



## Legislation Text

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**File #:** 17-114, **Version:** 1

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### **COUNCIL ITEM OF SPECIAL INTEREST: FIREWORKS ORDINANCE**

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Staff Presenter: Chuck Jenkins, Fire Marshal

### **Purpose and Policy Guidance**

This presentation is in response to a Council Item of Special Interest Councilmember Malnar requested at the February 21, 2017 Council Workshop, regarding clarification on state statute vs. city code related to fireworks and if there is a need to change our city code, as it is currently legal to purchase but illegal to use fireworks in Glendale.

Staff is seeking guidance from Council to propose an ordinance to amend Glendale City Code Section 26.70.3 to be compliant with Arizona Revised Statute (ARS) 36-1606.

### **Background**

On February 21, 2017, City Council requested staff to clarify that Glendale City Code [Section 26.70.3], related to the use of fireworks, is compliant with state statute. The current city code states, "The use of fireworks of any kind within the city is prohibited". This is not in compliance with ARS 36-1606, wherein it states; "The regulation of permissible consumer fireworks is not subject to further regulation by a governing body, except as follows: Prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 24 through January 3 of each year."

### **Analysis**

Staff recommends City Council consider a proposed amendment to bring Glendale City Code into compliance with ARS 36-1606. We recommend that it goes to Council Voting Meeting on May 9, 2017, to be in compliance before the June 24, 2017 date, referred to in the state statute.

### **Previous Related Council Action**

At the Council Workshop on February 21, 2017, Council directed staff to clarify that city code and state statute are compliant, regarding the use of consumer fireworks.

At the Council Voting Meeting on April 24, 2012, Council adopted the current consumer fireworks ordinance (Ord. No. 2801).

At the Council Workshop on April 3, 2012, Council discussed the need for a fireworks ordinance and provided guidance to staff to draft an ordinance banning the use of consumer fireworks.

**Community Benefit/Public Involvement**

Amending city code to align with state statute eliminates ambiguity and confusion with regard to consumer firework use and helps our regulatory and police officers educate the public and enforce the law.