

ORDINANCE NO. 1397.09.06

AN ORDINANCE OF THE CITY OF CASA GRANDE, ARIZONA AMENDING TITLE 9 OF THE CITY OF CASA GRANDE MUNICIPAL CODE BY ADDING REGULATIONS FOR THE USE OF FIREWORKS; ESTABLISHING THE SEVERABILITY OF THE VARIOUS SECTIONS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

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 of Casa Grande and its residents, and

WHEREAS, the Mayor and Council desire to limit and reduce potential 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 unrestricted 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 of Casa Grande, Arizona, as follows:

Section 1. Section 9.20.010 (Use of explosives within City unlawful) of the Casa Grande City Code is hereby amended by deleting the word “fireworks” from said section.

Section 2. Title 9 of the Casa Grande City Code is hereby amended by adding Chapter 9.22 to be entitled “Fireworks” and adding sections 9.22.010 (Definitions), 9.22.020 (Fireworks prohibited; exceptions), 9.22.030 (Sale of Fireworks), 9.22.040 (Posting of signs by persons engaged in the sale of fireworks), 9.22.050 (Authority to enforce violations of this article; means of enforcement), and 9.22.060 (Penalties) to read as follows:

9.22 Fireworks.

9.22.010 Definitions.

(A) 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, as amended from time to time.
- (2) *Display firework* means those fireworks defined by Arizona Revised Statutes Section 36-1601, as amended from time to time.
- (3) *Fire Chief* means the Chief of the Casa Grande Fire Department or his/her designee.

- (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 Arizona Revised Statute Section 36-1601, as amended from time to time.
- (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 Arizona Revised Statute 36-1601, as amended from time to time.
- (6) *Permissible consumer fireworks* means those fireworks as defined by Arizona Revised Statute Section 36-1601, as amended from time to time.
- (7) *Person* means a corporation, company, partnership, firm, association, society, or other legal entity, as well as a natural person
- (8) *Supervised public display* means a monitored performance of display fireworks open to the public.

9.22.020 Fireworks prohibited; exceptions.

(A) The use, discharge, or ignition of fireworks within the City is prohibited, except as otherwise specifically provided for in this section 9.22.020; provided, however that nothing in this Chapter shall be construed to prohibit the use, discharge, or ignition of novelty items or the occurrence of a properly permitted supervised public display of fireworks.

(B) Except as set forth in this subsection (B), the use, discharge, or ignition of permissible consumer fireworks within the City is permitted on and only on the dates of December 31, January 1, and July 4; provided, however that:

- (1) The use, discharge, or ignition of fireworks is prohibited on all public property, including in all public parks and public rights of way; and
- (2) The use, discharge, or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website.

(C) Permits may be granted by the Fire Chief 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, as designated by the Fire Chief and posted on the

City's website. The Fire Chief has authority to impose reasonable conditions on any permits granted pursuant to this section.

9.22.030 Sale of Fireworks.

(A) No person shall sell, or permit or authorize the sale of, any 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.

9.22.040 Posting of signs by persons engaged in the sale of fireworks.

(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 Section 9.22.010 of the Casa Grande City Code, is prohibited on public property and the use of permissible consumer fireworks is only permitted within the City on the dates of December 31, January 1, and July 4.

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

(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 Chief 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.

9.22.050 Authority to enforce violations of this article; means of enforcement.

(A) The Fire Chief, Fire Marshal, a City police officer, a City Code Enforcement Officer, or the City Attorney may issue civil complaints to enforce violations of this article designated as civil offenses.

(B) 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 police officer or the City Attorney may issue criminal complaints to enforce this article.

9.22.060 Penalties.

(A) Discharge of permissible consumer fireworks in violation of section 9.22.020, or failure to comply with the requirements of section 9.22.040(A) or (B) is punishable as a civil offense and punishable by a civil fine as follows:

- (1) First Offense – Not less than \$50 but not more \$250.
- (2) Second Offense within one calendar year – Not less than \$250 but not more than \$500.
- (3) Third and subsequent offenses within one calendar year – Not less than \$500 but not more than \$1000.

For purposes of this subsection, the date of commission of an offense shall be used to determine whether additional offenses occurred within a given calendar year.

(B) A person who sells, or permits or authorizes the sale of, any fireworks in violation of section 9.22.030, a person who discharges display fireworks without a permit in violation of 9.22.020, or a person fails to comply with any permit requirements issued by the Fire Chief in violation of section 9.22.030 shall be guilty of a Class 2 misdemeanor punishable by the maximum punishment allowed by law.

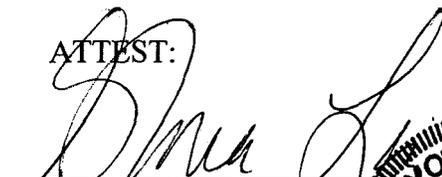
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The effective date of this Ordinance shall be December 1, 2010.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 15th day of November, 2010.

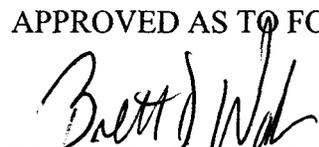


Robert M. Jackson
Mayor

ATTEST:


Gloria Leija, MMC
City Clerk



APPROVED AS TO FORM:


Brett Wallace
City Attorney