



It's in your hands ~ "Build a Stronger Community - Shop Locally"

**AGENDA  
WORK SESSION  
MAYOR and COMMON COUNCIL  
of the TOWN OF CAMP VERDE  
COUNCIL CHAMBERS - 473 S. Main Street, #106  
WEDNESDAY, JANUARY 12, 2011  
6:30 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion, consideration, and possible direction to staff relative to preparing an ordinance regulating the use of fireworks within the Town limits of the Town of Camp Verde. Presentations will be provided by the Clerk's Office and Community Development departments explaining provisions that are currently in place for licensing of the sale of fireworks and providing information from other communities around the state. The Camp Verde Fire District will provide a presentation relative to allowable sales, restrictions, and possible consequences of the use of fireworks. Marshal's Office representative(s) will also be present to answer questions.**
5. **Adjournment**

Posted by:

*O Jones*

Date/Time:

*1-6-2011*

*8:15 a.m*

Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



**TOWN OF CAMP VERDE  
Agenda Action Form**

Meeting Date: January 12, 2011

Meeting Type: Work Session

Consent Agenda – Special Announcements     Regular Business

Reference Document: Examples

**Agenda Title (be exact):**

Discussion, consideration, and possible direction to staff to prepare an ordinance drafting the conditions of the sale and/or use of fireworks within the Town limits.

**Purpose and Background Information:**

On December 1, 2010, a state-wide law was enacted that allowed the sale of certain types of fireworks. The law allows communities to regulate the use of some or all of these fireworks. An example is attached to the agenda packet. Also attached for Council's information is a spreadsheet indicating what other communities have done.

Staff is seeking Council direction relative to setting policy regarding the use of fireworks. After Council's discussion, an ordinance will be prepared based on Council direction. Public input should be taken prior to the approval of the ordinance.

Currently, the statutes allow the sale of certain types of fireworks. The process currently in place is as follows:

- The vendor completes a business license application. The Town Code does not have a provision that permits the waiver of license fees for any type of organization.
- The application is forwarded to the Community Development Department to ensure zoning compliance; to the Camp Verde Fire District for fire code instructions; and to the Marshal's Office for the purposes of notification.
- The application is held in the Community Development Department until such time as the Building Official determines all requirements have been met.
- If approved, the Building Official and the Fire District sign the back of the application.
- The application is returned to the Clerk's Office.
- The Clerk's Office checks the application for signatures and special considerations, and contacts the vendor, and if applicable advises the vendor of the special considerations, collects appropriate fees, and issues the certificate.
- The Clerk's Office enters the information from the application into the data base.

**Recommendation (Suggested Motion):**

Develop policy and direct staff accordingly.

Finance Review:  Budgeted     Unbudgeted     N/A

Finance Director Comments/Fund: N/A

Attorney Review:  Yes     No     N/A

Attorney Comments: N/A

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Action Report prepared by: D. Barber

## Frequently Asked Questions

- Do I need a business license to sell fireworks?  
Yes, all organization, companies, persons conducting sales within the Town limits must have and display a current Business License.
- What are the Town's guidelines with regard to business licenses, transaction privilege tax licenses, and other existing permits relative to temporary venues?

Chapter 9 of the Town Code regulates business conducted within the Town limits. Simply stated:

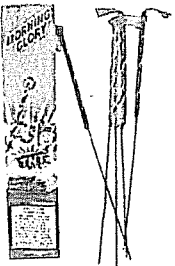
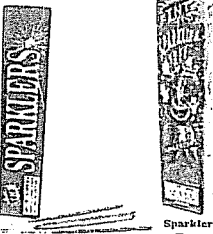


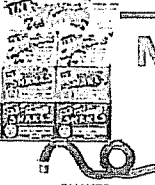

1. It is unlawful for anyone to conduct business in the Town limits without a business license.
2. No vendor can locate on public property.
3. No vendor can locate on private property without first providing written consent from the owner of record.
4. License certificate must be posted at all times and is non-transferrable.
5. A Certificate of Compliance must be issued by the Building Official for all new businesses, excluding home-based occupations, before a business license can be issued.
6. All fees must be paid prior to the issuance of the license certificate.
7. The Marshal's Office enforces compliance, with each day constituting a separate offense.

Temporary venues in which business is conducted during special events are covered in the Special Event Policy and Handbook approved and adopted by Council on 3-10-10.

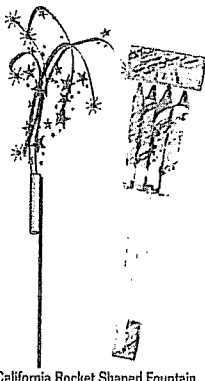

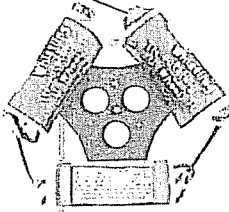


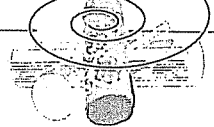
- What is the Town policy regarding non-profit organizations selling items?  
The Town Code applies equally across the board to all organizations. The only differentiation in the Town Code with regard to non-profit organizations is that there are no fees for the use of Town facilities or equipment for charitable, religious, or civic organizations.
- What is the Town's policy regarding sales on public property, which also includes rights-of-way along the streets?  
Section 9-1-7 of the Town Code prohibits sales on public property.
- What is the Town's policy regarding sales on private property?  
The Town Code requires written permission from the owner of the property and the property must be properly zoned to allow for retail sales.
- What is the Town policy if I set up sales on my own property and store the merchandise in my garage or shed?  
You must have and display a current Business License and your property must be properly zoned to allow for retail items. If you are storing more than 125 pounds of gunpowder product, you must have a Building Permit and an Operating Permit issued by Camp Verde Fire District.
- Town's policy on selling fireworks out of tents?  
All vendors must comply with zoning codes, fire codes, building codes, etc. before a Certificate of Compliance or a business license certificate may be issued.
- Does the Town have laws prohibiting the use of fireworks within the Town limits?  
No.
- Is it illegal to possess fireworks?  
No.
- Is a person responsible for damages that may occur as the result of the use of fireworks within the Town limits?  
Yes. The person(s) creating the damage could be charged with a criminal offense and restitution.
- Whom should I contact if I have a complaint about the use or sale of fireworks?  
Camp Verde Marshal's Office

# SPARKLERS AND NOVELTIES LEGAL FOR SALE & USE IN ARIZONA

## DE-REGULATED NOVELTIES

| SPARKLERS  |  | SMOKE DEVICES  |   | NOVELTIES  |   |
|--|--|--|---|--|---|
|   |   |   |  |    |    |
| Morning Glory Sparkler   | Sparkler Tree  | Smoke Balls  | Smoke Cone  | SNAKES   | SHAPPERS / CROP POPS  |
| <b>Sparkling Devices: MORNING GLORES</b>   | <b>Sparkling Devices: WIRE STICK SPARKLER</b>  | <b>Cylindrical</b>   | <b>Smoke Candle</b>   | <b>CAUTION: FLAMMABLE</b>  | <b>CAUTION:</b>   |
| <b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH HOT WOOD. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER. | <b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH GLOWING WIRE. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WIRE IN WATER. | <b>Smoke Balls, Toy Smoke Devices</b><br><b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT HOLD IN HAND. PLACE ON HARD LEVEL SURFACE. LIGHT FUSE AND GET AWAY. |   | <b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - JEER STRING | <b>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. THROW ON GROUND OR AGAINST HARD SURFACE. NOT RECOMMENDED FOR CHILDREN UNDER 8 YEARS OF AGE.</b> |
|  |  |  |   | <b>PARTY POPPER</b>  | <b>EMITS SHOWERS OF CONFETTI</b>  |
|  |  |  |   | <b>PARTY POPPERS - BOTTLE TYPE</b>   | <b>PARTY POPPERS - PINCEL TYPE</b>  |
|  |  |  |   | <b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - JEER STRING                       | <b>CAUTION: FLAMMABLE</b><br>USE ONLY UNDER CLOSE ADULT SUPERVISION. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY                         |

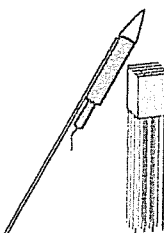
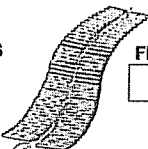
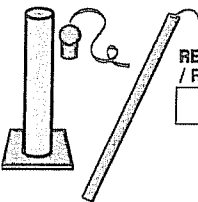
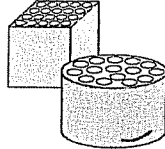
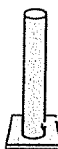
## PERMITTED "NON-AERIAL" CONSUMER FIREWORKS

|   |  |   |  |
|---|--|---|--|
| <b>GROUND SPARKLING DEVICES</b>   | <b>SPARKLING Wheel DEVICES</b>   | <b>GROUND BASED SPARKLERS</b><br>- UP TO 500 GRAMS -  |    |
|   |    |   |    |
| <b>BALL &amp; DISK</b><br>SPINS ON GROUND. EMITS FLAME AND SPARKS.  |  | <b>Cylindrical</b>  | <b>Cone</b>  |
|    |  | <b>Square</b>   | <b>California Rocket Shaped Fountain</b>   |
| <b>CYLINDRICAL</b><br>Ground Bloom Flowers/ Crazy GroundHogs<br>SPINS ON GROUND. EMITS FLAME AND SPARKS.  |  | <b>CAUTION</b><br>Emits Showers of Sparks<br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE UPRIGHT ON GROUND. LIGHT FUSE AND GET AWAY. DO NOT HOLD IN HAND. | <b>CAUTION</b><br>Emits Showers of Sparks<br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. STICK FIRMLY IN GROUND IN AN UPRIGHT POSITION. REMOVE CAP FOR LIGHTING. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY. |
| <b>CAUTION</b><br>SPINS ON GROUND<br>EMITS FLAME AND SPARKS<br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY. | <b>CAUTION</b><br>SPINS ON POST<br>EMITS FLAME AND SPARKS<br>USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. NAIL TO POST OR STAKE SO THAT WHEEL WILL TURN FREELY. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY. |   |  |

MAY NOT HAVE MORE THAN 500g OF EXPLOSIVE MENTURE

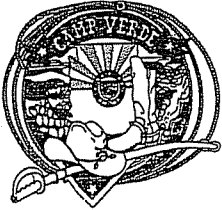
## PROHIBITED "AERIAL" CONSUMER FIREWORKS - ARIZONA

except as part of a Permitted Public Fireworks Display

|   |  |   |   |  |  |
|---|--|---|---|--|--|
|  | <b>SKY ROCKETS / BOTTLE ROCKETS</b><br>WARNING<br>FLAMMABLE ROCKET |  | <b>FIRECRACKERS</b><br>WARNING<br>EXPLOSIVE   |  | <b>RELOADABLE SHELL DEVICE / ROMAN CANDLES</b><br>WARNING<br>SHOOTS FLASHING BALLS |
|  | <b>AERIALS</b><br>WARNING<br>SHOOTS FLASHING BALLS & REPORTS       |  | <b>SINGLE TUBE DEVICE WITH REPORT</b><br>WARNING<br>SHOOTS FLASHING BALLS & REPORTS |  |  |

| AHJ                         | ORDINANCE PROPOSED | SALES FACTORS  | USE FACTORS  | ORDINANCE ADOPTED |
|-----------------------------|--------------------|--|--|-------------------|
| Apache Junction             |                    |  |  |                   |
| Avondale                    | Yes                |  |  |                   |
| Benson                      |                    |  |  |                   |
| Bisbee                      |                    |  |  |                   |
| Buckeye                     |                    |  |  |                   |
| Bullhead City               | Yes                | Sales Permit Required.   | Use Prohibited Except For New Year's Eve And July 4 <sup>th</sup> Between 5pm And 10pm. Prohibited At All Times In The Colorado River Nature Center. | Yes               |
| Camp Verde                  |                    |  |  |                   |
| Carefree                    | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  |                   |
| Casa Grande                 | Yes                |  | Use Prohibited;  |                   |
| Cave Creek                  | Yes                |  |  |                   |
| Chandler                    | Yes                |  | Use Prohibited; Prohibited Through Fire Code Amendment.  | Yes               |
| Chino Valley                |                    |  |  |                   |
| Clarkdale                   |                    |  |  |                   |
| Clifton                     |                    |  |  |                   |
| Colorado City               |                    |  |  |                   |
| Coolidge                    |                    |  |  |                   |
| Cottonwood                  | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  |                   |
| Dewey-Humbolt               |                    |  |  |                   |
| Douglas                     | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  |                   |
| Duncan                      |                    |  |  |                   |
| Eager                       |                    |  |  |                   |
| El Mirage                   | Yes                | Sales Permit Required; Signage Required.   | Use Prohibited; Emergency Response Liability.  | Yes               |
| Eloy                        |                    |  |  |                   |
| Flagstaff                   | Yes                | Sales Permit Required; Signage Required; Handout Required To Be Given To Purchaser Detailing Restrictions And Prohibitions; Seller Required To Maintain Registry Of Purchaser's Name, Address And Age; Furnishing And Possession Of Under 16 Prohibited. | Use Prohibited; Emergency Response Liability.  | Yes               |
| Florence                    |                    |  |  |                   |
| Fountain Hills              | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  | Yes               |
| Fredonia                    |                    |  |  |                   |
| Gila Bend                   |                    |  |  |                   |
| Gila River Indian Community | Yes                | Sales Prohibited.  | Use Prohibited; Possession Prohibited.   | Yes               |
| Gilbert                     | Yes                | Signage Required.  | Use Restricted to 7/3, 7/4, 7/5, 12/31, 1/1 Private Property Only with Owners Permission; Emergency Response Liability.                              | Yes               |
| Glendale                    | Yes                |  |  |                   |
| Globe                       |                    |  |  |                   |
| Goodyear                    | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  | Yes               |
| Guadalupe                   |                    |  |  |                   |
| Hayden                      |                    |  |  |                   |
| Holbrook                    |                    |  |  |                   |
| Huachuca City               |                    |  |  |                   |
| Jerome                      |                    |  |  |                   |
| Kearny                      |                    |  |  |                   |
| Kingman                     | Yes                | Signage Required.  | Use Prohibited; Emergency Response Liability.  | Yes               |
| Lake Havasu City            | Yes                | Fire/Zoning Permit Required; Signage Required.   | Use only on July 4 <sup>th</sup> ; Sparklers limited to 16" in Length.   | Yes               |
| Litchfield Park             |                    |  |  |                   |
| Mammoth                     |                    |  |  |                   |

|                       |     |   |   |     |
|-----------------------|-----|---|---|-----|
| Marana                |     |   |   |     |
| Maricopa              |     |   |   |     |
| Mesa                  | Yes |   |   |     |
| Miami                 |     |   |   |     |
| Nogales               |     |   |   |     |
| Oro Valley            |     |   |   |     |
| Page                  | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. |     |
| Paradise Valley       | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. |     |
| Parker                |     |   |   |     |
| Patagonia             |     |   |   |     |
| Payson                | Yes | Sales Permit Required; No Roadside Sales; Signage Required.   | Use Prohibited; Emergency Response Liability. |     |
| Peoria                | Yes |   |   |     |
| Phoenix               | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. |     |
| Pima                  |     |   |   |     |
| Pinetop-Lakeside      | Yes |   |   |     |
| Prescott              | Yes | Signage Required.   | Use Prohibited.                               | Yes |
| Prescott Valley       | Yes | Sales Permit Required; Signage, Covered Fuses, Safety Training, Not Under Influence, No Storage Within 10'. | Use Prohibited; Emergency Response Liability. | Yes |
| Quartzsite            |     |   |   |     |
| Queen Creek           | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. |     |
| Safford               |     |   |   |     |
| Sahuarita             | Yes |   |   |     |
| St. Johns             |     |   |   |     |
| San Luis              |     |   |   |     |
| Salt River PMIC       | Yes |   | Use Permit Required.                          |     |
| Scottsdale            | Yes | Signage Required.   | Use Prohibited.                               | Yes |
| Sedona                | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. | Yes |
| Show Low              |     |   |   |     |
| Sierra Vista          | Yes |   |   |     |
| Snowflake             |     |   |   |     |
| Somerton              | Yes | Indicates Sale Prohibited   | Use Prohibited; Emergency Response Liability. | Yes |
| South Tucson          |     |   |   |     |
| Springerville         |     |   |   |     |
| Star Valley           |     |   |   |     |
| Superior              |     |   |   |     |
| Surprise              | Yes |   |   |     |
| Taylor                |     |   |   |     |
| Tempe                 | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. | Yes |
| Thatcher              |     |   |   |     |
| Tohono O'odham Nation | Yes |   | Use Permit Required.                          |     |
| Tolleson              | Yes | Signage Required.   | Use Prohibited; Emergency Response Liability. | Yes |
| Tombstone             |     |   |   |     |
| Tucson                | Yes | Sales Permit Required; Signage Required.  | Use Prohibited; Emergency Response Liability. |     |
| Tusayan               |     |   |   |     |
| Wellton               |     |   |   |     |
| Wickenburg            |     |   |   |     |
| Willcox               |     |   |   |     |
| Williams              |     |   |   |     |
| Winkelman             |     |   |   |     |
| Winslow               |     |   |   |     |
| Youngtown             |     |   |   |     |
| Yuma                  | Yes |   |   |     |



# TOWN OF CAMP VERDE

◆ 473 S. Main Street ◆ Camp Verde, Arizona 86322 ◆ (928) 567-6631 FAX 567-9061

[www.cvaz.org](http://www.cvaz.org)

[towncouncil@cvaz.org](mailto:towncouncil@cvaz.org)

November 15, 2010

American Promotional Events, Inc.  
TNT Fireworks  
555 N. Gilbert Street  
Fullerton, CA 92833

To Whom It May Concern:

Your letter dated 10-13-10 requested information relative to the sale and use of fireworks in the Town of Camp Verde. As you pointed out in your letter, a new law becomes effective December 1, 2010 that allows the sale of fireworks. Your letter further addresses your intent to use 'non-profit' organizations to sell your merchandise.

Your company and/or your vendors (including not-for-profit organizations/companies) must apply for and have in your possession a Business License prior to any sales. To receive a business license, the business must comply with all applicable Town Codes and Zoning Ordinances. In addition, your company and/or your vendors must also apply for and receive a permit from the Camp Verde Fire District (CVFD), which is a separate governing body from that of the Town. Please be aware that the Clerk's Office cannot issue a business license to sell fireworks without prior approval from the Town's Zoning Official and a valid permit from CVFD.

I have attached a copy of CVFD's regulations and permit process and a flyer that demonstrates those products that are legal for sale in the State of Arizona. Our website at [www.campverde.az.gov](http://www.campverde.az.gov) provides all the information that you will need relative to the business license process, forms, Town Code, zoning ordinances, etc.

Please feel free to contact me I can be of further service.

Sincerely,

Deborah Barber, MMC  
Town Clerk





October 13, 2010

CITY OF CAMP VERDE AZ  
City or Town Clerk  
473 SOUTH MAIN ST., STE.102  
CAMP VERDE, AZ 86322

RE: REQUEST FOR INFORMATION ON THE TEMPORARY SALES OF CLASS C FIREWORKS.

To Whom It May Concern:

In May 2010, Gov. Brewer signed HB2246 allowing the sale and use of consumer, safe and sane fireworks in Arizona effective December 1, 2010. The attached letter from the Arizona State Fire Marshal, Robert Barger, provides further details on this law as it pertains to municipalities.

TNT Fireworks is the nation's largest wholesaler of consumer, safe and sane fireworks. Our business model is much like a "franchiser"; we contract with local non-profit organizations who agree to retail our merchandise from temporary venues such as tents on shopping centers. The non-profit organizations sell fireworks to the community as a fundraiser for 1 to 2 weeks during seasons like New Years and July 4<sup>th</sup>. A large part of TNT's training program for these organizations is educating and assisting them on securing certain permits and licenses.

On behalf of the non-profit organizations retailing our product, we are inquiring as to each city's guidelines with regards to business licenses, Transaction Privilege Tax Licenses and other existing permits relevant to these temporary venues. However, regarding tents, we have entered into arrangements with local professional tent vendors to secure permits for these structures. Additionally, we will need to know the procedures, process times, costs and payment methods.

Throughout Arizona, TNT, is presently contracting with various non-profit organizations, landlords, and tent vendors in preparation for the ensuing selling period of December 2010. We look forward to working closely with each city to ensure these events are mutual successes.

Should you have any questions or need more information please contact us at 1-800-585-9487.

Sincerely,

TNT Fireworks

AMERICAN PROMOTIONAL EVENTS, INC.  
555 N. GILBERT STREET • FULLERTON, CA 92833  
PHONE (714) 738-1002 • FAX (714) 738-3661  
[www.tntfireworks.com](http://www.tntfireworks.com)





## 2010 HB2246 Regulation of Fireworks, Chapter 286 Implementation Guidelines for Cities and Towns

**Note: Check with your attorney for specific advice about your city or town**

### **Introduction**

HB2246 from the Second Regular Session of the 49<sup>th</sup> Arizona Legislature 2010 authorizes the sale of certain kinds of consumer and display fireworks in the state. It defines these fireworks and authorizes the State Fire Marshal to adopt rules regarding the sale of fireworks and requires retailers to comply with those rules. Fireworks sales are prohibited to persons under the age of 16.

The new law also allows city or town councils to regulate the use of some or all of these fireworks within their corporate limits; counties may regulate them in unincorporated areas. The bill is effective December 1, 2010.

### **Consumer Fireworks Definition**

The kinds of consumer fireworks that can be sold under this law include:

- Ground and hand-held sparkling devices
- Cylindrical fountains
- Cone fountains
- Illuminating torches
- Wheels
- Ground spinners
- Flitter sparklers
- Toy smoke devices
- Wire sparklers or dipped sticks
- Multiple tube fireworks devices and pyrotechnic articles
- Does NOT include:
  - Anything designed or intended to rise into the air and explode or to fly above the ground, such as:
    - Bottle rockets
    - Sky rockets
    - Missile-type rockets
    - Helicopters

July 8, 2010

- Torpedoes
- Roman candles
- Jumping jacks

See examples various kinds of consumer fireworks at:  
[http://www.fireworks.com/fireworks\\_gallery/](http://www.fireworks.com/fireworks_gallery/)

Note: Items not regulated by this law include:

- Toy pistols, canes or guns that use paper caps and paper caps themselves
- Federally deregulated novelty items such as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers

Retail establishments that comply with the State Fire Marshal regulations may sell these kinds of consumer fireworks in Arizona.

**Note:** Display fireworks, authorized for sale in this law, are federally regulated and are for use only by professionals. Statutes authorizing their local regulation are found in ARS 36-1603 and 36-1604.

#### **Municipal Regulation**

A city or town may regulate the use of consumer fireworks within their corporate limits by passing a local ordinance or resolution (sample ordinance attached).

The local regulation cannot prohibit the sale of consumer fireworks within the city or town, but it can prescribe requirements for which items may be lawfully used and when they may be used including:

- Use may be limited only to specific dates or special events such as Fourth of July, New Year's Eve, Super Bowl Sunday, etc.
- Certain hours of the day or night
- Prohibition on use in public parks or other public space
- Prohibition during times of high fire danger
- Complete prohibition on use within the city or town limits

#### **Additional Provisions**

The bill permits counties to regulate the use of consumer fireworks during times of wildfire risk. It authorizes the State Fire Marshal to impose a fine of \$1,000 for each incident of prohibited use of fireworks on state land. Fines are to be deposited into the Fire Suppression Revolving Fund established by HB2246.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE  
[CITY/TOWN] OF \_\_\_\_\_, ARIZONA, AMENDING  
THE CITY/TOWN CODE CHAPTER \_\_\_\_\_, "\_\_\_\_\_"  
BY ADDING REGULATIONS FOR THE USE OF FIREWORKS.

WHEREAS, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the [City/Town] of \_\_\_\_\_ and its residents, and

WHEREAS, the Mayor and Council desire to prevent fire hazards which threaten the safety of individuals and private and public improvements including residential, commercial and industrial dwellings,

WHEREAS, due to the [dry/desert like conditions, risk of wildfires,] and terrain of the community there is a danger of fire with the use of consumer fireworks in the community that can cause significant harm to the community and its residents,

NOW THEREFORE, BE IT ORDAINED by the Council of the City/Town of \_\_\_\_\_, Arizona, as follows:

Section 1. Article \_\_\_\_\_ Chapter \_\_\_\_\_ "\_\_\_\_\_" of the City/Town Code is hereby added:

**ARTICLE I. FIREWORKS.**

**Sec. 1-1 Definitions.**

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

- (1) *Consumer firework* means those fireworks defined by Arizona Revised Statutes Section 36-1601.
- (2) *Display firework* means those fireworks defined by Arizona Revised Statutes Section 36-1601.
- (3) *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 Arizona Revised Statute Section 36-1601.

- (4) *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 Arizona Revised Statute 36-1601.
- (5) *Permissible consumer fireworks* means those fireworks as defined by Arizona Revised Statute Section 36-1601 that may be sold within the [City/Town] even where the use of those items has been prohibited.
- (6) *Supervised public display* means a monitored performance of display fireworks open to the public and authorized by permit by the [Fire Marshall/Fire Chief] or his designee.

**Sec. 1-2 Fireworks prohibited; exceptions.**

(A) The use, discharge or ignition of fireworks within the [City/Town] is prohibited. [If no exceptions are listed, then the municipality is banning the use of all fireworks, however, exceptions can be made for limited uses such as:] except as provided for in this section: [The use, discharge or ignition of fireworks within the City/Town is limited to (i.e. Fourth of July and New Year's Eve) between the hours of (i.e. 4:00 p.m. and 10:00 p.m.) or [The use, discharge or ignition of fireworks is prohibited on all public property including in all public parks and public right of way]. The use, discharge or ignition of fireworks is prohibited on days specified by the Fire Marshal/Chief as presenting a high fire danger as identified by (i.e. posting on the City/Town website). [Permissible consumer fireworks may only be used with a permit issued by the [Fire Marshal/Chief], or his designee. A permit shall not be issued, and may be revoked during time periods of High Fire Danger warnings. The [Fire Marshal/Fire Chief] has authority to impose conditions on any permits granted].

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

Permits may be granted by the [Fire Marshal/Fire Chief] 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 High Fire Danger warnings. The [Fire Marshal/Fire Chief] has authority to impose conditions on any permits granted.

(D) Failure to comply with any permit requirements issued by the [Fire Marshal/Fire Chief] is a [civil/criminal] offense punishable by [flat civil fine for each violation or schedule of progressive fines for multiple permit violations].

**Sec. 1-3 Sale of Fireworks.**

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

(B) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

**Sec. 1-4 Posting of signs by persons engaged in the sale of fireworks; civil penalty.**

(A) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

- (1) The use of fireworks, except novelty items as defined by [City/Town] Code, including permissible consumer fireworks is prohibited.
- (2) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

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

(C) The Fire [Marshall/Chief] or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be posted on the [City's/Town's] website and filed with the Clerk's office.

(D) Failure to comply with subjects A and B of this section is a [civil/criminal] offense punishable by [a] fine of [ ]

**Sec. 1-5. Authority to enforce violations of this article; means of enforcement.**

(A) The Fire [Marshall/Chief] or designee, a [City/Town] police officer or marshal, or the [City/Town Attorney] may issue civil complaints to enforce violations of this article designated as civil offenses.

Any person authorized pursuant to this section 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 [City/Town] police officer or marshal or the [City/Town Attorney] may issue criminal complaints to enforce this article.

**Sec. 1-6 Liability for emergency responses related to use of fireworks; definitions**

(A) 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 article is prima facie evidence of liability under this section.

(B) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A 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 person's liability for the expense of an emergency response shall not exceed [Dollar Amount] 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.

(C) For the purposes of this section:

- (1) "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.
- (2) "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.

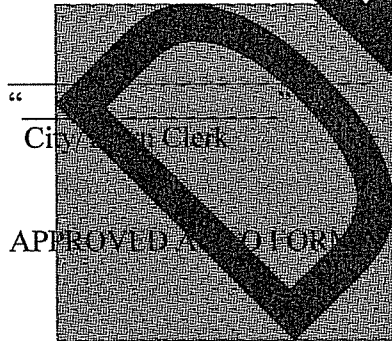
**Sec. 1-7. Penalty.**

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

PASSED AND ADOPTED by the City/Town Council of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
CITY/TOWN OF \_\_\_\_\_, an  
Arizona municipal corporation



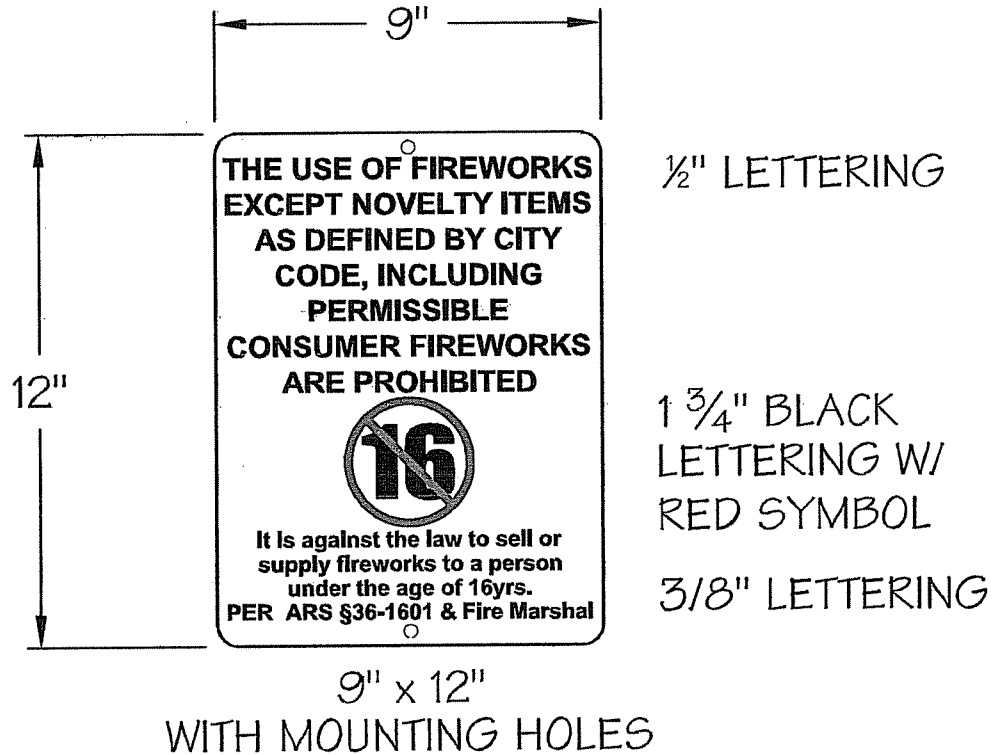
\_\_\_\_\_  
City/Town Clerk

\_\_\_\_\_  
Mayor

APPROVED AND FORN

\_\_\_\_\_  
City/Town Attorney

**APPROVED PHOENIX FIRE DEPARTMENT  
SALE OF FIREWORKS SIGN**



1. THE SIGN PLATE SHALL BE A MINIMUM OF 9" X 12" AND MADE OF VINYL SHEET WITH 1/2" RADIUS CORNERS.
2. THE SIGN FACE SHALL HAVE A WHITE BACKGROUND WITH BLACK LETTERING.
3. SIGNS ARE REQUIRED AT DISPLAY AND SHALL BE PLACE AT EACH CASH REGISTER.
4. FAILURE TO COMPLY IS A CLASS 3 MISDEMEANOR.

# **City of Casa Grande Fireworks Regulation**

**The use of fireworks is prohibited on public property and the use of permissible consumer fireworks are prohibited except on the following days:**

**December 31<sup>st</sup> (New Year's Eve)**

**January 1<sup>st</sup> (New Years Day)**

**July 4<sup>th</sup> (Independence Day)**

**Fireworks authorized for sale under state law shall not be sold to persons less than sixteen years of age.**



**ARIZONA JURISDICTIONS WITH CONSUMER FIREWORKS ORDINANCES**

**AH1 SALES FACTORS USE FACTORS ORDINANCE ADOPTED**

| SALES FACTORS               | USE FACTORS   | ORDINANCE ADOPTED |
|-----------------------------|---|-------------------|
| Apache Junction             |   |                   |
| Avondale                    |   |                   |
| Benson                      |   |                   |
| Bisbee                      |   |                   |
| Buckeye                     |   |                   |
| Bullhead City               | Use Prohibited Except For New Year's Eve And July 4 <sup>th</sup> Between 5pm And 10pm.<br>Prohibited At All Times In The Colorado River Nature Center. | Yes               |
| Camp Verde                  |   |                   |
| Carefree                    | Use Prohibited; Emergency Response Liability.   | Yes               |
| Casa Grande                 | Use Prohibited;   | Yes               |
| Cave Creek                  |   | Yes               |
| Chandler                    | Use Prohibited; Prohibited Through Fire Code Amendment.   | Yes               |
| Chino Valley                |   |                   |
| Clarkdale                   |   |                   |
| Clifton                     |   |                   |
| Colorado City               |   |                   |
| Coolidge                    |   |                   |
| Cottonwood                  |   |                   |
| Dewey-Humbolt               | Use Prohibited; Emergency Response Liability.   | Yes, Eff. 12/16   |
| Douglas                     | Use Prohibited; Emergency Response Liability.   | *                 |
| Duncan                      |   |                   |
| Eager                       |   |                   |
| El Mirage                   | Use Prohibited; Emergency Response Liability.   | Yes               |
| Eloy                        |   |                   |
| Flagstaff                   | Use Prohibited; Emergency Response Liability.   | Yes               |
| Florence                    |   |                   |
| Fountain Hills              | Use Prohibited; Emergency Response Liability.   | Yes               |
| Fredonia                    |   |                   |
| Gila Bend                   |   |                   |
| Gila River Indian Community | Use Prohibited; Possession Prohibited.  | Yes               |
| Gilbert                     | Use Restricted to 7/3, 7/4, 7/5, 12/31, 1/1 Private Property Only with Owners Permission; Emergency Response Liability.                                 | Yes               |
| Glendale                    |   |                   |
| Globe                       |   |                   |
| Goodyear                    | Use Prohibited; Emergency Response Liability.   | Yes               |
| Guadalupe                   | Use Prohibited  | Yes               |
| Hayden                      |   |                   |

|                  |   |  |  |  |     |
|------------------|---|--|--|--|-----|
| Holbrook         |   |  |  |  |     |
| Huachuca City    |   |  |  |  |     |
| Jerome           |   |  |  |  |     |
| Kearny           |   |  |  |  |     |
| Kingman          | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | Yes |
| Lake Havasu City | Fire/Zoning Permit Required; Signage Required.  | Use only on July 4 <sup>th</sup> ; Sparklers limited to 16" in Length.   |  |  | Yes |
| Litchfield Park  |   |  |  |  |     |
| Mammoth          |   |  |  |  |     |
| Marana           |   |  |  |  |     |
| Maricopa         |   |  |  |  |     |
| Mesa             |   |  |  |  |     |
| Miami            |   |  |  |  |     |
| Nogales          |   |  |  |  |     |
| Oro Valley       |   |  |  |  |     |
| Page             | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | *   |
| Paradise Valley  | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | Yes |
| Parker           |   |  |  |  |     |
| Patagonia        |   |  |  |  |     |
| Payson           | Sales Permit Required; No Roadside Sales; Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | *   |
| Peoria           |   | Use Prohibited.  |  |  | Yes |
| Phoenix          | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | Yes |
| Pima             |   |  |  |  |     |
| Pinetop-Lakeside | Sales Permit Required; Signage Required.  | Use Prohibited.  |  |  | Yes |
| Prescott         | Signage Required.   | Use Prohibited.  |  |  | Yes |
| Prescott Valley  | Sales Permit Required; Signage, Covered Fuses, Safety Training, Not Under Influence, No Storage Within 10'. | Use Prohibited; Emergency Response Liability.  |  |  | Yes |
| Quartzsite       |   |  |  |  |     |
| Queen Creek      | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | *   |
| Safford          |   |  |  |  |     |
| Sahuarita        |   |  |  |  |     |
| St. Johns        |   |  |  |  |     |
| San Luis         |   |  |  |  |     |
| Salt River PMAIC |   | Use Permit Required.   |  |  | Yes |
| Scottsdale       | Signage Required.   | Use Prohibited.  |  |  | Yes |
| Sedona           | Signage Required.   | Use Prohibited; Emergency Response Liability.  |  |  | Yes |
| Show Low         |   |  |  |  |     |
| Sierra Vista     | Signage Required.   | Allowed except on public land or city right of ways; Emergency Response Liability; Zero Tolerance for Illegal Use Offenders. |  |  | Yes |
| Snowflake        |   |  |  |  |     |
| Somerton         |   |  |  |  |     |
| South Tucson     | Indicates Sale Prohibited   | Use Prohibited; Emergency Response Liability.  |  |  | Yes |

|                |  |   |     |
|----------------|--|---|-----|
| Springerville  |  |   |     |
| Star Valley    |  |   |     |
| Superior       |  |   |     |
| Surprise       | Unk                                      | Unk   | Yes |
| Taylor         |  |   |     |
| Tempe          | Signage Required.                        | Use Prohibited; Emergency Response Liability. | Yes |
| Thatcher       |  |   |     |
| Tohono         |  | Use Permit Required.                          | *   |
| O'odham Nation |  |   |     |
| Tolleason      | Signage Required.                        | Use Prohibited; Emergency Response Liability. | Yes |
| Tombstone      |  |   |     |
| Tucson         | Sales Permit Required; Signage Required. | Use Prohibited; Emergency Response Liability. | Yes |
| Tusayan        |  |   |     |
| Wellton        |  |   |     |
| Wickenburg     |  |   |     |
| Willcox        |  |   |     |
| Williams       |  |   |     |
| Winkelman      |  |   |     |
| Winslow        |  |   |     |
| Youngtown      |  |   |     |
| Yuma           |  |   | *   |

This list is compiled by the Arizona Fire Marshals Association. Not all jurisdictions participate with AFMA and not all jurisdictions may be represented.

\*Under Discussion, not confirmed if adopted.