

AGENDA ITEM #: _____

DATE: October 28, 2019

CAR #: 2019-6773



CITY COUNCIL ACTION REPORT

SUBJECT: Amend Section 11-1-34 (Fireworks) of the Goodyear City Code

STAFF PRESENTER(S): Randal Westacott, Chief Building Official

OTHER PRESENTER(S): None

Summary: Amend City Code to allow for the use and sale of fireworks pursuant to state law.

Recommendation: ADOPT ORDINANCE NO. 2019-1450 AMENDING SECTION 11-1-34 (FIREWORKS) OF GOODYEAR CITY CODE TO ALLOW FOR THE USE AND SALE OF PERMISSIBLE CONSUMER FIREWORKS PURSUANT TO STATE LAW; AND PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES AND CODES, CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

Fiscal Impact: There will be no fiscal impact to the city in fiscal year 2019-2020 or future years with the adoption of this ordinance.

Background and Previous Actions

The Legislature often approves changes to the State law which require subsequent amendments to Goodyear City Code to ensure compliance and to remain consistent with state law. Council previously adopted amendments to Section 1-34 (Fireworks) through Ordinance 14-1302 on June 24, 2014 and through Ordinance 18-1390 on November 5, 2018. The Legislature recently approved SB 1348 which requires an additional amendment to City Code and are reflected in this Ordinance 2019-1450.

Staff Analysis

Recent changes to SB 1348 have recognized Diwali as an observable celebration for consumable fireworks sales and display. The state code on consumer fireworks now recognizes Diwali and has made allowance for sales and display of consumer fireworks to coincide with the Diwali festival.

Goodyear City Code currently provides specific dates and conditions that permissible consumer fireworks are allowed and prohibited for use and sale within the city that coordinate with the provisions of the state. When the state changes the allowable dates of sale and use of fireworks, the city will need to amend our city code to remain consistent. The new changes to Goodyear City

Code Section 11-1-34 provide for the use and sale of permissible consumer fireworks during the periods of time pursuant to A.R.S. § 36-1606 and will eliminate the need to make future amendments to city code regarding time periods of use and sale. The changes also includes minor clarifying provisions and terminology.

Attachments

1. Ordinance No. 2019-1450
2. Strike-through Copy of Section 11-1-34 Amendments