

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: June 11, 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

ATTACHMENTS: (a) Ordinance No. 806; (b) Resolution No. 1919; and (c) “Amendments to Section 10-01-030 ‘Fireworks’”

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.

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

ACTION OPTION: (a) Motion to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1919 declaring that certain document entitled “Amendments to Section 10-01-030 ‘Fireworks’” to be a public record for adoption by reference, **OR** Motion not to approve Resolution No. 1919. **VOTE.**

(b) Motion to read Ordinance No. 806 adopting by reference that public record entitled “Amendments to Section 10-01-030 ‘Fireworks’” on two separate occasions by title only, then place the same on final passage, **OR** Motion not to read Ordinance No. 806 **VOTE.**

[if the motion is in favor of reading Ordinance No. 806] the Mayor instructs the Town Clerk to read Ordinance No. 806 by title only for the first reading]

RECOMMENDATION: Staff recommends declaring that certain document entitled “Amendments to Section 10-01-030 ‘Fireworks’” to be a public record and then adopting the same by reference through Ordinance No. 806.

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.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____