

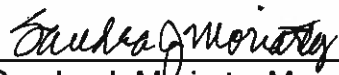
RESOLUTION NO. 2022-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD CHANGES TO SEDONA CITY CODE CHAPTER 8.50 (PROHIBITION ON USE OF FIREWORKS IN CITY LIMITS).

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the changes to Sedona City Code Chapter 8.50 (Prohibition on Use of Fireworks in City Limits) as set forth in Exhibit A "*2022 Amendments To Sedona City Code Chapter 8.50 (Prohibition on Use of Fireworks in City Limits)*" and attached hereto, constitutes a public record to be adopted by reference in Ordinance No. 2022-10 pursuant to A.R.S. § 9-802.

One paper copy and one electronic copy of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 8th day of November, 2022.



Sandra J. Moriarty, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

EXHIBIT A

"2022 Proposed Amendments to Sedona City Code Chapter 8.50 (Prohibition on Use of Fireworks in City Limits)"

Chapter 8.50

PROHIBITION ON USE OF FIREWORKS IN CITY LIMITS

Sections:

- 8.50.010** **Definitions.**
- 8.50.020** **Prohibition on the use of fireworks in city limits; Exceptions.**
- 8.50.030** **Sale of fireworks.**
- 8.50.040** **Enforcement and liability.**

8.50.010 **Definitions.**

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

"Display fireworks" are those fireworks defined by A.R.S. Section 36-1601.

"Expenses of an emergency response" means the reasonable costs directly incurred by public agencies including but not limited to the Sedona Fire District, police and public works departments or other first responders including but not limited to private ambulance companies that make an appropriate emergency response to an incident.

"Fireworks" are those devices defined by A.R.S. Section [36-1601.4](#).

"Novelty items" are federally deregulated items known as snappers, snap caps, party poppers, glow worms snakes, toy smoke devices, sparklers, and similar items that are not classified as fireworks by A.R.S. Section [36-1601.4](#).

“Permissible consumer fireworks” are those items defined by A.R.S. Section 36-1601.7 that include ground and handheld sparkling devices; cylindrical fountains; cone fountains; illuminating torches; wheels; ground spinners; flitter sparklers; toy smoke devices; and wire sparklers or dipped sticks. Permissible consumer fireworks does not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, including firework items defined by American pyrotechnics standard 87-1 and known as firecrackers, bottle rockets, skyrockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

“Person” includes an individual, partnership, firm or corporation.

“Reasonable costs” are the costs of providing police, firefighting, clean-up, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

“Supervised public display” means a monitored performance of display fireworks open to the public and authorized by permit by the Sedona Fire District or designee.

8.50.020 Prohibition on the use of fireworks in city limits; Exceptions.

A. The use of fireworks including permissible consumer fireworks within the municipal limits of the City of Sedona is prohibited except permissible consumer fireworks may be used on private property with the consent of the owner from June 24 through July 6 and December 24 through January 3 of each year subject to the additional limitations set forth in this section.

B. The use of permissible consumer fireworks is prohibited between the hours of 11:00 p.m. and 8:00 a.m., except permissible consumer fireworks may be used between the hours of 11:00 p.m. on December 31 through 1:00 a.m. on January 1 and between the hours of 11:00 p.m. on July 4 through 1:00 a.m. on July 5.

C. The use of fireworks including permissible consumer fireworks within the municipal limits of the City of Sedona is prohibited by anyone under sixteen (16) years of age.

D. The use of fireworks including permissible consumer fireworks on public or City property, including sidewalks, streets, trails and parks, is prohibited at all times.

E. The use of fireworks including permissible consumer fireworks within the municipal limits of the City of Sedona is prohibited on days a stage one or higher fire restriction has been implemented by a federal or state agency.

F. The use of fireworks including permissible consumer fireworks is prohibited within a one-mile radius of the border of the Coconino National Forest or the Red Rock-Secret Mountain Wilderness Area.

G. Nothing in this section shall be construed to prohibit the use of novelty items .

8.50.030 Sale of fireworks.

A. No person shall sell or permit or authorize the sale of fireworks including permissible consumer fireworks to a person who is under 16 years of age, or in violation of state law.

B. No person shall sell or permit or authorize the sale of fireworks including permissible consumer fireworks in conflict with state law.

C. No person shall sell, possess, authorize or manufacture consumer or display fireworks unless authorized by state law or a Sedona Fire District permit.

D. The sale of fireworks within the municipal limits of the City of Sedona is prohibited except permissible consumer fireworks may be sold on days from May 20 through July 6 and from December 10 through January 3 of each year subject to the limitations set forth in this Section.

E. The sale of permissible consumer fireworks within the municipal limits of the City of Sedona is prohibited on days a stage one or higher fire restriction has been implemented by a federal or state agency.F. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display at each cash register and at areas where fireworks are displayed for sale, signs meeting the requirements of and including the language prescribed by A.R.S. Section 36-1606.

8.50.040 Enforcement and liability.

A. Any person violating any provision of this chapter shall be guilty of a class 1 misdemeanor, and may be fined an amount up to \$2,500, or imprisoned for a period up to six months, or both, pursuant to A.R.S. Sections [13-603](#), [13-707](#), and [13-802](#), and any violation of this chapter shall also constitute a civil offense as set forth in Sedona City Code Section 1.15.010.D.

B. The city code enforcement officer, city police officer, or city attorney may issue civil or criminal complaints to enforce this chapter.

C. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this chapter is prima facie evidence of liability under this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses.
