

ARIZONA

36-1601. Definitions

In this article, unless the context otherwise requires:

1. "Consumer firework" means small firework devices that contain restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and that comply with the construction, chemical composition and labeling regulations prescribed in 49 Code of Federal Regulations part 172 and 173, regulations of the United States consumer product safety commission as prescribed in 16 Code of Federal Regulations parts 1500 and 1507 and the American pyrotechnics association standard 87-1, standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics, December 1, 2001 version.

2. "Display firework" means large firework devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation as prescribed by 49 Code of Federal Regulations part 172, regulations of the United States consumer product safety commission as prescribed in 16 Code of Federal Regulations parts 1500 and 1507 and the American pyrotechnics association standard 87-1, standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics, December 1, 2001 version.

3. "Fireworks":

(a) Means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework or display firework.

(b) Does not include:

(i) Toy pistols, toy canes, toy guns or other devices in which paper caps containing not more than twenty-five hundredths grains of explosive compound are used if constructed so that the hand cannot come in contact with the cap when in place for the explosion.

(ii) Toy pistol paper caps that contain less than twenty-hundredths grains of explosive mixture, or fixed ammunition or primers therefor.

(iii) Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.

4. "Governing body" means the board of supervisors of a county as to the area within the county but without the corporate limits of an incorporated city or town and means the governing body of an incorporated city or town as to the area within its corporate limits.

5. "Permissible consumer fireworks":

(a) Means the following types of consumer fireworks as defined by the American pyrotechnics association standard 87-1, standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics, December 1, 2001 version:

(i) Ground and handheld sparkling devices.

(ii) Cylindrical fountains.

(iii) Cone fountains.

(iv) Illuminating torches.

(v) Wheels.

(vi) Ground spinners.

(vii) Flitter sparklers.

(viii) Toy smoke devices.

(ix) Wire sparklers or dipped sticks.

(x) Multiple tube fireworks devices and pyrotechnic articles.

(b) 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, for example, firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, roman candles and jumping jacks.

6. "Person" includes an individual, partnership, firm or corporation.

36-1602. Fireworks prohibited

A. Except as otherwise provided by this article, it is unlawful to sell, offer or expose for sale, use, explode or possess any fireworks.

B. This section shall not be construed to prohibit or restrict the manufacture or possession, by a qualified pyrotechnic expert, of aerial set pieces designed for use in pyrotechnical displays, or the display of such set pieces in

accordance with the terms of this article. The governing body as defined by section 36-1601 shall determine if the expert is qualified.

36-1605. Permitted uses

This article does not prohibit:

1. The sale at wholesale by a resident wholesaler, dealer or jobber of fireworks that are not prohibited by this article.
2. The sale of fireworks that are to be and are shipped directly out of the state.
3. The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.
4. The sale or use of explosives for blasting or other legitimate industrial purposes.
5. The use of fireworks or explosives, or both, by farmers, ranchers and their employees, and by state and federal employees who manage wildlife resources, to rally, drive or otherwise disperse concentrations of wildlife for the purpose of protecting property or wildlife.
6. The sale of permissible consumer fireworks by a retail establishment if the retail establishment complies with the rules adopted pursuant to section 36-1609.
7. The use of permissible consumer fireworks by the general public, unless the use is prohibited by a governing body of an incorporated city or town.

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

The sale and use of permissible consumer fireworks are of statewide concern. The regulation of permissible consumer fireworks pursuant to this article and their use is not subject to further regulation by a governing body, except that an incorporated city or town may regulate the use of permissible consumer fireworks within its corporate limits and a county may regulate the use of permissible consumer fireworks within the unincorporated areas of the county during times when there is a reasonable risk of wildfires in the immediate county. This article does not prohibit the imposition by ordinance of further regulations and prohibitions on the sale, use and possession of fireworks other than permissible consumer fireworks by a governing body. A governing body shall not permit or authorize the sale, use or possession of any fireworks in violation of this article.

36-1607. Seizure

The Arizona highway patrol or any sheriff or other peace officer shall seize, remove or cause to be removed, at the expense of the owner, all fireworks or combustibles offered or exposed for sale, stored or possessed in violation of this article.

36-1608. Violation; classification

A person violating a provision of this article is guilty of a class 3 misdemeanor.

36-1609. State fire marshal; adoption of code; sale of permissible consumer fireworks

A. The state fire marshal shall adopt rules pursuant to title 41, chapter 6 to carry out this article, including a rule that adopts the national fire protection association code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles, 2006 edition. A person who sells permissible consumer fireworks to the public shall comply with those rules relating to the storage of consumer fireworks and relating to the retail sales of consumer fireworks before selling permissible consumer fireworks to the public.

B. A person shall not sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.

36-1610. Prohibited use of fireworks on state land; civil penalty

A. The state fire marshal may impose a civil penalty of one thousand dollars for each incident of prohibited use of fireworks on state land in violation of this article.

B. The state fire marshal shall deposit, pursuant to sections 35-146 and 35-147, civil penalties collected pursuant to this section in the fire suppression revolving fund established by section 37-623.02.