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Marian Sheppard, BOS
(6/28/11 #3A)

**GILA COUNTY ORDINANCE NO. 11-02
OPEN OUTDOOR FIRE
SUPERSEDING
ORDINANCE NO. 98-01 - OPEN OUTDOOR FIRE**

An Ordinance adopted by the Gila County Board of Supervisors relating to open outdoor fires.

WHEREAS, the Gila County Board of Supervisors, pursuant to A.R.S. §11-251(31) and § 11-251.05 may make and enforce all local police, sanitary and other regulations not in conflict with general law; and

WHEREAS, the Gila County Board of Supervisors is concerned about dry conditions, low humidity, increased windy conditions, high temperatures, and the chance of human caused fires is great; and

WHEREAS, the Gila County Board of Supervisors has determined that the use of open fires contributes to this concern and threat; and

WHEREAS, the United States Department of Agriculture, United States Forest Service, prohibits certain fires in areas designated by order; and

WHEREAS, the Gila County Board of Supervisors wishes to prohibit certain open fires at the same times when the United States Department of Agriculture, United States Forest Service, prohibits certain fires designated by order; and

WHEREAS, the Gila County Board of Supervisors adopted Ordinance 98-01 – Open Outdoor Fire on August 4, 1998, (Recorder’s Fee No. 1998-12125); and

WHEREAS, the Gila County Board of Supervisors adopted Resolution No. 01-07-02 on July 3, 2001, (Recorder’s Fee #2001-10029) amending Ordinance 98-01 – Open Outdoor Fire; and

WHEREAS, Ordinance No. 11-02 – Open Outdoor Fire will supersede Ordinance No. 98-01 and Resolution No. 01-07-02.

NOW THEREFORE, be it ordained by the Gila County Board of Supervisors that:

OPEN OUTDOOR FIRE ORDINANCE

SECTION

1. Definitions
2. Prohibition
3. Penalties
4. Applicability
5. Effective Date; Emergency Declaration

SECTION 1

DEFINITIONS:

- 1.1 ***Open outdoor fire*** means any combustion of combustible material of any type outdoors.
- 1.2 ***Campfire*** means a fire not within any building, mobile home, or living accommodation which is used for cooking, personal warmth, lighting, ceremony, or aesthetic purposes, except at any developed recreation site.
- 1.3 ***Barbecue*** means fixed or portable device where food is cooked on a metal frame over a fire fueled by a propane or gas source.
- 1.4 ***Bonfire*** means a fire built outdoors for burning rubbish, waste material, or refuse.
- 1.5 ***Fireworks*** 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 as defined by A.R.S. §36-1601 (3) a.

SECTION 2

PROHIBITION:

- 2.1 At any time when the United States Department of Agriculture, United States Forest Service, issues an order under Title 36, Section 261.52 of the Code of Federal Regulations placing certain restrictions on fires within the Tonto National Forest, it shall be unlawful for any person to build, maintain, attend, ignite, or use an open outdoor fire, bonfire, campfire or fireworks, except as provided in this Section.

2.2 ***EXCEPTIONS:***

The following fires are excepted from the provisions of this Section:

- A. Fires used only for cooking of food conducted on a barbecue
- B. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of fire hazard or instruction in the methods of fighting fires.

C. Fires set or permitted by the Director of the Department of Agriculture or County Agricultural agents of the county for the purpose of disease and pest prevention.

D. Fires set by or permitted by the Federal Government or any of its departments, agencies or agents of the state or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.

E. Any other fire allowed by permit issued pursuant to A.R.S. §49-501 *et seq.*

F. Nothing in this Ordinance shall be construed to prohibit the occurrence of a public display of fireworks in the unincorporated areas of the county as approved by the Board of Supervisors.

SECTION 3

PENALTIES:

3.1 Each violation pursuant to this Ordinance shall result in a civil penalty not to exceed \$500.00 for each violation.

SECTION 4

APPLICABILITY:

4.1 This Ordinance applies within all unincorporated areas of Gila County.

SECTION 5

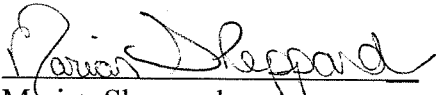
EFFECTIVE DATE; EMERGENCY DECLARATION:

5.1 The Board of Supervisors having determined, by unanimous vote, that expedited enactment of this Ordinance is necessary for the preservation of the public peace, health and safety of the County of Gila, Arizona, an emergency is hereby declared to exist and, therefore, this Ordinance shall be effective immediately upon its passage, approval and adoption.

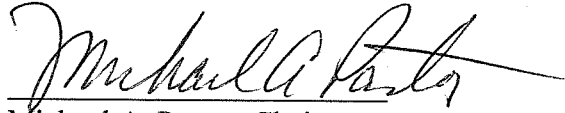
PASSED AND ADOPTED this 28th day of June 2011.

ATTEST:

GILA COUNTY BOARD OF SUPERVISORS



Marian Sheppard
Chief Deputy Clerk



Michael A. Pastor, Chairman

APPROVED AS TO FORM:



Bryan Chambers
Chief Deputy County Attorney