.

2.4.7.3 Exit signs shall be required to be illuminated at all times the building is occupied in CFRS facilities in accordance with the adopted codes of Laramie County.

2.4.7.4 Emergency lighting shall be required in CFRS facilities in accordance with the adopted codes of Laramie County.

2.4.7.5 The required number of exits and the required egress sizing in CFRS facilities shall be in accordance with section 2.3.14 of this regulation and the adopted codes of Laramie County.

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2.4.8 Source of Ignition.

2.4.8.1 Temporary Electrical Equipment.

Battery-powered equipment, electrical equipment, and electrical cords that are used in conjunction with a CFRS facility area shall be listed and shall be used in accordance with their listing.

2.4.8.1.1 Temporary wiring shall not be utilized in CFRS facilities as permanent wiring per the NFPA 70, National Electrical Code.

2.4.8.2 Portable Generators.

2.4.8.2.1 Portable generators shall be located not less than 20 ft. (6.1 m) from the CFRS facility.

2.4.8.2.2 Generator fuels shall be stored not less than 20 ft. (6.1 m) from the CFRS facility.

2.4.8.2.3 Where the generator fuel storage is located not less than 50 ft. (15.2 m) from the CFRS facility, the quantity of such fuel shall not be limited by 2.3.18.

2.4.8.3 Cooking Equipment.

2.4.8.3.1 Cooking equipment of any type shall not be permitted within 20 ft. (6.1 m) of structures used for the storage or sale of consumer fireworks.

2.4.8.3.2 Open flame cooking equipment of any type shall not be allowed within 50 ft. (15.2 m) of structures used for the storage or sale of consumer fireworks.

2.4.8.4 Recreational Vehicles

2.4.8.4.1 Recreational Vehicles regardless of use shall not be located closer than 50 ft. (15.2 m) to any CFRS facility or store.

2.4.9 Occupied Floor Area Limitations.

2.4.9.1 The floor area occupied by the retail displays of consumer fireworks in permanent CFRS facilities shall not exceed 40 percent of the available floor area within the retail sales area.

2.4.9.2 Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles.

2.4.10 Quantity Limitations.

2.4.10.1 Height of Sales Displays. To provide for visual access of the retail sales area by the employees and customers, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft. (1.8 m) in height above the floor surface inside the perimeter of the retail sales area.

2.4.10.1.1 Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 ft. (1.8 m) above the floor surface within the CFRS area.

2.4.10.1.2 Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft. (3.66 m).

2.4.11 Flame Breaks. In CFRS facilities the longitudinal flame break required in 2.3.15.2.7 shall not be required where the display fixture or surface is adjacent to an aisle that is not used for public egress.

2.5 Stores.

2.5.1 General.

2.5.1.1 For the purpose of this section, stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities as defined in 1.8.22.1 where both of the following conditions exist:

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(1) The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 ft² (55.5 m²), whichever is less.

(2) The consumer fireworks are displayed and sold in a manner approved by the AHJ and comply with the applicable provisions of this regulation, federal and state law, and local ordinances.

2.5.1.2 Consumer fireworks displayed for sale in stores shall comply with the following:

(1) Such fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public.

(2) Such fireworks shall be packaged fireworks merchandise.

(3) Such fireworks shall be packaged and displayed for sale in a manner that will limit the travel distance of ejected pyrotechnical components if ignition of the fireworks occurs.

(4) Where consumer fireworks which are aerial devices or audible ground devices are sold, such devices shall be displayed for sale in an area of the store that is physically separated from the rest of the store in a manner that restricts entry by the public, and the area of the store shall be provided with not less than two means of egress, so located that there is no common path of travel and the distance to reach an egress point from the area does not exceed 35 ft. (10.7 m).

2.5.2 Egress. Means of egress in stores shall comply with the adopted codes of Laramie County unless otherwise specified in 2.3.14.

2.5.3 Alarm Notification. In Class B stores, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with NFPA 72, National Fire Alarm and Signaling Code, shall be provided at a constantly attended location when the store is occupied.

2.5.4 Flame breaks shall be allowed to be omitted in stores protected throughout with an automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems.

2.6 CFRS Facility or Store Sales Permits Required

2.6.1 No person or entity shall sell, offer for sale, display for sale, or store for sale any fireworks, or commence business without first having obtained a fireworks sales permit.

2.6.2 Seasonal and Yearly Permits are available for the sale of fireworks. The seasonal fireworks sales permit shall be valid for up to five (5) consecutive months of the year in which it is granted. The yearly permits shall be valid for twelve (12) months from date of issue. The fees for both seasonal and yearly permits shall be as set or modified annually, in the discretion of the Laramie County Board of County Commissioners, and reflected in the application for permit in the office of the Laramie County Clerk. Fees so set shall apply prospectively from the date of the Commissioner's public meeting at which the fees are set. The fees are to be paid by the applicant to the Laramie County Clerk prior to consideration of the permit.

2.6.3 Every person or entity desiring to retail fireworks in Laramie County shall file an application containing the following information with the Laramie County Clerk: (Application forms for said permit and Laramie County Fireworks Regulations are to be obtained from the Laramie County Clerk)

- (1) Name of Applicant and Applicant's permanent place of business address;
- (2) Name under which Applicant does business;
- (3) Name and addresses of all officers and owners in the partnership, corporation, or limited liability company;

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- (4) Applicant's sales tax permit number in Wyoming and a copy of the state sales tax permit needed for the operation of the CFRS facility/store;
- (5) Retail name of CFRS facility/store;
- (6) Address of CFRS facility/store;
- (7) Dimensions of building;
- (8) The name and address of the registered agent if the applicant is a corporation;
- (9) A Certificate of Insurance for a current policy of public property and liability insurance meeting the requirements of the current Laramie County Insurance requirements
- (10) The signature(s) of the Applicant(s) indicating that the Applicant(s) have been provided a copy of the Laramie County Fireworks Regulations, understand the Regulations, the requirements upon which the permit is issued, the basis upon which the permit may be revoked and agree to said requirements.
- (11) If the applicant is a corporation, documentation demonstrating the authority of the individual signing the application to act on behalf of the corporate entity. Such documents are subject to review and approval by the Laramie County Attorney's office as to their sufficiency.
- (12) If any of the information required to be provided by this section changes, it is the responsibility of the CFRS facility/store owner to notify the Laramie County Clerk of the change within five (5) working days of the change. Failure to comply with this notice provision may result in revocation of the CFRS facility/store owner's permit.

2.6.4 A fireworks sales permit applicant shall file a site plan, simultaneously with the permit application, at the Laramie County Planning and Development Office.

- (1) All fireworks facilities and stores, for which an application is submitted, must be reviewed by the Laramie County Planning Department,

the Laramie County Fire Warden and the Cheyenne/Laramie County Health Department-Environmental Health Division ("Reviewing Agencies"). This includes site and/or structure inspections as determined by the reviewing Agencies.

- (2) A site plan shall be required of all permit applications. All permit applicants may rely on previously filed site plans if, in conjunction with the application, the applicant shall, in writing, swear under the penalty of perjury that no alterations of any kind to the structures or property have been made or are contemplated to be made for the period of the permit.

- (3) The Reviewing Agencies may require and may request additional documentation, site inspections and such other information as is necessary to complete their review. Applicants are obligated to provide such access and information, failure to comply will result in a denial of the application.

2.6.5 A fireworks sales permit will be issued only if:

- (1) The Reviewing Agencies have reviewed and approved the application and;
- (2) The CFRS facility/store is in a CB zone and administrative approval has been received, if the CFRS facility/store is within the zoned boundary in Laramie County.
- (3) After approval and issuance of a certificate of compliance by the Laramie County Fire Warden which shall occur only after approval by the Reviewing Agencies and any other appropriate governmental agencies.
- (4) A fireworks sales permit application has been fully completed in accord with the requirements of the Laramie County Clerk's Office and all fees and any outstanding ad valorem taxes have been paid.

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2.6.6 Any permit authorized under these regulations shall not be issued or approved until on or after the date set in the for the public hearing set to consider the application. A permit shall not be issued if the Laramie County Board of County Commissioners finds from evidence presented at the hearing that any of the following factors exist:

- (1) The welfare of the people residing in the vicinity of the proposed CFRS facility/store premises shall be adversely and seriously affected;
- (2) The purpose of these regulations shall not be carried out by the issuance, of the permit;
- (3) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;
- (4) The desires of the residents of the county, city or town will not be met or satisfied by the issuance of the permit;
- (5) Any other reasonable restrictions or standards which may be imposed by the Laramie County Board of County Commissioners shall not be carried out by the issuance, of the permit; or
- (6) That the applicant, its employees or agents have previously violated these regulations or other applicable law in connection with the operation of a CFRS facility/store.

2.6.7 The Laramie County Board of County Commissioners decision to deny or grant a permit is a final agency decision.

2.6.8 The Laramie County Board of County Commissioners will review for approval or rejection a fireworks sales permit as soon as practicable after receipt by the Laramie County Clerk, if review and approval of the application has been performed by the Reviewing Agencies and the application is in complete conformity with these regulations and any applicable laws, codes, statutes or ordinances. The Laramie County Board of County Commissioners shall have the discretion, at the request of the applicant, to determine a date upon which the

permit shall become valid and the sales of fireworks at the location can commence. In the absence of such a request and finding by the Board, and in the case of an approval of the permit, the permit shall become valid upon the date of the approval.

2.6.9 Any fireworks sales permit may be revoked if a federal, state or local law or any statute, ordinance, code or any of the provisions of the regulations herein are violated. A pattern of violations or a continuing violation may result, at the discretion of the Laramie County Board of County Commissioners, in the denial of a future permit application.

2.6.10 All fireworks sales permits shall be conspicuously displayed on the interior of a facility or store during all business hours. A fireworks sales permit is not transferable, assignable or renewable.

2.6.11 No application for a fireworks sale permit in Laramie County shall be approved until all of the applicant(s) delinquent taxes and any delinquent taxes in connection with the CFRS facility/store or its operation are paid.

2.6.12 By the issuance, denial or revocation of any fireworks sales permit issued pursuant to this section of the fireworks regulations, Laramie County does not waive its Governmental Immunity and it fully retains all immunities and defenses provided by law with regard to any action based on the issuance, denial or revocation of any fireworks permit. Nor does Laramie County surrender its sovereign immunity under contract, tort or any other applicable theory of law through the issuance, denial or revocation of any fireworks permit.

2.7 Conditions of Sale

2.7.1 Purchase Age. No CFRS facility/store owner/permittee or his or her agents shall sell

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fireworks to any person who has not obtained their sixteenth (16th) birthday. The CFRS facility/store owner or his or her agent shall request from any buyer, whom he or she reasonably believes to be under sixteen (16) years of age, an approved form of government issued photo identification. The CFRS facility/store owner or his or her agent shall refuse a sale to any person if he or she reasonably believes to be below the age of sixteen (16) years and who refuses to or cannot produce such identification.

2.7.2 Sellers Age. No person under the age of sixteen (16) shall sell fireworks in Laramie County. Employees of a CFRS facility/store under the age of eighteen (18) shall be supervised at all times by at least one employee age twenty-one (21) or over.

2.7.3 At least one sign that reads as follows, in letters at least 4 in. (102 mm) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility/store:

NO SALE UNDER THE AGE OF 16

2.8 Enforcement.

2.8.1 All CFRS facility/store owners with a CFRS facility/store located within Laramie County shall be subject to and shall conform with the following:

(1) The Laramie County Fireworks Regulations.
(2) The Laramie County Land Use Regulations.
(3) All applicable State and Federal Laws, ordinances, regulations, laws and codes including, but not limited to, W.S. §35-10-201, et seq. In addition to any other enforcement provided for in these regulations, the Laramie County Fire Warden may abate fire danger nuisance pursuant to W.S. §35-9-111, §35-9-116, and §35-9-406.

2.8.2 These regulations shall not be interpreted

or construed to provide for a graduated series of penalties or enforcement actions. Laramie County and its enforcing agents may impose any penalty for which reasonable cause exists.

2.8.2.2 Persons Authorized to Enforce.

2.8.2.2.1 The provisions of these regulations shall be enforced by and through the Laramie County Fire Warden and the Laramie County Sheriff's Department or by any person designated by them. Only these individuals are designated "enforcing agents." The following individuals are authorized to inspect fireworks businesses for compliance with these regulations in addition to any other independent authority they may have: representatives of the State Department of Fire Prevention and Electrical Safety, The Laramie County Fire Warden, The Laramie County Planning and Development Office, Laramie County Environmental Health officer and/or their designee and/or any person authorized by the Laramie County Board of County Commissioners.

2.8.3 Penalties.

2.8.3.1 Any person violating any provision of W.S. §35-10-201 et seq. or sections 1.3.10, 1.4.5.3 and 1.8 of these Fireworks Regulations is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00) or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment or as enumerated below. Any person or entity violating any other provisions of the Laramie County Fireworks Regulations, in addition to any other penalty provided at law, shall be guilty of a misdemeanor and subject to a fine of not more than seven hundred and fifty dollars (\$750.00). These regulations are enacted pursuant to the authority provided to the Laramie County Commissioners including but not limited to, W.S. 35-10-208 and W.S. 18-5-201 et seq. as amended. Each day any violation

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of the provisions herein continues shall constitute a separate offense.

2.8.3.2 A citation may be issued by any enforcing agent or by any law enforcement agent for a violation of the provisions of these regulations. In addition to other remedies, Laramie County may institute an injunction, mandamus, or other appropriate action to stop or prevent any violation of these regulations. Laramie County is not limited in the actions it may take to enforce these regulations and may institute multiple actions simultaneously, in sequence or individual actions. Laramie County's employment or pursuit of one option for enforcement does not stop or bar the use of any other option.

2.8.3.3 Upon determining that reasonable cause to believe any permit holder or its agents or employees is in violation of these regulations, whether any criminal citation is or is not issued, in addition to any other action, any enforcing agent may make a recommendation that the permit authorizing sale of fireworks issued to the operator or entity be revoked or suspended.

2.8.3.3.1 In the event the enforcing agent recommends that the permit holder's permit be revoked or suspended, the following procedure shall be followed:

A. The permittee will be notified, in writing, by certified mail, by the Laramie County Clerk at least seven days prior to the action contemplated, stating the reasons therefor.

B. Upon receipt of the notice, the permittee may request a hearing. The request must be in writing and received by the Laramie County Clerk within seven days of receipt of the notice. Failure on the part of the permittee to request a hearing in writing within the specified time period shall be deemed a waiver of the permittee's right to request a hearing.

C. If a hearing is requested and received by the Laramie County Clerk within the specified time period, the Laramie County Clerk will schedule a hearing before the governing body and notify the permittee, in writing, by certified mail of the date, time and place of the meeting.

D. At the hearing, the permittee and any other interested parties may be in attendance to present any information relative to the proposed suspension or revocation of the permit. The hearing, deliberations and notification of decision regarding the suspension or revocation will be conducted pursuant to the Wyoming Administrative Procedure Act, Wyo. Stat. Sections 16-1-103, et seq. The Laramie County Clerk will notify the licensee/permittee in writing, by certified mail, of the governing body decision as the result of the hearing. A decision by the governing body, suspending or revoking a permit shall be a final administrative agency decision and therefore subject to judicial review pursuant to W.S. 16-3-114.

2.8.3.3.2 Immediate Closures: In the event of a serious or emergent condition, or a violation of these regulations or any other applicable law which creates a life, health or safety risk to the general public or the occupants or invitees of any fireworks facility, or store; any enforcing agent may issue a "red tag" order commanding the immediate cessation of sales and/or the cessation of occupancy of any structure, or portion of a structure in which fireworks sales were being carried forward and in which the aforementioned life, health and safety condition was present. Failure to comply with a "red tag" order of cessation or evacuation of occupancy, shall constitute a violation of these regulations.

2.8.3.3.3 A "red tag" order may be issued orally by any enforcing agent in the first instance. It shall be accompanied as soon as is reasonably

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possible, with a written document which shall be served, if possible, to the owner, permit holder or agency thereof, of the fireworks facility or store. This written order shall also be posted in a conspicuous location on or about the facility or store area. The owner and/or possessor of the permit for sales should be notified in writing as soon as is reasonably possible of the nature of the condition or violation which created the life, health or safety danger and served as the basis for the “red tag”.

2.8.3.3.4 “Red tag” orders may or may not be accompanied or followed by criminal citation or a recommendation for revocation or suspension of the fireworks permit.

2.8.3.3.4.1 “Red tag” orders may be lifted at the discretion of the Laramie County Chief Building Official upon the recommendation of any enforcing agent, or after investigation by the Laramie County Chief Building Official or his designee, which determined that the condition causing the life, health and safety danger has been renovated, removed or has ceased.

2.8.3.3.4.2 Correction of a condition which has caused the issuance of a “red tag” order, does not bar further citation and/or prosecution for violations of these regulations nor will it prevent a recommendation for revocation of the fireworks permit going forward to the governing body.

2.9 Violation

2.9.1. It shall be a violation of these regulations to discharge, ignite or shoot any firework from or within fifty (50) feet of a public right-of-way unless such discharge takes place on private property with the permission of the owner thereof or in accord with allowable uses pursuant to W.S. §35-10-201 et seq.

2.9.2 It shall be a violation of these regulations to discharge, ignite or shoot any firework in such a manner that it interferes with, strikes or creates a danger of interfering with or striking any individual or vehicle on a public right-of-way.

2.9.3 It shall be a violation of these regulations to discharge, ignite or shoot any firework from, upon, along or across any public right-of-way.

2.9.4 It shall be a violation of these regulations for any person to ignite, discharge or shoot any firework from County, State or public property except in accord with allowable uses pursuant to W.S. §35-10-201 et seq.

2.9.5 It shall be a violation of these regulations to ignite, discharge or shoot any firework from private property without the permission of the owner thereof.

2.9.6 It shall be a violation of these regulations to ignite, discharge or shoot any firework from the lands of one person onto or across the lands of another without the permission of both persons except in accord with allowable uses pursuant to W.S. §35-10-201 et seq.

2.9.7 It shall be a violation of these regulations to ignite, discharge or shoot any firework in a manner which causes the debris from such use to collect on the property of another without the permission of the owner of the affected property. This provision shall not be construed to prohibit allowable uses pursuant to W.S. §35-10-201 et seq.

2.9.8 It shall be a violation of these regulations to use any firework in a manner that causes physical injury or creates a risk of causing physical injury to any animal.

RESOLUTION # _____

**RESOLUTION TO RESCIND THE 2002 LARAMIE COUNTY
FIREWORKS REGULATIONS AND ADOPT THE 2019 FIREWORKS
REGULATIONS**

WHEREAS, Wyoming State Statutes § 16-3-103; §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, The Laramie County Board of Commissioners adopted the Laramie County Fireworks Regulations on July 16th, 2002.

WHEREAS, WYO. STAT. ANN. § 16-3-103 (2007), requires 45-day public notice and a reasonable opportunity for public comment before Laramie County may adopt, amend, or repeal rules and regulations; and

WHEREAS, the Laramie County Board of Commissioners has complied with the requirements of W.S. 16-3-103, giving proper public notice and holding public hearings; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, that

the Laramie County Board of Commissioners hereby rescinds the 2002 Fireworks Regulations, and adopts the 2019 Fireworks Regulations.

PRESENTED, READ AND ADOPTED this _____ day of _____, 2019.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Linda Heath, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Mark T. Voss, Laramie County Attorney