

CHAPTER 131: FIREWORKS

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§ 131.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORK. Those fireworks defined by A.R.S. § 36-1601, as amended.

DISPLAY FIREWORK. Those fireworks defined by A.R.S. § 36-1601, as amended.

FIREWORKS. 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.

NOVELTY ITEMS. 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. Those fireworks as defined by A.R.S. § 36-1601 that may be sold within the city even where use of those items has been prohibited.

SUPERVISED PUBLIC DISPLAY. A monitored performance of display fireworks open to the public and authorized by the Fire Marshal after appropriate inspection(s) to confirm that all safety precautions deemed necessary and prudent by the Fire Marshal for safe deployment of the display are in place.

(Ord. 288, passed 11-10-2010)

§ 131.02 FIREWORKS PROHIBITED; EXCEPTIONS.

(A) The use, discharge, or ignition of fireworks within the city is prohibited.

(B) No person shall possess fireworks within the city except as follows:

(1) Persons of suitable age and discretion may possess novelty items.

(2) Persons at least 16 years of age or older may possess permissible consumer fireworks.

(C) Nothing in this section shall be construed to prohibit the use, discharge, or ignition of novelty items when supervised by a responsible adult.

(D) Supervised displays of fireworks by a licensed fireworks contractor and shooter may be used within the city after proper inspection and authorization by the Fire Marshal or designee. These displays shall be of a character and so located, discharged or fired, as to not endanger persons, animals, or property. The Fire Marshal or designee has authority to impose conditions on any display and to decline to authorize, or revoke authorization, of any public display of fireworks during time periods when high fire danger warnings are in effect. Failure to comply with the requirements issued by the Fire Marshal for

a public display of fireworks is punishable as provided in this section and the applicable rules and regulations of the State Fire Marshal.

(Ord. 288, passed 11-10-2010) Penalty, see § 131.99

§ 131.03 FIREWORKS: SALES PROHIBITED; EXCEPTIONS.

(A) Sale of fireworks within the city is prohibited with the exception of novelty items and permissible consumer fireworks which may be sold by a retailer pursuant to A.R.S. §§ 36-1601 *et seq.*, as amended; provided, however, that no person shall sell, permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age or to any person or entity prior to the effective date of A.R.S. §§ 36-1601 *et seq.*, as amended by Laws 2010, Ch. 286, §§ 1-6. Sale of permissible consumer fireworks and novelty items shall conform to the requirements of the City Code.

(B) All sales of permissible consumer fireworks shall conform to the requirements of state law and to the rules and regulations adopted by the State Fire Marshal pursuant to A.R.S. § 36-1609.

(Ord. 288, passed 11-10-2010) Penalty, see § 131.99

§ 131.04 ENFORCEMENT.

(A) The Fire Chief/Fire Marshall or designee, a police officer, or the City Attorney may issue civil citations to enforce violations of this section as civil offenses.

(B) Any person authorized 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.

(C) A police officer or marshal or the City Attorney may issue criminal complaints to enforce this chapter.

(Ord. 288, passed 11-10-2010)

§ 131.05 EMERGENCY RESPONSE; LIABILITY.

(A) A person who uses, discharges or ignites permissible consumer 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 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 section.

(B) The expenses of an emergency response include all reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to the incident. The expenses constitute a debt against the person liable for those expenses pursuant to division (A) above and may be collected proportionately by the responding agencies/entities that incurred the expenses. A person's liability for the expense of an emergency response shall not exceed \$10,000 for a single incident. The liability imposed under this section is in addition to, and not in limitation of, any other liability that may be imposed.

(Ord. 288, passed 11-10-2010) Penalty, see § 131.99

§ 131.99 PENALTY.

The penalty for violating any prohibition or requirement by this section is a class three misdemeanor unless another penalty is specifically provided for.

(Ord. 288, passed 11-10-2010)