



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 17, 2021

DEPARTMENT:

City Council

DIVISION**STRATEGIC OUTCOMES**

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☒ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Resolution Opposing Senate Bill 1334 - Fireworks

SUMMARY RECOMMENDATION:

City Council requested staff to bring forward a resolution opposing state law preemption of local control of fireworks. (City Administrator Philip Rodriguez/Fire Chief Steve Irr/Deputy City Attorney Rodney Short)

STRATEGIC OUTCOME:

The holidays in December triggered numerous complaints concerning fireworks from the public. City Council has requested a resolution opposing state law preemption of local control of fireworks. Since that request, the state legislature has introduced Senate Bill 1334 which would expand the category of permissible consumer fireworks to allow certain aerial fireworks previously prohibited under state law. The proposed resolution opposes Senate Bill 1334 and asks for local decision making on the issue of fireworks. This supports City Council's strategic outcomes of a safe and prosperous community that is connected and engaged with both Yuma's citizens and the state legislature.

REPORT:

The State of Arizona has enacted laws that define the time and type of fireworks Arizonans may use as of right. The existing laws, A.R.S. § 36-1601 et seq., largely preempt local governments from regulating fireworks in a manner consistent with the needs and desires of many Yuma citizens. The state legislature now proposes to further expand the definition of "permissible consumer fireworks" to allow individuals to use "multiple tube aerial devices," while maintaining the local government not have the ability to regulate such use.

The citizens of Yuma have expressed opposition to the use of fireworks to City Administration, the Police and Fire Departments, and to City Council. Citizens complain of their peace being disturbed, frightened animals, run away pets, persons with PTSD or other mental health disorders suffering mental anguish, physical injury, and property damage. According to the Consumer Product Safety Commission's June 2020 Fireworks Annual Report, fireworks pose a significant danger to persons, and property, causing an estimated 10,000 hospital treated injuries (7,300 between June 21, 2019 and July 21, 2019 alone). In a letter opposing Senate Bill 1334 from Barbara Rice, president of the Arizona Fire Marshalls Association, an estimated 19,500 fires, 1,755 structure fires, and \$105 million dollars in property damage occurred nationally in 2019.

Allowing multiple tube aerial devices into the classification of permissible consumer fireworks, as proposed by the legislature, increases the danger to the citizens of Yuma and their property. Such devices shoot multiple airborne explosives into the air, allowing the explosives to go greater distances, which poses dangers to a greater area and number of people. Such devices are difficult to control, and most individuals are not trained to use them safely.

This Resolution asks Yuma's legislators to oppose Senate Bill 1334, repeal the limitations on local regulation, and asks concerned citizens to contact their state legislators in order to have their voice heard.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Philip A. Rodriguez			2/12/2021
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files			2/12/2021
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
SIGNATURES	WRITTEN/SUBMITTED BY:			DATE: