

36-1606. Consumer fireworks regulation; state preemption; further regulation of fireworks by local jurisdiction

A. The sale and use of permissible consumer fireworks are of statewide concern. The regulation of permissible consumer fireworks pursuant to this article and their sale or use is not subject to further regulation by a governing body, except as follows:

1. In a county with a population of more than five hundred thousand persons, a city or town within its corporate limits or the county within the unincorporated areas of the county may do all of the following:

(a) Regulate, consistent with the standards set forth in NFPA 1124, the sale of permissible consumer fireworks within its corporate limits.

(b) Prohibit the sale of permissible consumer fireworks on days other than April 25 through May 6, May 20 through July 6 and December 10 through January 3 of each year and two days before the first day of Diwali through the third day of Diwali each year.

(c) Prohibit the use of permissible consumer fireworks on days other than May 4 through May 6, June 24 through July 6 and December 26 through January 4 of each year and the second and third days of Diwali of each year.

(d) Prohibit on all days the use of permissible consumer fireworks within a one-mile radius of the border of preservation lands owned by a city or town that has purchased more than fifteen thousand acres of land for preservation purposes.

(e) Prohibit on all days during a stage one or higher fire restriction the use of permissible consumer fireworks within a one-mile radius of the border of any municipal or county mountain preserve, desert park, regional park, designated conservation area, national forest or wilderness area.

(f) Prohibit on all days the use of permissible consumer fireworks between the hours of 11:00 p.m. and 8:00 a.m., except:

(i) Between the hours of 11:00 p.m. on December 31 of each year through 1:00 a.m. on January 1 of each year.

(ii) Between the hours of 11:00 p.m. on July 4 of each year through 1:00 a.m. on July 5 of each year.

2. In a county with a population of less than five hundred thousand persons, a city or town within its corporate limits or the county within the unincorporated areas of the county may do all of the following:

(a) Regulate, consistent with the standards set forth in NFPA 1124, the sale of permissible consumer fireworks.

(b) Prohibit the sale of permissible consumer fireworks on days other than May 20 through July 6 and December 10 through January 3 of each year. The sale of permissible consumer fireworks may

be prohibited on days between May 20 through July 6 and December 10 through January 3 of each year if a federal or state agency implements a stage one or higher fire restriction. Any prohibition during those dates is limited to only the dates when the stage one or higher fire restriction is in place.

(c) Prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 26 through January 4 of each year. The use of permissible consumer fireworks may be prohibited during June 24 through July 6 and December 26 through January 4 of each year if a federal or state agency implements a stage one or higher fire restriction. Any prohibition during those dates is limited to only the dates when the stage one or higher fire restriction is in place.

(d) Prohibit on all days the use of permissible consumer fireworks within a one-mile radius of the border of preservation lands owned by a city or town that has purchased more than fifteen thousand acres of land for preservation purposes.

(e) Prohibit on all days the use of permissible consumer fireworks within a one-mile radius of the border of any municipal or county mountain preserve, desert park, regional park, designated conservation area, national forest or wilderness area.

(f) Prohibit on all days the use of permissible consumer fireworks between the hours of 11:00 p.m. and 8:00 a.m., except:

(i) Between the hours of 11:00 p.m. on December 31 of each year through 1:00 a.m. on January 1 of each year.

(ii) Between the hours of 11:00 p.m. on July 4 of each year through 1:00 a.m. on July 5 of each year.

B. A governing body that chooses to regulate, consistent with the requirements set forth in NFPA 1124 and subsection A of this section, the sale or use of permissible consumer fireworks may not require any additional signage requirements for the sale or use of permissible consumer fireworks other than those signage requirements stipulated in NFPA 1124, except that additional signage that is eight and one-half inches by eleven inches in size, that is on cardstock paper in landscape orientation, that lists the days of that year that are described in subsection A, paragraph 1 of this section relating to the time frame surrounding Diwali and that contains the following language on a contrasting background may be posted by the retail sales display of permissible consumer fireworks:

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes section 36-1601, et al.

The use of permissible consumer fireworks

as defined under state law is allowed:

May 4 - May 6, June 24 — July 6 and December 26 — January 4

The sale of permissible consumer fireworks

as defined under state law is allowed:

April 25 - May 6, May 20 — July 6 and December 10 — January 3

All other fireworks are prohibited, except

as authorized by local fire department permit.

The sale and use of novelties known as snappers (pop-its),

party poppers, glow worms, snakes, toy smoke devices and

sparklers are permitted at all times.

Permissible consumer fireworks may not be sold to

persons under sixteen years of age.

Check with your local fire department for additional

regulations and dates before using.

C. This article does not prohibit the imposition by ordinance of further regulations and prohibitions by a governing body on the sale, use and possession of fireworks other than permissible consumer fireworks. A governing body may not allow or authorize the sale, use or possession of any fireworks in violation of this article.