

RESOLUTION NO. R2021-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, OPPOSING ARIZONA SENATE BILL 1334 WHICH WOULD EXPAND THE DEFINITION OF PERMISSIBLE CONSUMER FIREWORKS TO INCLUDE “MULTIPLE TUBE AERIAL DEVICES” AND CALLING ON ALL YUMA CITIZENS WHO OPPOSE THE EXPANSION OF THE STATEWIDE DEFINITION OF PERMISSIBLE CONSUMER FIREWORKS TO CONTACT THEIR STATE REPRESENTATIVES URGING THE DEFEAT OF SENATE BILL 1334

WHEREAS, the Arizona legislature has largely pre-empted local control and regulation of fireworks other than allowing local governments to prohibit the sale and use of *permissible consumer fireworks* except during certain state mandated periods leading up to and following the Christmas and New Year holidays, the Fourth of July holidays, and in Arizona counties with a population in excess of 500,000 persons, the Cinco De Mayo holidays; and,

WHEREAS, under state law, unless a stage one or higher fire restriction is in place, a person can use *permissible consumer fireworks* from June 24 through July 6 and December 24 through January 3 of each year, and in Arizona counties with a population in excess of 500,000 persons, May 4 through May 6 of each year; and,

WHEREAS, under state law, a local government may not prohibit the sale of *permissible consumer fireworks* during the periods from May 20 through July 6, December 10 through January 3, and in Arizona counties with a population in excess of 500,000 persons, for the period of April 25 through May 6 of each year; and,

WHEREAS, the Arizona legislature has introduced Senate Bill 1334 which seeks to expand the statewide definition of *permissible consumer fireworks* to include “Multiple Tube Aerial Devices” for use by consumers; and,

WHEREAS, the Arizona Fire Marshals Association, the City of Yuma Fire Chief, and the City of Yuma Fire Marshal oppose an expansion of *permissible consumer fireworks* as the new law would permit aerial fireworks at any time within the designated periods and the local government would have zero ability to prohibit such use as the Arizona legislature has largely pre-empted local control and regulation of *permissible consumer fireworks*.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City Council of the City of Yuma does hereby oppose Senate Bill 1334 which would expand the definition of *permissible consumer fireworks* and calls upon each of Yuma’s legislators to vote against Senate Bill 1334.

SECTION 2: The City Council of the City of Yuma urges the state legislature to repeal the limitations on local regulation including the definition of *permissible consumer fireworks*, allow local governments to prohibit fireworks in their entirety if it is in the best interest of their citizens, and find this is a matter of local concern.

SECTION 3: The City of Yuma City Clerk is directed to send a copy of this Resolution to the sponsor of the bill, Senator David Gowan (District 14), to Senator Karen Fann (District 1) President of the Arizona Senate, and to Yuma's legislators, Senator Sine Kerr (District 13), Senator Lisa Otondo (District 4), Representative Tim Dunn (District 13), Representative Charlene Fernandez (District 4), Representative JoAnn Osborne (District 13), and Representative Joel John (District 4).

SECTION 4: In recognition of Yuma's strong citizen opposition to *permissible consumer fireworks* which frighten animals, disturb the peace of others, result in injuries and property damage, the City Council asks all concerned citizens to contact their local senators and representatives in writing on this issue and to have your voice heard.

SECTION 5: The City Council of the City of Yuma favors the passage of House Bill 2623 prohibiting the use of permissible consumer fireworks between the hours of 10:00 P.M. and 8:00 A.M. on all days, and also favors the passage of House Bill 2854 which restricts the sale and use of permissible consumer fireworks to the Fourth of July period. City Council urges all concerned citizens to contact their state senators and representatives in writing with their concern.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney