
RULES AND REGULATIONS ON THE SALE OF AND DISCHARGE ON FIREWORKS

**Please read and understand before selling to your customers.
Must post signage when selling fireworks (see section D).**

Section 10-2-8 - Discharge or Ignition of Fireworks

- A. Definitions. The following words, terms and phrases, when used in this section 10-2-8, shall have the meanings ascribed to them in this subsection 10-2-8(A), 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. "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.
 4. "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 A.R.S. § 36-1601.
 5. "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 A.R.S. § 36-1601.
 6. "Permissible consumer fireworks" means those fireworks of the same title as defined by A.R.S. § 36-1601.
 7. "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.
 8. "Supervised public display" means a monitored performance of display fireworks open to the public and authorized by permit issued by the city manager or authorized designee.
- B. Fireworks prohibited; exceptions.
1. It shall be unlawful for any person, other than those parties engaged in a supervised public display, to use, discharge or cause the ignition of fireworks within the corporate limits of the City, except that the use of permissible consumer fireworks shall be allowed from June 24 through July 6 and December 24 through January 3 each year.
 2. Nothing in this section 10-2-8 shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks pursuant to a permit issued by the city.
 3. Upon written application to the city on a form approved by the city, permits may be granted by the city manager or authorized designee for conducting a supervised public display of fireworks. Application to the city for a permit shall be made in writing not less than ten (10) days prior to the date of the display. Every display shall be handled by a competent operator, and shall be of a character and located, discharged and fired so that it will not be hazardous to property or endanger any person. Before a permit is granted, the operator, location and handling of the display shall be approved, after investigation, by the city manager or authorized designee. After a permit is granted, the sale, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit is transferable or assignable. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The city manager or authorized designee has authority to impose conditions on any supervised public display permit granted.
 4. Penalty. A violation of this section 10-2-8(B) shall be a class 3 misdemeanor.

C. Sale of fireworks.

1. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen (16) years of age.
2. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.
3. Except as otherwise provided in this Section and under State law, it shall be unlawful for any person to sell fireworks within the corporate limits of the City, except the sale of permissible consumer fireworks is allowed from May 20 through July 6 and December 10 through January 3 each year.

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, including permissible consumer fireworks, except novelty items as defined by Arizona law and the City Code, is prohibited, except that the use of permissible consumer fireworks is allowed from June 24 through July 6 and December 24 through January 3 each year.
 - b. Consumer fireworks authorized for sale under state law may not be sold to persons under sixteen (16) years of age.
2. Signs required pursuant to this section shall be placed at each cash register and in each area where fireworks are displayed for sale.
3. Every person who sells permissible consumer fireworks to the public shall comply with rules adopted pursuant to A.R.S. § 36-1609 relating to the storage of consumer fireworks relating to the retail sale of consumer fireworks before selling permissible consumer fireworks to the public. The city manager or authorized designee may develop regulations concerning the size and color of the required signs and may develop a model sign. The sign regulations and model sign shall be posted on the city's website and filed with the clerk's office.
4. A violation of subsection 10-2-8(D)(1) or 10-2-8(D)(2) shall be a civil offense punishable by base fine of up to five hundred dollars (\$500.00).

E. Enforcement.

1. The city manager or authorized designee, a city police officer or marshal, or the city attorney may issue civil complaints to enforce those provisions of this section 10-2-8 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 marshal or the city attorney may issue criminal complaints to enforce this article.

F. 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, shall be strictly 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 section 10-2-8 shall be prima facie evidence of liability under this section.
2. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection 10-2-8(F)(1). 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 liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

G. Penalty. The penalty for violating any prohibition or requirement imposed by this Section 10-2-8 is a civil penalty of one thousand dollars.

(Ord. No. 34-10, § 2, 11-16-2010; Ord. No. 08-14, §§ 1—5, 7-1-2014)

Date: _____

Business Name: _____ City Business License #: _____

Name of Contact: _____ Phone #: _____

I, _____ hereby am aware and will abide by the rules set by the City of Buckeye Chapter 10 City Code Section 10-2-8 D stating the following:

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, including permissible consumer fireworks, except novelty items as defined by Arizona law and the City Code, is prohibited, except that the use of permissible consumer fireworks is allowed from June 24 through July 6 and December 24 through January 3 each year.
 - b. Consumer fireworks authorized for sale under state law may not be sold to persons under sixteen (16) years of age.
2. Signs required pursuant to this section shall be placed at each cash register and in each area where fireworks are displayed for sale.
3. Every person who sells permissible consumer fireworks to the public shall comply with rules adopted pursuant to A.R.S. § 36-1609 relating to the storage of consumer fireworks relating to the retail sale of consumer fireworks before selling permissible consumer fireworks to the public. The city manager or authorized designee may develop regulations concerning the size and color of the required signs and may develop a model sign. The sign regulations and model sign shall be posted on the city's website and filed with the clerk's office.
4. A violation of subsection 10-2-8(D)(1) or 10-2-8(D)(2) shall be a civil offense punishable by base fine of up to five hundred dollars (\$500.00).

I also acknowledge that I have been given a copy of the City's ordinance 10-2-8. _____
Initials

Signature of applicant: _____ Date: _____

Approved by Building Chief Official: _____ Date: _____

Approved by Fire: _____ Date: _____

Approved by Planning & Zoning: _____ Date: _____

FIREWORKS TENT COMPLIANCE CHECKLIST

Property Address: _____

Date of Inspection: _____ Permit Number: _____

YES/NO/N/A	DESCRIPTION	NFPA/ORD #
	Permit/License for tent sales	7.3.1 (b)
	Site Plan / Evaluation Plan / Emergency Plan	7.4.2
	Retail area for fireworks is within 150 feet of fire department access	7.3.4
	Area within 30 feet of retail area of fireworks is free of dry grass, brush, and combustibles	
	No vehicle parking, storage vehicle or trailer within 20 feet of retail area for fireworks.	7.4.6.2
	Retail area for fireworks is 20 feet from other buildings	7.4.7.2
	No smoking within 50 feet of retail area for fireworks	7.3.11.1
	Retail area for fireworks is 20 feet from combustibles	7.4.7.2
	Retail area for fireworks is 20 feet from other tents	7.4.7.2
	Fireworks shall not be ignited or discharged within 300 feet of the retail firework area.	7.3.19.4
	Retail area for fireworks is 50 feet from propane sales, fuel dispensaries, above ground flammable liquids/gas tanks, natural gas facilities	7.3.12.1
	Signage per local Ordinance	
	Sign on each side of exterior of tent, (letters 4 in. high), NO FIREWORKS DISCHARGE WITHIN 300 FEET	7.4.6.3
	Sign at each entrance, (letters 2 in. high), FIREWORKS -NO SMOKING	7.3.11.2
	Distance to any extinguisher no more than 35 feet	7.4.5.2
	One extinguisher - pressure water minimum 2A	
	One extinguisher — dry chemical minimum 2A	
	Tent shall have minimum of 3 exits	7.3.14.1.1
	Maximum distance to any exit is 75 feet	7.3.14.2
	Tent exit openings shall be a minimum of 44 inches wide	7.4.8.5
	Egress door that has a latching device shall be provided with panic hardware complying with NFPA 101.	7.3.14.4.2
	Means of egress doors shall be of the side-hinge swinging type and shall be arranged to swing in the direction of egress travel.	7.3.14.4.3
	Exits must be marked with approved exit signs (If open during non-daylight hours, emergency lighting/exits signs shall be illuminated).	7.3.14.5.1

YES/NO/N/A	DESCRIPTION	NFPA/ORD #
	Dead-end aisles not allowed	7.3.14.3.24
	Other required exits shall be located at, or within 10 ft of, the end of an aisle or a cross-aisle.	7.3.14.3.2.2
	Aisles shall terminate at an exit, another aisle, or cross-aisle.	7.3.14.3.2.3
	Aisles shall be minimum of 48 inches wide	7.3.14.3.1.1
	Aisles must remain unobstructed	7.3.14.3.1.2
	Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at, or within 10 feet of, and exit.	7.3.14.3.2.7
	Height of Merchandise displays no higher than 6 feet	7.3.15.2
	Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft.	7.3.15.2.2
	No more than 32 feet of merchandise between flame breaks	7.3.15.3.4
	Is shelving meet appropriate requirements per NFPA 1124	7.3.15.4
	Are all fuses covered per NFPA 1124	7.3.15.5
	No consumer fireworks shall be displayed for sale or stored within 5 feet of any public/private entrance in an enclosed building or structure.	7.3.19.2.1
	Tent supervised 24 hours or secured while unoccupied or not opened	7.3.19.3.1
	Temporary electrical wiring must meet NFPA 70, NEC	7.4.9.11
	Generators must be Class II or Class III (diesel)	7.4.9.2.1
	Generators limited to 5 gallons of fuel may be at minimum 20 feet from tent. Generators greater than 5 gallons of fuel must be at minimum 50 feet from the tent.	7.4.9.2.2 7.3.18.1
	Is housekeeping ok	7.3.21
	Are records maintained on available inventory on the premises	7.3.21

SIGNS REQUIRED PURSUANT TO THIS SECTION SHALL BE PLACED AT EACH CASH REGISTER AND IN EACH AREA WHERE FIREWORKS ARE DISPLAYED FOR SALE

REQUIREMENTS: SIZE OF LETTERS MUST BE AT LEAST 1 INCH IN HEIGHT AND 1/8 INCH STROKE AND MUST HAVE CONTRASTING BACKGROUND.

EXAMPLE:  1" IN HEIGHT

 1/8" IN STROKE

- A.  ***THE USE OF FIREWORKS, INCLUDING PERMISSIBLE CONSUMER FIREWORKS, EXCEPT NOVELTY ITEMS AS DEFINED BY ARIZONA LAW AND THE CITY CODE, IS PROHIBITED, EXCEPT THAT THE USE OF PERMISSIBLE CONSUMER FIREWORKS IS ALLOWED FROM JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 EACH YEAR.***
- B. ***CONSUMER FIREWORKS AUTHORIZED FOR SALE UNDER STATE LAW MAY NOT BE SOLD TO PERSONS UNDER SIXTEEN (16) YEARS OF AGE.***

IMPORTANT NOTICE

FROM BUCKEYE FIRE DEPARTMENT CONCERNING FIREWORKS PURSUANT TO ORDINANCE # 08-14

- a. The use of fireworks, including permissible consumer fireworks, except novelty items as defined by Arizona law and the City Code, is PROHIBITED, except that the use of permissible consumer fireworks is allowed from June 24th through July 6th and December 24th through January 3rd each year.
- b. Consumer fireworks authorized for sale under state law may NOT be sold to persons under sixteen (16) years of age.

Persons using permissible consumer fireworks are liable for any emergency response costs related to the use of fireworks.

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 08-14

AN ORDINANCE OF THE CITY OF BUCKEYE, MARICOPA COUNTY, ARIZONA, AMENDING THE CITY OF BUCKEYE CODE OF ORDINANCES, CHAPTER 10, MISCELLANEOUS OFFENSES REGULATIONS, ARTICLE 10-2, PUBLIC SAFETY OFFENSES, SECTION 10-2-8 DISCHARGE OR IGNITION OF FIREWORKS, RELATED TO CONFORMANCE WITH STATE LAW ON FIREWORKS, AND DECLARING AN EMERGENCY.

WHEREAS, the Arizona State Legislature and Governor have approved amendments to the State law governing the sale and use of fireworks in Arizona;

WHEREAS, the City Council of the City of Buckeye, Arizona desires to bring the City Code related to fireworks into conformance with the State law;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Buckeye, Maricopa County, Arizona, as follows:

SECTION 1. The City of Buckeye, Arizona Code of Ordinances, Chapter 10 Miscellaneous Offenses Regulations, Article 10-2, Public Safety Offenses, Section 10-2-8, Discharge or Ignition of Fireworks, Subsection A, *Definitions*, is amended to read as follows, all other definitions and provisions of the Subsection remaining unchanged and in full force and effect:

6. "Permissible consumer fireworks" means those fireworks of the same title as defined by A.R.S. § 36-1601.

SECTION 2. The City of Buckeye, Arizona Code of Ordinances, Chapter 10 Miscellaneous Offenses Regulations, Article 10-2, Public Safety Offenses, Section 10-2-8, Discharge or Ignition of Fireworks, Subsection B, *Fireworks prohibited, exceptions*, sub-subsection 1 is hereby amended to read as follows, all other provisions of the Subsection remaining unchanged and in full force and effect:

1. It shall be unlawful for any person, other than those parties engaged in a supervised public display, to use, discharge or cause the ignition of fireworks

within the corporate limits of the City, except that the use of permissible consumer fireworks shall be allowed from June 24 through July 6 and December 24 through January 3 each year.

SECTION 3. The City of Buckeye, Arizona Code of Ordinances, Chapter 10 Miscellaneous Offenses Regulations, Article 10-2, Public Safety Offenses, Section 10-2-8, Discharge or Ignition of Fireworks, Subsection C, *Sale of Fireworks*, is hereby amended by adding the following sub-subsection 3:

3. Except as otherwise provided in this Section and under State law, it shall be unlawful for any person to sell fireworks within the corporate limits of the City, except the sale of permissible consumer fireworks is allowed from May 20 through July 6 and December 10 through January 3 each year.

SECTION 4. The City of Buckeye, Arizona Code of Ordinances, Chapter 10 Miscellaneous Offenses Regulations, Article 10-2, Public Safety Offenses, Section 10-2-8, Discharge or Ignition of Fireworks, Subsection D, *Posting of signs by persons engaged in the sale of fireworks, civil penalty*, is hereby amended to read as follows, all other provisions of the Subsection remaining unchanged and in full force and effect:

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, including permissible consumer fireworks, except novelty items as defined by Arizona law and the City Code, is prohibited, except that the use of permissible consumer fireworks is allowed from June 24 through July 6 and December 24 through January 3 each year.

SECTION 5. The City of Buckeye, Arizona Code of Ordinances, Chapter 10 Miscellaneous Offenses Regulations, Article 10-2, Public Safety Offenses, Section 10-2-8, Discharge or Ignition of Fireworks, Subsection G, *Penalty*, is hereby amended to read as follows:

G. Penalty. The penalty for violating any prohibition or requirement imposed by this Section 10-2-8 is a civil penalty of one thousand dollars.

SECTION 6. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

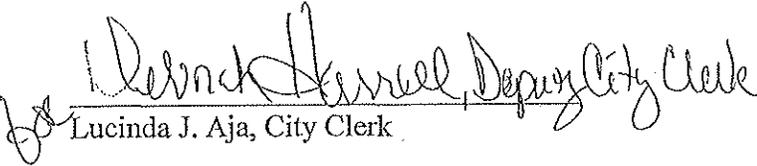
SECTION 7. In order to preserve the peace, health and safety of the City of Buckeye, Arizona, an emergency is hereby declared to exist and this Ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 1st day of July, 2014.



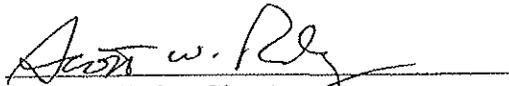
Jackie A. Meck, Mayor

ATTEST:



Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:



Scott W. Ruby, City Attorney