

ORDINANCE NUMBER O23-008

AN ORDINANCE OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA, AMENDING TITLE 9, CHAPTER 9.16 WEAPONS AND EXPLOSIVES, SECTION 9.16.020, FIREWORKS; TO UPDATE THE CITY OF SAFFORD MUNICIPAL CODE TO COMPLY WITH ARIZONA REVISED STATUTES CHAPTER 13, ARTICLE 1, SECTIONS 36-1601 THROUGH 36-1610.

WHEREAS, The Mayor and City Council wish to provide for the safe and legal use of fireworks within the City of Safford; and,

WHEREAS, the State of Arizona provides parameters for Municipalities to regulate the use and sale of fireworks; and,

WHEREAS, this update will bring the City of Safford into compliance with A.R.S. Chapter 13, Article 1, Sections 36-1601 through 36-1610; and,

WHEREAS, the effective date of the amendment, dated June 26, 2023, shall be July 27, 2023, or upon completion of publication and posting as provided by law, whichever is later.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Safford, Graham County, Arizona, that Chapter 9.16, Weapons and Explosives, Section 9.16.020, Fireworks, of the *City of Safford Municipal Code*, as contained in Title 9, Public Peace, Morals and Welfare, is amended as stated below in Exhibit A.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL of the City of Safford this 26th day of June 2023, with an effective date of July 27, 2023.



Jason Kouts, Mayor, City of Safford

ATTEST:

APPROVED AS TO FORM:

Beatrice C. Driver

Beatrice Castro Driver, City Clerk

William Sims

William J. Sims, III, City Attorney

STATE OF ARIZONA)

) ss

County of Graham)

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number O23-008 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular council meeting held June 26, 2023, with an effective date of July 27, 2023. A quorum of the Council was present at the meeting.

Beatrice C. Driver

Beatrice Castro Driver, City Clerk

June 26, 2023

Date

EXHIBIT A

Sec. 9.16.020. - Fireworks.

A. *Definitions.* The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. *Consumer firework* means those fireworks defined by A.R.S. § 36-1601 .

2. *Display firework* means those fireworks defined by A.R.S. § 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 or display firework ~~or permissible consumer firework~~ 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 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.~~

This does not include:

(a). Toy pistols, toy canes, toy guns or other devices in which paper caps containing not more than twenty-five hundredths' grains of explosive compound are used if constructed so that the hand cannot come in contact with the cap when in place for the explosion.

(b). Toy pistol paper caps that contain less than twenty-hundredths grains of explosive mixture, or fixed ammunition or primers therefor.

(c). Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.

(d). Permissible consumer fireworks.

4. Permissible consumer fireworks means the following types of consumer fireworks as defined by the APA 87-1:

(a) Ground and handheld sparkling devices.

(b) Cylindrical fountains.

(c) Cone fountains.

(d) Illuminating torches

(e) Wheels.

(f) Ground Spinners.

(g) Flitter sparklers.

(h) Toy smoke devices.

(i) Wire sparklers or dipped sticks.

(j) Multiple tube ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches manufactured in accordance with section 3.5 of the APA 87-1.

(k) Does not include 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, including firework items defined by the APA 87-1 and known as firecrackers, bottle rockets, sky rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

5. Supervised public display means a monitored performance of display fireworks open to the public and authorized by permit by the fire chief or his designee.

B. Fireworks prohibited; exceptions.

1. The use, discharge, or ignition of fireworks within the city is prohibited on days other than June 24 through July 6 and December 24 through January 3 of each year unless a federal or state agency implements a stage one or higher fire restriction. The use, discharge or ignition of fireworks is allowed from 8am to 11pm on these days unless otherwise specified below.

(a) The use, discharge, or ignition of fireworks from December 31 of each year at 11pm to 1am on January 1 of each year is allowed.

(b) The use, discharge, or ignition of fireworks from July 4 of each year at 11pm through 1am on July 5 of each year is allowed.

2. Nothing in this section shall be construed to prohibit the use, discharge, or ignition of novelty the items as listed in Section 3 (a)-(d), or the occurrence of a supervised public display of fireworks.

3. Permits may be granted by the fire chief or designee for conducting a properly supervised public display of fireworks in accordance with A.R.S. § 36-1603. 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 chief has authority to impose conditions on any permits granted. A bond in a principal amount

not less than five hundred dollars, conditioned upon payment of all damages which may be caused to persons or property by reason of the display shall be required (A.R.S § 36-1604).

4. Failure to comply with any permit requirements issued by the fire chief is a civil offense punishable by fines for each violation not to exceed \$1,000-one thousand dollars.

C. Sale of Permissible Consumer 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.

~~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:~~

~~a. The use of fireworks, except novelty items as defined by this Code, including permissible consumer fireworks is prohibited.~~

~~b. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16 years.~~

~~2. Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sales.~~

~~3. The fire chief, along with the building inspector 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 website and filed with the clerk's office.~~

3. In accordance with state law, the sales of permissible consumer fireworks shall be permitted only between May 20th through July 6th and December 10th through January 3rd of each year. The authorized sale of permissible consumer fireworks during these times shall be suspended if Stage 1 or higher fire restrictions are implemented by a federal or state agency.

4. Failure to comply with this section is a civil offense punishable by civil fine of \$1,000.00 one-thousand dollars.

~~E-D~~ Authority to enforce violations of this article; means of enforcement.

1.The fire chief or designee, a city police officer, or the city attorney may issue civil complaints to enforce violations of this article designated as civil offenses.

2.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.

3.A city police officer or the city attorney may issue criminal complaints to enforce this chapter.

FE. *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 of this article is prima facie evidence of liability under this section.

(Prior Code, § 10-1-6; Code 1999, § 9.16.020; Ord. No. 10-003, § 1, 12-13-2010)