

# **City of Mesa**

## **City Code Update**

**Title 6, Chapter 21**

**Fireworks and Permissible Consumer Fireworks**

**September 29, 2022**

**Deputy Chief/Fire Marshall Shawn Alexander**

**Assistant Police Chief Ed Wessing**

**Geoff Balon, Police Legal Advisor**





# Overview

- **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 18<sup>th</sup>, 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 4<sup>th</sup>, they are allowed between 11:00 p.m. and 1:00 a.m.**
- **On July 6<sup>th</sup>, 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.**



# Changes

## 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**



# Terms and Definitions

## “Legal Fireworks”





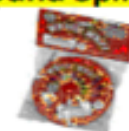
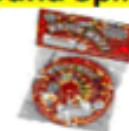




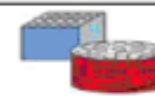

- 1) “Permissible Consumer Fireworks (legal on authorized days)”: Ground/handheld sparklers, cylindrical fountains, ground “spinners”, toy smoke type devices. Does not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground.
- 2) “Novelty Items” (always legal): Snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.

## “Illegal Fireworks”

Firecrackers, bottle rockets, skyrockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

## “Supervised Public Display”

A monitored performance of display fireworks open to the public authorized by permit by the Mesa Fire and Medical Chief or their designee.

Legal Fireworks Novelty Items	Sparklers	Morning Glory Sparklers			Wire Stick Sparklers		
			<b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH HOT WOOD. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.				<b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT TOUCH GLOWING WIRE. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WIRE IN WATER.
	Smoker Devices	Smoke Balls	Cylindrical Smoke	Smoke Cone	Smoke Candle	<b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT HOLD IN HAND. PLACE ON HARD LEVEL SURFACE, LIGHT FUSE AND GET AWAY.	
Legal Fireworks Permissible Consumer	Novelties	Snakes	Party Poppers (Bottle)	Party Popper (Pistol)	Snappers/Drop Pops		
		 <b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. LAY ON GROUND, LIGHT PELLET.	 <b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. DO NOT POINT EITHER END TOWARD FACE OR PERSON. HOLD IN HAND - JERK STRING.	 <b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.	 <b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. THROW ON GROUND OR AGAINST HARD SURFACE. NOT RECOMMENDED FOR CHILDREN UNDER 8 YEARS.		
		Ground Spinners			Ground Spinners		
		<b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE & GET AWAY.					
	Sparkling Wheel Devices						
		<b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. NAIL TO POST OR STAKE SO THAT THE WHEEL WILL TURN FREELY. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.					
	Cylindrical Fountain	Square Fountain	Cone Fountain	California Rocket Shaped Fountain			
				 <b>CAUTION: FLAMMABLE</b> USE ONLY UNDER CLOSE ADULT SUPERVISION. OUTDOOR USE ONLY. STICK FIRMLY IN GROUND IN AN UPRIGHT POSITION, REMOVE CAP FOR LIGHTING. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.			
Illegal Fireworks	Sky Rockets/ Bottle Rockets	Firecrackers	Reloadable Shell Device/ Roman Candles	Arials	Single Tube Device w/ Report		
	<b>WARNING!!!</b> FLAMMABLE ROCKET	<b>WARNING!!!</b> EXPLOSIVE	<b>WARNING!!!</b> SHOOTS FLAMING BALLS	<b>WARNING!!!</b> SHOOTS FLAMING BALLS w/ REPORTS	<b>WARNING!!!</b> SHOOTS FLAMING BALLS w/ REPORTS		
							



# Dates and Times of Use

**Permissible Consumer Fireworks may be used during specific days and times of the year:**

- 1) May 4th through May 6th between the hours of 8:00 A.M. and 11:00 P.M.**
- 2) June 24th through July 6th between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on July 4th and 1:00 A.M. on July 5th.**
- 3) December 24th through January 3rd between the hours of 8:00 A.M. and 11:00 P.M., and between the hours of 11:00 P.M. on December 31st and 1:00 A.M. on January 1st.**
- 4) Second and third days of Diwali.**

## **Class 1 Misdemeanor; No Less than \$1,000 Fine**

- Fireworks Use, Possession, or Sale
- Permissible Consumer Fireworks Sale to:
  - Under 16; or
  - Conflicting with State Law; or
  - On Prohibited Days
- Use of Permissible Consumer Fireworks During Stage One or Higher Fire Restriction near protected areas
- Failure to Obtain a Permit for a Supervised Public Display of Fireworks
- Failure to Comply with Permit and Safety Requirements of A.R.S. § 36-1603
- Habitual Offender within 36 months

## **Civil Violation; \$500 Fine**

- Permissible Consumer Fireworks Use Outside Allowed Days or Times
- Permissible Consumer Fireworks Use on City Property (excluding right of way)
- Failure to Display Required Permissible Consumer Fireworks Signage at Sale

All class 1 misdemeanors are subject to a maximum penalty of up to 6 months in jail and/or a fine not to exceed \$2,500.



# Questions ?