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JUN 25 2015

ORDINANCE NO. 4639

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SUBSECTION 28-22.2 OF CHAPTER 28 OF THE CODE OF THE CITY OF CHANDLER TO MAKE MINOR REVISIONS THERETO TO COMPLY WITH RECENTLY ENACTED ARIZONA LAW.

WHEREAS, recently enacted Arizona law restricted the type of signage a governing body may require in connection with the sale of consumer fireworks in Maricopa County, and

WHEREAS, it is necessary to amend Subsection 28-22.2 of the Code of the City of Chandler to comply with the recent enactment of Arizona law (H.B. 2008) relating to the type of signage a governing body may require in connection with the sale of consumer fireworks in Maricopa County to protect, enhance, and promote the health, safety, and welfare of the City of Chandler and its residents,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That Subsection 28-22.2 of Section 28-22 of the Code of the City of Chandler is hereby deleted in its entirety.

Section 2. That Subsection 28-22.2 is hereby added to Section 28-22 of the Code of the City of Chandler to read as follows:

28-22.2 FIREWORKS

SECTION 5601.1.3 OF THE CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

5601.1.3 FIREWORKS.

THE POSSESSION, MANUFACTURE, STORAGE, SALE, HANDLING AND USE OF FIREWORKS ARE PROHIBITED EXCEPT AS OTHERWISE PROVIDED BY LAW AND CITY ORDINANCE AND THE EXCEPTIONS LISTED BELOW.

EXCEPTIONS:

1. STORAGE AND HANDLING OF FIREWORKS AS ALLOWED IN SECTION 5604.

2. MANUFACTURE, ASSEMBLY AND TESTING OF FIREWORKS AS ALLOWED IN SECTION 5605.

3. THE USE OF FIREWORKS FOR FIREWORKS DISPLAYS AS ALLOWED IN SECTION 5608.

4. THE POSSESSION, STORAGE, SALE, HANDLING AND USE OF SPECIFIC TYPES OF DIVISION 1.4G FIREWORKS WHERE ALLOWED BY APPLICABLE LAWS, ORDINANCES AND REGULATIONS, PROVIDED SUCH FIREWORKS COMPLY WITH CPSC 16 CFR PARTS 1500 AND 1507, AND DOT 49 CFR PARTS 100–185, FOR CONSUMER FIREWORKS.

5. THE LIMITED USE OF PERMISSIBLE CONSUMER FIREWORKS IS PERMITTED DURING THE PERIODS OF JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 OF EACH YEAR SUBJECT TO THE FOLLOWING REQUIREMENTS AND PROHIBITIONS:

   (A) PERMISSIBLE CONSUMER FIREWORKS MAY BE USED ONLY FROM JUNE 24 THROUGH JULY 6 AND DECEMBER 24 THROUGH JANUARY 3 ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER OR THE PROPERTY OWNER'S DULY APPOINTED AGENT.

   (B) EXCEPT AS AUTHORIZED BY A PERMIT OF THE FIRE CHIEF OR DESIGNEE, THE USE OF PERMISSIBLE CONSUMER FIREWORKS IS PROHIBITED ON ALL PUBLICLY OWNED OR MANAGED LAND, BUILDINGS, AND FACILITIES, INCLUDING, BUT NOT LIMITED TO, CITY OFFICES AND FACILITIES, PUBLIC PARKS, PUBLIC PARKING LOTS, PUBLIC SCHOOL BUILDINGS AND FACILITIES, PUBLIC RETENTION BASINS, ROADS, STREETS AND SIDEWALKS.

   (C) THE USE OF PERMISSIBLE CONSUMER FIREWORKS MUST BE CONSISTENT WITH THE REQUIREMENTS OF STATE LAW.

   (D) FOR PURPOSES OF THIS SECTION, "PERMISSIBLE CONSUMER FIREWORKS" HAS THE SAME MEANING AS IN SECTION 36-1601 OF ARIZONA REVISED STATUTES (A.R.S. § 36-1601).

   (E) THE CRIMINAL PENALTIES SET FORTH IN SECTION 28-26 AND ABATEMENT PROVISIONS SET FORTH IN SECTION 28-27 OF THIS CHAPTER SHALL APPLY TO VIOLATIONS OF THE PROVISIONS OF THIS SECTION.

6. THE SALE OF PERMISSIBLE CONSUMER FIREWORKS IS PERMITTED DURING THE PERIODS OF MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3 OF EACH YEAR SUBJECT TO THE FOLLOWING REQUIREMENTS AND PROHIBITIONS:

(A) NO PERSON SHALL SELL OR PERMIT OR AUTHORIZE THE SALE OF PERMISSIBLE CONSUMER FIREWORKS TO THE PUBLIC EXCEPT FROM MAY 20 THROUGH JULY 6 AND DECEMBER 10 THROUGH JANUARY 3.

(B) NO PERSON SHALL SELL OR PERMIT OR AUTHORIZE THE SALE OF PERMISSIBLE CONSUMER FIREWORKS IN A MANNER WHICH CONFLICTS WITH STATE LAW.

(C) PRIOR TO THE SALE OF PERMISSIBLE CONSUMER FIREWORKS, EVERY PERSON ENGAGED IN SUCH SALES SHALL PROMINENTLY DISPLAY SIGNS THAT CONFORM IN ALL RESPECTS TO SECTION 36-1606 (B) OF ARIZONA REVISED STATUTES (A.R.S.§36-1606 (B), AS AMENDED FROM TIME TO TIME

(D) FOR PURPOSES OF THIS SECTION, "PERMISSIBLE CONSUMER FIREWORKS" HAS THE SAME MEANING AS IN SECTION 36-1601 OF ARIZONA REVISED STATUTES (A.R.S. § 36-1601).

(E) THE CRIMINAL PENALTIES SET FORTH IN SECTION 28-26 AND ABATEMENT ACTIONS SET FORTH IN SECTION 28-27 OF THIS CHAPTER SHALL APPLY TO VIOLATIONS OF THE PROVISIONS OF THIS SECTION.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ___ day of _____, 2015.

ATTEST:

_____ _____

CITY CLERK MAYOR

Approved as to form:

_____

CITY ATTORNEY (KSM)

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4639 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2015, and that the vote was ____ ayes, ____ nays.

_____
CITY CLERK

Published: