

36-1601. Definitions

In this article, unless the context otherwise requires:

1. "APA 87-1" means 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. "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 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.
3. "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 APA 87-1.
4. "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.
 - (iv) Permissible consumer fireworks.
5. "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.
6. "NFPA 1124" means 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.
7. "Permissible consumer fireworks":

(a) Means the following types of consumer fireworks as defined by the APA 87-1:

(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 ground and handheld sparkling devices, cylindrical fountains, cone fountains and illuminating torches manufactured in accordance with section 3.5 of the APA 87-1.

(b) Includes, in a county with a population of more than five hundred thousand persons, adult snappers. For the purposes of this subdivision, "adult snapper" 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.

(c) 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.

8. "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.

36-1603. Permit for public display

A. Each governing body may adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks within its jurisdiction, by municipalities, fair associations, amusement parks and other organizations and groups.

B. Application for a permit shall be made in writing not less than five days prior to the date of the display. Every display shall be handled by a competent operator, and shall be of a character and located, discharged and fired so that it will not be hazardous to property or endanger any person. Before a permit is granted, the operator, location and handling of the display shall be approved, after investigation, by the fire chief of the city or town or the sheriff of the county as is appropriate. After a permit is granted, the sale, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit is transferable or assignable.

C. If a community, organization or group authorized under this article to obtain a permit for a public display of fireworks desires a permit for a locality more than fifty miles from the county seat and not within the limits of an incorporated city or town, application may be made to the justice of the peace of the precinct in which that locality is situated. The justice may issue the permit, subject to the conditions prescribed by this article, in the same manner as the board of supervisors. The constable shall make the prescribed investigation. The justice of the peace shall promptly report to the board of supervisors any permit issued by him pursuant to this subsection, and shall transmit the bond of the permittee to the board.

6-1604. Bond of permittee

The governing body shall require each permittee to give a satisfactory bond in a principal amount not less than five hundred dollars, conditioned upon payment of all damages which may be caused to persons or property by reason of the display.

36-1605. Permitted uses; violations; civil penalties

A. 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 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 paragraph 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 following information:

(a) The name and address of each bona fide wholesaler, dealer or jobber for which a shipment is to be and is made directly out of the state, including each wholesaler's, dealer's and jobber's applicable state fireworks permit.

(b) An invoice for each sale for which a shipment is to be and is made directly out of the state that contains a detailed listing of the products sold for the shipment that is to be and is made directly out of the state.

(c) A bill of lading for each shipment that is to be and is shipped directly out of the state that contains both of the following:

(i) The name and address of the out-of-state shipment destination.

(ii) The name of the private carrier making the out-of-state delivery.

(d) A statement from each bona fide wholesaler, dealer or jobber purchasing fireworks that are to be and are shipped directly out of the state that contains both of the following:

(i) The purpose for which the fireworks that are to be and are shipped directly out of the state are to be used, including the location where the fireworks will be used.

(ii) That the fireworks that are not permissible fireworks in this state are for sale or use only outside of this 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 who are regulated under title 3, 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 paragraph 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 following information:

(a) The name and address of each person or business purchasing fireworks for use pursuant to this paragraph.

(b) A copy of one of the following types or categories of current licenses issued by the Arizona department of agriculture for each person or business purchasing fireworks for use pursuant to this paragraph:

(i) Dairy and milk license.

(ii) Egg and egg products license.

(iii) Feedlot license.

(iv) Citrus, fruit and vegetable license.

(v) Brand license.

(vi) Pesticide use license.

(c) A statement from each person or business purchasing fireworks for use pursuant to this paragraph that contains the purpose for which the fireworks are to be used, including the location where the fireworks will be used.

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.

B. A person who fails to maintain or to make available on request information as required by subsection A, paragraph 2 of this section is subject to a civil penalty of five hundred dollars per violation. A person who attempts to purchase fireworks that are to be and are shipped directly out of the state pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state is subject to a civil penalty of one hundred fifty dollars per violation. A seller of fireworks who attempts either to sell fireworks pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state or to aid a purchaser in purchasing fireworks pursuant to subsection A, paragraph 2 of this section, other than permissible fireworks, for use in this state is subject to a civil penalty of one thousand dollars per violation, and the office of the state fire marshal or the local fire marshal, as applicable, may prohibit the seller from selling permissible fireworks in this state or the applicable jurisdiction.

C. A person who fails to maintain or to make available on request records as required by subsection A, paragraph 5 of this section is subject to a civil penalty of five hundred dollars per violation. A person who attempts to use fireworks purchased pursuant to subsection A, paragraph 5 of this section for a use other than the use authorized pursuant to subsection A, paragraph 5 of this section is subject to a civil penalty of one hundred fifty dollars per violation. A seller of fireworks under subsection A, paragraph 5 of this section who attempts either to sell fireworks to a purchaser for use in this state other than the use authorized by subsection A, paragraph 5 of this section or to aid a purchaser in purchasing fireworks for use in this state other than as authorized by subsection A, paragraph 5 of this section is subject to a civil penalty of one thousand dollars per violation, and the office of the state fire marshal or the local fire marshal, as applicable, may prohibit the seller from selling permissible fireworks in this state or the applicable jurisdiction.

[36-1606. Consumer fireworks regulation; state preemption; further regulation of fireworks by local jurisdiction](#)

(L19, Ch. 260, sec. 2. Eff. until 1/1/21)

A. The sale and use of permissible consumer fireworks are of statewide concern. The regulation of permissible consumer fireworks pursuant to this article and their sale or use is not subject to further regulation by a governing body, except as follows:

1. In a county with a population of more than five hundred thousand persons, a city or town within its corporate limits or the county within the unincorporated areas of the county may do all of the following:

(a) Regulate, consistent with the standards set forth in NFPA 1124, the sale of permissible consumer fireworks within its corporate limits.

(b) Prohibit the sale of permissible consumer fireworks on days other than April 25 through May 6, May 20 through July 6 and December 10 through January 3 of each year and five days before the first day of Diwali through the third day of Diwali of each year.

(c) Prohibit the use of permissible consumer fireworks on days other than May 4 through May 6, June 24 through July 6 and December 24 through January 3 of each year and the second and third days of Diwali of each year.

(d) Prohibit on all days the use of permissible consumer fireworks 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.

(e) Prohibit on all days during a stage one or higher fire restriction the use of permissible consumer fireworks 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.

2. In a county with a population of less than five hundred thousand persons, a city or town within its corporate limits or the county within the unincorporated areas of the county may do all of the following:

(a) Regulate, consistent with the standards set forth in NFPA 1124, the sale of permissible consumer fireworks.

(b) Prohibit the sale of permissible consumer fireworks on days other than May 20 through July 6 and December 10 through January 3 of each year. The sale of permissible consumer fireworks may be prohibited on days between May 20 through July 6 and December 10 through January 3 of each year if a federal or state agency implements a stage one or higher fire restriction. Any prohibition during those dates is limited to only the dates when the stage one or higher fire restriction is in place.

(c) Prohibit the use of permissible consumer fireworks on days other than June 24 through July 6 and December 24 through January 3 of each year. The use of permissible consumer fireworks may be prohibited during June 24 through July 6 and December 24 through January 3 of each year if a federal or state agency implements a stage one or higher fire restriction. Any prohibition during those dates is limited to only the dates when the stage one or higher fire restriction is in place.

(d) Prohibit on all days the use of permissible consumer fireworks 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.

(e) Prohibit on all days the use of permissible consumer fireworks 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.

B. A governing body that chooses to regulate, consistent with the requirements set forth in NFPA 1124 and subsection A of this section, the sale or use of permissible consumer fireworks may not require any additional signage requirements for the sale or use of permissible consumer fireworks other than those signage requirements stipulated in NFPA 1124, except that additional signage that is eight and one-half inches by eleven inches in size, that is on cardstock paper in landscape orientation, that contains the following language and that lists the days of that year that are described in subsection A, paragraphs 1 and 2 of this section relating to the time frame surrounding

Diwali, on a contrasting background may be posted by the retail sales display of permissible consumer fireworks:

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes section 36-1601, et al.

The use of permissible consumer fireworks

as defined under state law is allowed:

May 4 — May 6, June 24 — July 6 and December 24 — January 3

The sale of permissible consumer fireworks

as defined under state law is allowed:

April 25 — May 6, May 20 — July 6 and December 10 — January 3

All other fireworks are prohibited, except

as authorized by local fire department permit.

The sale and use of novelties known as snappers (pop-its),

party poppers, glow worms, snakes, toy smoke devices and

sparklers are permitted at all times.

Permissible consumer fireworks may not be sold to

persons under sixteen years of age.

Check with your local fire department for additional

regulations and dates before using.

C. This article does not prohibit the imposition by ordinance of further regulations and prohibitions by a governing body on the sale, use and possession of fireworks other than permissible consumer fireworks. A governing body may not allow or authorize the sale, use or possession of any fireworks in violation of this article.

36-1607. [Seizure; enforcement](#)

A. 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.

B. In addition to the persons specified in subsection A of this section, a fire marshal working for or contracted with a city, town, fire district or county may seize, remove or cause to be removed all fireworks for sale or offered for sale in the fire marshal's jurisdiction. The city, town, fire district or county may impose a fine on the owner of the fireworks that at a minimum covers the cost of the enforcement of this subsection.

C. A person that has fireworks confiscated more than two times in a five-year period is prohibited from selling permissible consumer fireworks in this state for the three succeeding years following the most recent violation.

36-1608. Violation; civil penalty; classification

A. A person violating a provision of this article is subject to a civil penalty of one thousand dollars.

B. A person who uses fireworks or permissible consumer fireworks on preservation lands owned by a city or town that has purchased more than fifteen thousand acres of land for preservation purposes is guilty of a class 1 misdemeanor and shall pay a fine of at least one thousand dollars.

36-1609. Office of the state fire marshal; adoption of code; sale of permissible consumer fireworks

A. The office of 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, 2013 edition as published in August, 2012. 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 office of 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 assistant director of the office of 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 37-1305.