

STRIKE-THROUGH COPY OF CODE AMENDMENT FOR 11-1-34 FIREWORKS

11-1-34 FIREWORKS

(A) Definitions.

The following words, terms and phrases, when used in this section, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

CONSUMER FIREWORKS means those fireworks defined by A.R.S. § 36-1601.

DISPLAY FIREWORKS means those fireworks defined by A.R.S. § 36-1601.

FIREWORKS means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by A.R.S. § 36-1601.

NFPA 1124 means the National Fire Protection Association Code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles as defined by A.R.S. § 36-1601.

NOVELTY ITEMS means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in A.R.S. § 36-1601.

PERMISSIBLE CONSUMER FIREWORKS means those fireworks as defined by A.R.S. § 36-1601 that may be sold within the City even where the use of those items has been prohibited.

STAGE ONE FIRE RESTRICTIONS means no wood or charcoal burning or outdoor smoking.

SUPERVISED PUBLIC DISPLAY means a monitored performance of display fireworks open to the public and authorized by permit by the [FIRE CHIEF](#), Fire Code Official or his designee.

(B) Fireworks prohibited; exceptions.

- (1) The use, discharge or ignition of fireworks within the City is prohibited, except for the limited use of permissible consumer fireworks during the time periods and under the conditions provided for in A.R.S. § 36-1606.

(2) Nothing in this subsection or section shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.

(3) Permits may be granted by the [FIRE CHIEF](#), Fire Code Official or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of stage one or higher fire restrictions. The [FIRE CHIEF](#), Fire Code Official [OR DESIGNEE](#) has authority to impose conditions on any permits granted.

(4) Except as provided for above, permissible consumer fireworks may be used on private property with the consent of the owner ~~from June 24 through July 6 and December 24 through January 3~~ [PURSUANT TO THE TIME PERIODS AND UNDER THE CONDITIONS PROVIDED FOR IN A.R.S. § 36-1606.](#)

(5) The use of permissible consumer fireworks within the City is prohibited on all publicly owned property which includes, but is not limited to, City buildings, City parking lots, City parks, public schools, and City streets and within one mile of the Corgett Wash, Agua Fria River, and Estrella Mountain Regional Park.

(6) The use of permissible consumer fireworks is prohibited by anyone under the age of 16 years of age.

(7) Failure to comply with any permit requirements issued by the [FIRE CHIEF](#), Fire Code Official [OR DESIGNEE](#) is a civil offense with a fine of up to \$1,000.

(C) Sale of fireworks.

(1) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.

(2) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law or as otherwise authorized by this section, or NFPA 1124.

(3) No person shall sell permissible consumer fireworks to the public except ~~from May 20 through July 6 and December 10 through January 3~~ [PURSUANT TO THE TIME PERIODS AND UNDER THE CONDITIONS PROVIDED FOR IN A.R.S. § 36-1606.](#) The sale of permissible consumer fireworks shall be prohibited ~~from May 20 through July 6 and December 10 through January 3~~ [AT ANY TIME](#) when a federal or state agency implements a stage one or higher fire restriction during these dates.

(D) *Posting of signs by persons engaged in the sale of fireworks; civil penalty.*

(1) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following: [THAT ARE IN COMPLIANCE WITH THE STATE OF ARIZONA CONSUMER FIREWORKS REGULATIONS A.R.S. SECTION 36-1606.](#)

~~STATE OF ARIZONA~~

~~CONSUMER FIREWORKS REGULATIONS~~

~~ARIZONA REVISED STATUTES § 36-1601, ET AL.~~

~~THE USE OF PERMISSIBLE CONSUMER FIREWORKS AS DEFINED UNDER STATE LAW IS ALLOWED:~~

~~JUNE 24 – JULY 6 AND DECEMBER 24 – JANUARY 3~~

~~THE SALE OF PERMISSIBLE CONSUMER FIREWORKS AS DEFINED UNDER STATE LAW IS ALLOWED:~~

~~MAY 20 – JULY 6 AND DECEMBER 10 – JANUARY 3~~

~~ALL OTHER FIREWORKS ARE PROHIBITED, EXCEPT AS AUTHORIZED BY LOCAL FIRE DEPARTMENT PERMIT.~~

~~THE SALE AND USE OF NOVELTIES KNOWN AS SNAPPERS (POP-ITS), PARTY POPPERS, GLOW WORMS, SNAKES, TOY SMOKE DEVICES AND SPARKLERS ARE PERMITTED AT ALL TIMES.~~

~~PERMISSIBLE CONSUMER FIREWORKS MAY NOT BE SOLD TO PERSONS UNDER SIXTEEN YEARS OF AGE.~~

~~CHECK WITH YOUR LOCAL FIRE DEPARTMENT FOR ADDITIONAL REGULATIONS AND DATES BEFORE USING.~~

(2) Signs required under this subsection shall be placed at each cash register and in each area where fireworks are displayed for sale.

(3) The sign shall be eight and one-half inches by 11 inches in size, on cardstock paper, in landscape orientation, and displayed on a contrasting background. A model sign shall be posted on the City's website and filed with the City Clerk's office.

(4) Failure to comply with subsections (D)(1) and (D)(2) of this section is a civil offense punishable by a civil fine of up to \$1,000.

(E) *Authority to enforce violations of this section; means of enforcement.*

(1) The **FIRE CHIEF**, Fire Code Official or designee, a City police officer, City code enforcement officers, or the City Attorney may issue civil complaints to enforce violations of this section designated as civil offenses.

(2) Any person authorized pursuant to this subsection to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

(3) A City police officer, City code enforcement officers, or the City Attorney may issue criminal complaints to enforce this section.

(F) *Liability for emergency responses related to use of fireworks; definitions.*

(1) A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this section is prima facie evidence of liability under this subsection.

(2) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection (F)(1) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this subsection is in addition to and not in limitation of any other liability or penalty that may be imposed.

(3) For the purposes of this subsection:

(a) *EXPENSES OF AN EMERGENCY RESPONSE* means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

(b) *REASONABLE COSTS* includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

(G) *Penalty.* The penalty for violating any prohibition or requirement imposed by this section is a civil penalty with a fine up to \$1,000 unless another penalty is specifically provided for.

(Ord. 10-1224, passed 9-27-2010; Am. Ord. 14-1302, passed 6-23-2014; Am. Ord. 18-1390, passed 11-5-2018)