

R. JOHN LEE
CHAIRMAN OF THE BOARD
DISTRICT III
P.O. BOX 428, St. Johns, AZ 85936

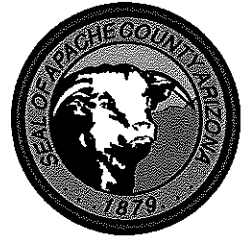
JIM, CLAW
VICE CHAIR OF THE BOARD
DISTRICT I
P.O. BOX 1952, Chinle, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II
P.O. BOX 994, Ganado, AZ 86505

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503
FACSIMILE: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

Ordinance No. 2011-07

**ORDINANCE OF THE BOARD OF SUPERVISORS OF APACHE COUNTY,
ARIZONA, PROHIBITING THE USE OF "PERMISSIBLE CONSUMER FIREWORKS"
IN THE UNINCORPORATED AREAS OF APACHE COUNTY DURING CURRENT
CONDITIONS PRESENTING A REASONABLE RISK OF WILDFIRES; AND
SPECIFYING CRIMINAL PENALTIES FOR THE VIOLATION OF THIS
ORDINANCE.**

I. TITLE

This Ordinance shall be known as the "Apache County Fireworks Ordinance."

II. AREA OF APPLICATION

This Ordinance shall be effective in the unincorporated areas of Apache County, excluding areas under the jurisdiction of the United States, the State of Arizona, or a federally recognized Indian tribe.

III. AUTHORITY/PURPOSE

This Ordinance is enacted pursuant to A.R.S. § 36-1606 which authorizes a county to regulate the use of "permissible consumer fireworks" within the unincorporated areas of the county during times when there is a reasonable risk of wildfires in the immediate county. The purpose of this Ordinance is to protect the public health, safety and welfare by reducing and minimizing the risk of fire dangers, including structural or wildland fires, associated with the use of fireworks in Apache County.

IV. DEFINITIONS

A. Generally For the purposes of interpretation of this Ordinance, the terms "consumer firework," "display firework," and "fireworks," shall have the same meanings as set forth in A.R.S. § 36-1601.

B. Permissible Consumer Fireworks. For the purpose of interpretation of this Ordinance, the term "Permissible Consumer Fireworks" is specifically limited to the definition set forth in A.R.S. § 36-1601(5)(a), and includes:

- (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 fireworks devices and pyrotechnic articles.

Permissible Consumer Fireworks do not include those categories of devices specifically excluded in A.R.S. § 36-1601(5)(b), as follows: "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, for example, firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, roman candles and jumping sticks."

V. USE OF FIREWORKS PROHIBITED; PERMISSIBLE CONSUMER FIREWORKS

The use of Permissible Consumer Fireworks shall be prohibited in all the unincorporated areas of Apache County located south of Interstate 40. This prohibition shall remain in full force and effect until August 1, 2011, and may be extended by subsequent vote of the Apache County Board of Supervisors for an additional thirty days.

VI. CRIMINAL PENALITIES

Any person using fireworks in violation of this Ordinance is guilty of a class 3 misdemeanor as provided in A.R.S. § 36-1608.

VII. EFFECTIVE DATE; EMERGENCY DECLARATION

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

PASSED, ADOPTED AND APPROVED at St. Johns, Arizona on July 5th 2011.

APACHE COUNTY BOARD OF SUPERVISORS

By: 
 John Lee
 Chairman of the Board

ATTEST:


 Delwin Wengert, Clerk of the Board