

ORDINANCE NO. 2019-1450

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, 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.

WHEREAS, the amendment to Section 11-1-34 of Chapter 11 of the Goodyear City Code will ensure Goodyear City Code provisions regarding fireworks are consistent with state law; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona believe that it is in the best interest of the City and the citizens of Goodyear to amend and replace Section 11-1-34 of the Goodyear City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDING DEFINITION SUBSECTION 11-1-34(A) (SUPERVISED PUBLIC DISPLAY) OF THE GOODYEAR CITY CODE, TO READ AS FOLLOWS:

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 designee.

SECTION 2. AMENDING AND REPLACING SUBSECTIONS 11-1-34(B)(3)(4) AND (7) OF THE GOODYEAR CITY CODE, TO READ AS FOLLOWS:

(B)(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.

(B)(4) Except as provided for above, permissible consumer fireworks may be used on private property with the consent of the owner pursuant to the time periods and conditions provided for in A.R.S. § 36-1606.

(B)(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.

SECTION 3. AMENDING AND REPLACING SUBSECTION 11-1-34(C)(3) OF THE GOODYEAR CITY CODE, TO READ AS FOLLOWS:

(C)(3) No person shall sell permissible consumer fireworks to the public except pursuant to the time periods and conditions provided for in A.R.S. § 36-1606. The sale of permissible consumer fireworks shall be prohibited at any time when a federal or state agency implements a stage one or higher fire restriction during these dates.

SECTION 4. AMENDING AND REPLACING SUBSECTION 11-1-34(D)(1) OF THE GOODYEAR CITY CODE, TO READ AS FOLLOWS:

(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 that are in compliance with the State of Arizona Consumer Fireworks Regulations A.R.S. § 36-1606.

SECTION 5. AMENDING AND REPLACING SUBSECTION 11-1-34(E)(1) OF THE GOODYEAR CITY CODE, TO READ AS FOLLOWS:

(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.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES OR CODE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed upon the effective date of this ordinance.

SECTION 7. CORRECTIONS

The City Attorney, City Clerk, the codifiers of the ordinance and their respective designees are authorized to make necessary clerical corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, numbers, sections/subsection numbers and any references thereto.

SECTION 8. SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 9. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of any ordinance, regulation, or requirement of the city of Goodyear being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2019-1450 is a true, correct and accurate copy of Ordinance No. 2019-1450, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk