City of Phoenix

To: Fireworks Industry Representatives **Date:** May 11, 2012

From: Derek D. Horn, P.E., C.B.O.
Planning and Development Assistant Director

Subject: SALE OF PERMISSIBLE CONSUMER FIREWORKS FOR THE 2012 FOURTH OF JULY INDEPENDENCE DAY HOLIDAY.

This memo sets forth the guidelines for permissible consumer fireworks within the City of Phoenix for the 2012 Fourth of July Independence Day holiday season in compliance with city procedures, ordinances, and NFPA requirements. It lists permitted zoning districts and temporary sales procedures. Ordinance G- 5568 still prohibits the use of permissible consumer fireworks within city limits.

Limitations on Sales of Permissible Consumer Fireworks

a. Permanent Sales Locations

1. Sales in the PSC, PSCOD, RSC, C-1, and C-2 zoning districts are permitted only as an accessory use to an existing retailer and must occur indoors.

2. Sales in the C-3, A-1 and A-2 zoning districts are permitted as an accessory use or as a stand-alone business and must occur indoors.

3. Both storage and sales in the C-3, CP/BP, CP/GCP, A-1 and A-2 zoning districts are permitted and must occur indoors.

4. The sales, storage, wholesale and warehouse of permissible consumer fireworks shall not be conducted in the TOD-1 or TOD-2 zoning districts.

5. All indoor sales must be within buildings which have a fully automatic sprinkler system in compliance with NFPA 13.

6. All sales and storage of permissible consumer fireworks must be in compliance with NFPA 1124, 2006 edition.

7. Signs that advise purchasers of permissible consumer fireworks that using fireworks within City of Phoenix limits is prohibited and that sales to persons under the age of 16 is prohibited shall be posted at areas of display and sales.

b. Temporary Outdoor Sales Locations

1. Temporary outdoor sales of permissible consumer fireworks:

    a. Shall only be for the period starting at 8:00 a.m. June 15, 2012 ending at 10:00 p.m. on July 5, 2012. Tents may be erected starting on June 8, 2012 and must be removed by July 12, 2012.

    b. Only permitted in the PSC, PSCOD, RSC, C-1, C-2, C-3, CP/GCP, CP/BP, A-1 and A-2 zoning districts.

    c. Requires zoning approval with a temporary use permit and must comply with the temporary use restrictions.

        i. Shall comply with all applicable codes and ordinances (i.e. Fire Code, Building Code)
        ii. Shall not take up any required parking for the lot or use more than 10% of the parking spaces provided on the lot, whichever is greater.
        iii. Shall not be conducted between the hours of 10:00 p.m. and 8:00 a.m., except for June 29th thru July 4th where sales may be extended until midnight.
        iv. No direct light or sound shall be visible or broadcast beyond the boundaries of the lot.
        v. Shall take place only on a dust-proofed surface.
        vi. Shall not occur on vacant parcels.

    d. A temporary permit fee of $135 will be charged for each temporary outdoor sale event.

    e. Each temporary permissible consumer fireworks sales location (tent or leased area) shall be 500 feet from another temporary permissible consumer fireworks sales location (tent or leased area.)

    f. Sales may not be from a trailer, cargo container, motor vehicle or similar structure or motorized or non-motorized vehicle or any uncovered stand.

    g. Temporary permit applications will be taken starting at 8 a.m. on May 21, 2012 at the 2nd floor Zoning Counter on a first come first serve basis.

2. No temporary outdoor sales locations will be granted legal non-conforming status with regard to any future regulations.

3. Signs which advise purchasers of permissible consumer fireworks that using fireworks within City of Phoenix limits is prohibited and that sales to persons under the age of 16 is prohibited shall be posted at areas of display and sales.

Issuance of Permits for Sales of Permissible Consumer Fireworks

a. If sales will be within an enclosed building, a fireworks product inspection of the permitted material shall be required by the City of Phoenix Fire Department. The fee shall be $270 for retail sales, and $810 for wholesale and distribution.

b. If sales will be outdoors in a tent or under a canopy, regardless of size, a fireworks product inspection of the permitted material shall be required by the City of Phoenix Fire Department. The cost of the fireworks product inspection permit shall be $270 for retail sales.

c. The cost of a permit for a temporary outdoor tent will be $540 for a tent that is greater than 800 square feet in size, and $270 for a canopy greater than 1200 square feet. If the tent or canopy inspection is done concurrent with the fireworks product inspection then the fireworks product inspection fee of $270 will be waived (b above).

d. Outdoor tents or canopies used for the sales of permissible consumer fireworks shall not contain more than 3,000 pounds in gross weight of permissible consumer fireworks at any time. If more than 3,000 pounds are present at any time, then a fully automatic sprinkler system will be required.

e. The permit fee for any generator or outdoor electrical connection will be in accordance with the Planning and Development Department Fee Schedule (i.e. one generator permit costs $150.00 and any additional generators on the same site cost $75 each). Electrical permits are required when any installation of premises wiring is being conducted.

f. NFPA 1124, 2006 Edition 7.4.9.2.1 Portable generators supplying power to CFRS facilities shall use only Class II or Class III combustible liquid fuels.

g. Phoenix Fire Code 2403.8.2 Tents, canopies or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, building, other tents, canopies or membrane structure, parked vehicles or internal combustion engines.

h. A Certificate of Insurance indicating a minimum of one million dollars $1,000,000 liability insurance which applies to the sale and storage of approved permissible consumer fireworks. The property owner and the City of Phoenix, a municipal corporation, its agents, employees and volunteers shall be named an additional insured.