

**+TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: June 25, 2015**

**SUBJECT:** Amendments to Fireworks Code

**SUBMITTING DEPARTMENT:** Legal Department

**PREPARED BY:** Ivan Legler, Town Attorney

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** (a) Ordinance No. 806, and (b) “Amendments to Section 10-01-030 ‘Fireworks’”

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**SUMMARY/BACKGROUND:** The Town has regulated the purchase, possession and use of fireworks since its incorporation in 1979. Initially, the Town prohibited possession or use of fireworks within Town limits without a permit from the Police Chief.

In 2010, the fireworks lobby succeeded in convincing the Legislature to amend the state law (A.R.S. §§36-1601 *et seq.*) to supersede local codes and allow statewide the sale of certain “permissible consumer fireworks” (defined by A.R.S. §36-1601). Cities and towns could still regulate and even prohibit the use of “permissible consumer fireworks” within their corporate limits. In response, on October 28, 2010 the Town Council adopted Ordinance No. 752 allowing the sale of permissible consumer fireworks but prohibiting their use within the Town in consideration of the dry conditions in the area and the risks to life and property posed by wildfires.

Unfortunately, after another push from the fireworks lobby the Legislature recently amended state law to require cities and towns in counties with a population of less than five hundred thousand to allow both the sale and use of permissible consumer fireworks within their corporate limits on designated days of each year (unless a federal or state agency declares a stage one or higher fire restriction in the area during the designated days). This now requires that the Town amend Section 10-01-130 “Fireworks” of the Town Code. Because of the potential risks posed by wildfires, staff proposes that the Council continue to prohibit the sale, possession and use of fireworks except that “permissible consumer fireworks” may be sold, possessed and used only on those days designated by the Legislature.

At its regular meeting on May 28, 2015, the Council first considered adoption of Resolution No. 1919 declaring the “Amendments to Section 10-01-030 ‘Fireworks’” to be a public record capable of being adopted by reference by Ordinance No. 806 in accordance with ARS §9-802. However, the Ordinance was inadvertently read without a vote being taken. Therefore, Resolution No. 1919 and Ordinance No. 806 were considered again at the regular meeting held on June 11, 2015 and a vote taken in favor of adopting Resolution No. 1919 to declare the “Amendments” a public record, and a vote taken in favor of reading Ordinance No. 806 on two separate occasions and then placing the same on final passage. The Ordinance was then read for the first reading.

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**OPTIONS ANALYSIS:** The Council may adopt Ordinance No. 806 as drafted, suggest revisions prior to final adoption, OR decline to adopt Ordinance No. 806.

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**ACTION OPTION:** [The Mayor instructs the Town Clerk to read Ordinance No. 806 by title only for the second reading then asks, “Shall the Ordinance Pass?”] **VOTE.**

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**RECOMMENDATION:** Staff recommends final adoption by reference of the document “Amendments to Section 10-01-030 ‘Fireworks’”

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**FISCAL ANALYSIS:** The Town may have to devote personnel time and resources to enforce these new fireworks provisions at some administrative cost to the Town. These administrative costs may be recouped in whole or part through the criminal and/or civil enforcement processes included in the proposed revisions to address violations of this Section of Town Code, as amended.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_