

**MARICOPA COUNTY ORDINANCE
AIR POLLUTION CONTROL REGULATIONS**

**P-35
FIREWORKS RESTRICTION**

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Adopted 02/23/2022

**MARICOPA COUNTY ORDINANCE
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**P-35
FIREWORKS RESTRICTION**

SECTION 1 – GENERAL

- A. PURPOSE:** This ordinance regulates fireworks within the unincorporated areas of Maricopa County.
- B. APPLICABILITY:** This ordinance applies to fireworks within the unincorporated areas of Maricopa County.
- C. EXEMPTIONS:** This ordinance does not apply to:
1. The manufacture or possession, by a qualified pyrotechnic expert as determined by the governing body, of aerial set pieces designed for use in pyrotechnical displays or the displays of such set pieces in accordance with the terms of the Arizona Revised Statutes (A.R.S.) § 36-1602(B).
 2. The sale at wholesale by a resident wholesaler, dealer, or jobber of fireworks that are allowed by this ordinance.
 3. The sale of fireworks to bona fide wholesalers, dealers, or jobbers that are to be and are shipped directly out of the state, if the seller of fireworks, under this ordinance, maintains for a period of five years and makes available on request to the Office of the State Fire Marshal or the local Fire Marshal, as applicable the information required by A.R.S. § 36-1605(A)(2).
 4. The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.
 5. The sale or use of explosives for blasting or other legitimate industrial purposes
 6. The use of fireworks or explosives, or both, by farmer, ranchers, and their employees, who are regulated under A.R.S. Title 3 (Agriculture) 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, if the seller of fireworks for use under this section of this ordinance maintains for a period of five years and makes available on request to the Office of the State Fire Marshal or the local Fire Marshal, as applicable, all of the information required by A.R.S. § 36-1605(A)(5).
 7. The sale of permissible consumer fireworks by a retail establishment, if the retail establishment complies with the rules adopted according to A.R.S. § 36-1609.
 8. The use of permissible consumer fireworks by the general public in an incorporated city or town.
 9. The use, discharge, or ignition of novelty items.

SECTION 2 – DEFINITIONS: For the purpose of this ordinance and in accordance with A.R.S. § 36-1601, the following definitions shall apply. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Regulations, the definitions in this ordinance take precedence.

- A. APA 87-1:** The American pyrotechnics association standards 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, December 1, 2001 version.
- B. CONSUMER FIREWORK:** 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 parts 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 APA 87-1.
- C. DISPLAY FIREWORK:** 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 APA 87-1.
- D. FIREWORKS:**
 - 1. 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.
 - 2. Does not include:
 - a. 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.
 - b. Toy pistol paper caps that contain less than twenty-hundredths grains of explosive mixture, or fixed ammunition or primers therefor.
 - c. Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, and sparklers.
 - d. Permissible consumer fireworks.
- E. GOVERNING BODY:** 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.
- F. NFPA 1124:** The national fire protection association code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2013 edition as published in August 2012.

G. NOVELTY ITEMS: Federally deregulated items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in A.R.S. § 36-1601.

H. PERMISSIBLE CONSUMER FIREWORKS:

1. Includes the following types of consumer fireworks as defined by the APA 87-1:
 - a. Ground and handheld sparkling devices
 - b. Cylindrical fountains
 - c. Cone fountains
 - d. Illuminating torches
 - e. Wheels
 - f. Ground spinners
 - g. Flitter sparklers
 - h. Toy smoke devices
 - i. Wire sparklers or dipped sticks
 - j. Multiple tube ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches manufactured in accordance with Section 3.5 of the APA 87-1
2. Includes adult snappers, which means a device that consists of a paper-wrapped or plastic tube that does not contain a fuse and produces a single report and meets all applicable requirements for fuseless firecrackers as defined by the consumer product safety commission and the American fireworks safety laboratory.
3. 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 the APA 87-1 and known as firecrackers, bottle rockets, sky rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

SECTION 3 – FIREWORKS RESTRICTIONS:

A. PROHIBITION-FIREWORKS: Except as otherwise provided by this ordinance, within the unincorporated areas of Maricopa County, a person shall not sell, offer or expose for sale, use, explode or possess any fireworks.

B. SALE: Within the unincorporated areas of Maricopa County and consistent with the standards set forth in NFPA 1124:

1. A person shall not sell permissible consumer fireworks except on days permitted by A.R.S. § 36-1606.
2. 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.

- C. USE:** Within the unincorporated areas of Maricopa County and consistent with the standards set forth in NFPA 1124:
1. A person shall not use permissible consumer fireworks except on days permitted by A.R.S. § 36-1606.
 2. A person shall not use permissible consumer fireworks on any days when 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.
 3. A person shall not use permissible consumer fireworks on any days during a stage one or higher fire restriction and 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.
- D. SIGNAGE:** For the purposes of this ordinance, the signage requirements set forth in A.R.S. § 36-1606 shall apply.

SECTION 4 – VIOLATIONS AND PENALTIES: For purpose of this ordinance and in accordance with A.R.S. § 36-1608, a person violating a provision of this ordinance is subject to a civil penalty of \$1,000.