



## **NAVAJO COUNTY OPEN OUTDOOR FIRE ORDINANCE**

### **ORDINANCE NO. 01-02 (Superseding Ordinance No. 01-99)**

**An ordinance adopted pursuant to A.R.S. 11-251 and 11-251.05, prohibiting certain Open Outdoor Fires in the unincorporated areas of Navajo County during periods when such fires are prohibited by the U. S. Forest Service or by resolution of the Navajo County Board of Supervisors; and providing civil penalties for violations.**

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

**WHEREAS**, the Board of Supervisors is concerned about dry conditions, low humidity, increased windy conditions and high temperatures, which increase the threat of human-caused fires in the unincorporated areas of Navajo County; and

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

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

**WHEREAS**, local Fire Departments and Fire Districts likewise prohibit certain open outdoor fires within their respective areas of jurisdiction; and

**WHEREAS**, the Board of Supervisors wishes to prohibit certain open outdoor fires in the unincorporated areas of Navajo County during periods when such fires are prohibited by the Forest Service or when the Board prohibits such fires by a resolution adopted pursuant to a request by the Director of Emergency Services or one or more local Fire Departments or Fire Districts;

**NOW, THEREFORE**, be it ordained by the Board of Supervisors that the following ordinance is hereby adopted and may be referred to as the Navajo County Open Outdoor Fire Ordinance, superseding the Open Outdoor Fire Ordinance previously adopted pursuant to Resolution No.01-99:

### SECTION 1: DEFINITIONS

- 1.1 **Open Outdoor Fire** means any combustion of combustible material(s) of any type that is not within a fully enclosed building, mobile home or other structure having four walls and a ceiling.
- 1.2 **Campfire** means an Open Outdoor Fire that is used for cooking, personal warmth, lighting, ceremony or aesthetic purposes.
- 1.3 **Gas Barbecue** means a fixed or portable device where food is cooked outdoors on a metal frame over a fire fueled by a propane or gas source.
- 1.4 **Bonfire** means an Open Outdoor Fire for the purpose of burning rubbish, waste material or refuse.

### SECTION 2: PROHIBITION / EXEMPTIONS

- 2.1 **Prohibition against Open Outdoor Fires:** At any time when there is in effect an order issued by the United States Department of Agriculture, United States Forest Service, pursuant Title 36, Section 261.52 of the Code of Federal Regulations, restricting fires within a National Forest located wholly or partly within the boundaries of Navajo County, it shall be unlawful for any person to build, maintain, attend, ignite, or use an Open Outdoor Fire, including a Campfire or Bonfire, in the unincorporated areas of Navajo County, except as provided in this Section. It shall likewise be unlawful for any person to build, maintain, attend, ignite, or use an Open Outdoor Fire, including a Campfire or Bonfire, in the unincorporated areas of Navajo County when such fires have been prohibited by a resolution adopted by the Board of Supervisors pursuant to a request by the Director of Emergency Services or one or more Fire Departments or Fire Districts located wholly or partly within the boundaries of Navajo County.
- 2.2 **Exemptions:** The following Open Outdoor Fires are exempt from the provisions of this ordinance.
  - A. Open Outdoor Fires used solely for the cooking of food on a Gas Barbecue.
  - B. Open Outdoor Fires set or permitted by any public officer in the performance of official duty for the purpose of weed abatement, the prevention of fire hazard or instruction in the methods of fighting fires.
  - C. Open Outdoor Fires set or permitted by the Director of the Department of Agriculture or County Agricultural agents for the purpose of disease and pest prevention.

- D. Open Outdoor Fires set by or permitted by the Federal Government or any of its departments or agencies, or the State of Arizona or any of its departments, agencies or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.
- E. Any Campfire within a designated area at a developed recreational site maintained by an agency or department of the federal, state or local government (unless further prohibited by the governmental entity having jurisdiction over the recreational site).
- F. Open Outdoor Fires authorized by a permit issued pursuant to A.R.S. §49-501 *et seq.*
- G. In addition to the exceptions set forth in paragraphs A-F, the Board of Supervisors may, by resolution, exempt certain portions of the unincorporated area of Navajo County if the issuance of an order by the Forest Service as described in Section 2.1, or the adoption of a resolution by the Board as described in Section 2.1, is deemed by the Board not to require county-wide application of this ordinance. In such circumstances, the resolution of the Board shall clearly specify the areas which are exempted.

### SECTION 3: PENALTY / ENFORCEMENT

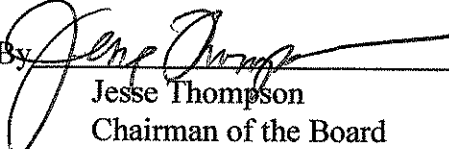
- 3.1 Each violation of this ordinance shall result in a civil penalty not to exceed \$100.00. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing fine, the reasonable response costs of the governmental entity or entities that respond to the prohibited fire may be assessed against the violator(s).
- 3.2 At the discretion of the Director of Emergency Services, this ordinance may be enforced by an action in the Justice Court or pursuant to the civil Hearing Officer procedure set forth in Article 27 of the Navajo County Zoning Ordinance.

### SECTION 4: APPLICABILITY

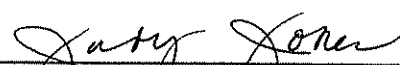
- 4.1 This ordinance applies within all unincorporated areas of Navajo County.

**PASSED AND ADOPTED** at Holbrook, Arizona, on May 13, 2002.

**NAVAJO COUNTY BOARD OF SUPERVISORS**

By   
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Jesse Thompson  
Chairman of the Board

ATTEST:

  
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Judy Jones, Clerk of the Board