

WHEN RECORDED, RETURN TO:

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

ORDINANCE NO. 16-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING THE BUCKEYE CITY CODE, CHAPTER 10, MISCELLANEOUS OFFENSES REGULATIONS, ARTICLE 10-2, PUBLIC SAFETY OFFENSES, SECTION 10-2-8 DISCHARGE OR IGNITION OF FIREWORKS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

WHEREAS, municipal regulation of fireworks is restricted by Arizona Revised Statutes Title 36, Chapter 13, Article 1 (A.R.S. §§ 36-1601 *et seq.*); and

WHEREAS, the State of Arizona has seen fit, from time to time, to adjust the provisions of A.R.S. §§ 36-1601 *et seq.*, and made two such adjustments in the year 2022; and

WHEREAS, the City of Buckeye finds it necessary to adjust its fireworks regulations to take advantage of new authorizations and to align the Buckeye City Code with state law.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA:

Section 1. The recitals set forth above are incorporated as if fully set forth herein.

Section 2. The following provisions of Buckeye City Code, Chapter 10 (Miscellaneous Offenses Regulations), Article 10-2 (Public Safety Offenses), Section 10-2-8 (Discharge or Ignition of Fireworks) are amended to read as follows, with those provisions of Section 10-2-8 not expressly set forth below remaining unchanged:

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 May 4 through May 6, from June 24 through July 6, from December 24 through January 3, and on the second and third days of Diwali each year.

2. It shall be unlawful for any person to use permissible consumer fireworks between the hours of 11:00 P.M. and 8:00 A.M. on any day of the year, except that the use of permissible consumer fireworks shall be allowed between the hours of 11 P.M. on December 31 through 1 A.M. on January 1, and between the hours of 11 P.M. through July 4 and 1 A.M. on July 5.
3. It shall be unlawful, on all days during a stage one or higher fire restriction, for any person to use permissible consumer fireworks within a one-mile radius of the border of any municipal or county mountain preserve, desert park, regional park, designated conservation area, national forest, or wilderness area.
4. 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.
5. 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.
6. Penalty. A violation of this section 10-2-8(B) shall be a class 3 misdemeanor.

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C. Sale of fireworks.

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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 that the sale of permissible consumer fireworks is allowed from April 25 through May 6, from May 20 through July 6, from December 10 through January 3, and from two days before the first day of Diwali through the third day of Diwali each year.

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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:

State of Arizona
Consumer Fireworks Regulations
Arizona Revised Statutes section 36-1601, et al.

The use of permissible consumer fireworks as defined under state law is allowed:
May 4 – May 6, June 24 – July 6, December 24 – January 3, and [insert relevant dates for
Diwali]

The sale of permissible consumer fireworks as defined under state law is allowed:
April 25 – May 6, May 20 – July 6, December 10 – January 3, and [insert relevant dates
for Diwali]

All other fireworks are prohibited, except as authorized by local fire department permit.

The sale and use of novelties known as snappers (pop-its), party poppers, glow worms, snakes, toy smoke devices and sparklers are permitted at all times.

Permissible consumer fireworks may not be sold to persons under sixteen years of age.

Check with your local fire department for additional regulations and dates before using.

2. Signs required pursuant to this section shall be eight and one-half inches by eleven inches in size, on cardstock paper in landscape orientation, and placed by each retail sales display of permissible consumer fireworks.
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 and relating to the retail sale of consumer fireworks before selling permissible consumer fireworks to the public.
4. A violation of subsection 10-2-8(D)(1) or (D)(2) shall be a civil offense punishable by base fine of up to \$500.00.

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Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

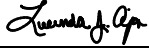
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the tax code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Buckeye, Arizona,
this 18th day of April, 2023.



Eric W. Orsborn, Mayor

ATTEST:



Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:



K. Scott McCoy, City Attorney