



City Council Report

Date: October 3, 2022
To: City Council
Through: Scott Butler, Assistant City Manger
From: Ken Cost, Police Chief
Subject: Mesa City Code Update – Title 6, Chapter 21 – Fireworks and Permissible Consumer Fireworks (Citywide)

Purpose and Recommendation

The purpose of this report is to present a request to amend Mesa City Code Title 6, Chapter 21. The Mesa Police Department recommends making the proposed changes to the Mesa City Code regarding fireworks and permissible consumer fireworks.

Background

Municipalities may regulate fireworks and permissible consumer fireworks except as limited by Arizona Revised Statutes § 36-1606, which preempts municipal laws relating to the sale and use of permissible consumer fireworks during specified days and times of the year.

On May 18th, Governor Ducey signed SB1275 permitting municipalities to restrict the use of permissible consumer fireworks between 11 p.m. and 8 a.m. each day except that on New Years and July 4th permissible consumer fireworks use is allowed between 11:00 p.m. and 1:00 a.m.

On July 6th, Governor Ducey signed HB2255 preempting municipalities from prohibiting the sale of permissible consumer fireworks two days before the first day of Diwali through the third day of Diwali, and the use of permissible consumer fireworks on the second and third days of Diwali.

Discussion

The City wishes to prevent fire hazards caused by fireworks and permissible consumer fireworks which threaten the safety of individuals, private and public improvements including residential, commercial and industrial buildings.

Due to the dry desert like conditions and terrain of the community, the use of fireworks and permissible consumer fireworks includes risk of significant harm to the community and its residents.

The City Code revisions include:

- Clarifying terms and definitions
- Revising dates and times of use and sale of permissible consumer fireworks
- Creating criminal penalties for sale and use of fireworks
- Updating fines

Alternatives

Leave Mesa City Code Title 6, Chapter 21 unchanged.

Fiscal Impact

There is no cost to the Mesa Police Department or City of Mesa to update Mesa City Code Title 6, Chapter 21.

Coordinated With

The City Attorney's Office
Mesa Fire and Medical Department