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Marian Sheppard, BOS



CAPTION HEADING:

**Ordinance No. 2021-01
Open Outdoor Fire**

This Ordinance repeals the following previously recorded documents:

**Ordinance No. 2020-02 – Open Outdoor Fire
Docket 2020-011123, Receipt No. 20-9075, 9/17/2020, and
Docket 2020-009645, Receipt No. 20-7829, 8/18/2020**

**Ordinance No. 11-02 – Open Outdoor Fire
Docket No. 2011-008428, Receipt No. 11-4088, 7/29/2011**

**Resolution No. 01-07-02 – Amends Ordinance No. 98-01
Docket No. 2001-10029, 7-5-2001**

**Ordinance No. 98-01 – Open Outdoor Fire
Docket 1998-12125, 8/6/1998**

DO NOT REMOVE

This is part of the official document

GILA COUNTY ORDINANCE NO. 2021-01
OPEN OUTDOOR FIRE

An Ordinance adopted by the Gila County Board of Supervisors relating to an open outdoor fire and which repeals Ordinance No. 2020-02 and any other ordinances previously adopted by the Board of Supervisors relating to an open outdoor fire.

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 a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 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.
- 1.3 ***Barbecue*** means fixed or portable device where food is cooked on a metal frame over a fire fueled solely by liquid petroleum or LPG fuels or other fuel that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.

- 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 (USFS), issues an order under Title 36, Section 261.52 of the Code of Federal Regulations placing Stage II (Elevated) or greater restrictions on fires within the Tonto National Forest either by designated Ranger District or the Tonto National Forest as a whole, it shall be unlawful for any person to build, maintain, attend, ignite, or use an open outdoor fire, bonfire, campfire or fireworks, in the same geographical location(s) except as provided in this Section. The USFS Tonto National Forest Ranger District Map is attached as Exhibit A.

- 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: a fixed or portable device where food is cooked on a metal frame over a fire fueled solely by liquid petroleum or LPG fuels or other fuel that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
- 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, exclusive of a federally recognized Indian tribe. In the event that the United States Forest Service including the Tonto National Forest implements fire restrictions by Forest Ranger Districts, the County Open Outdoor Fire Ban would be in effect in the unincorporated areas within each applicable Ranger District.

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.

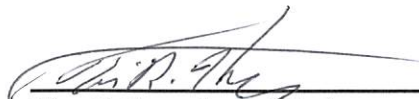
PASSED AND ADOPTED this 18th day of May 2021.

ATTEST:

GILA COUNTY BOARD OF SUPERVISORS

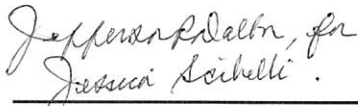


Marian Sheppard, Clerk of the Board

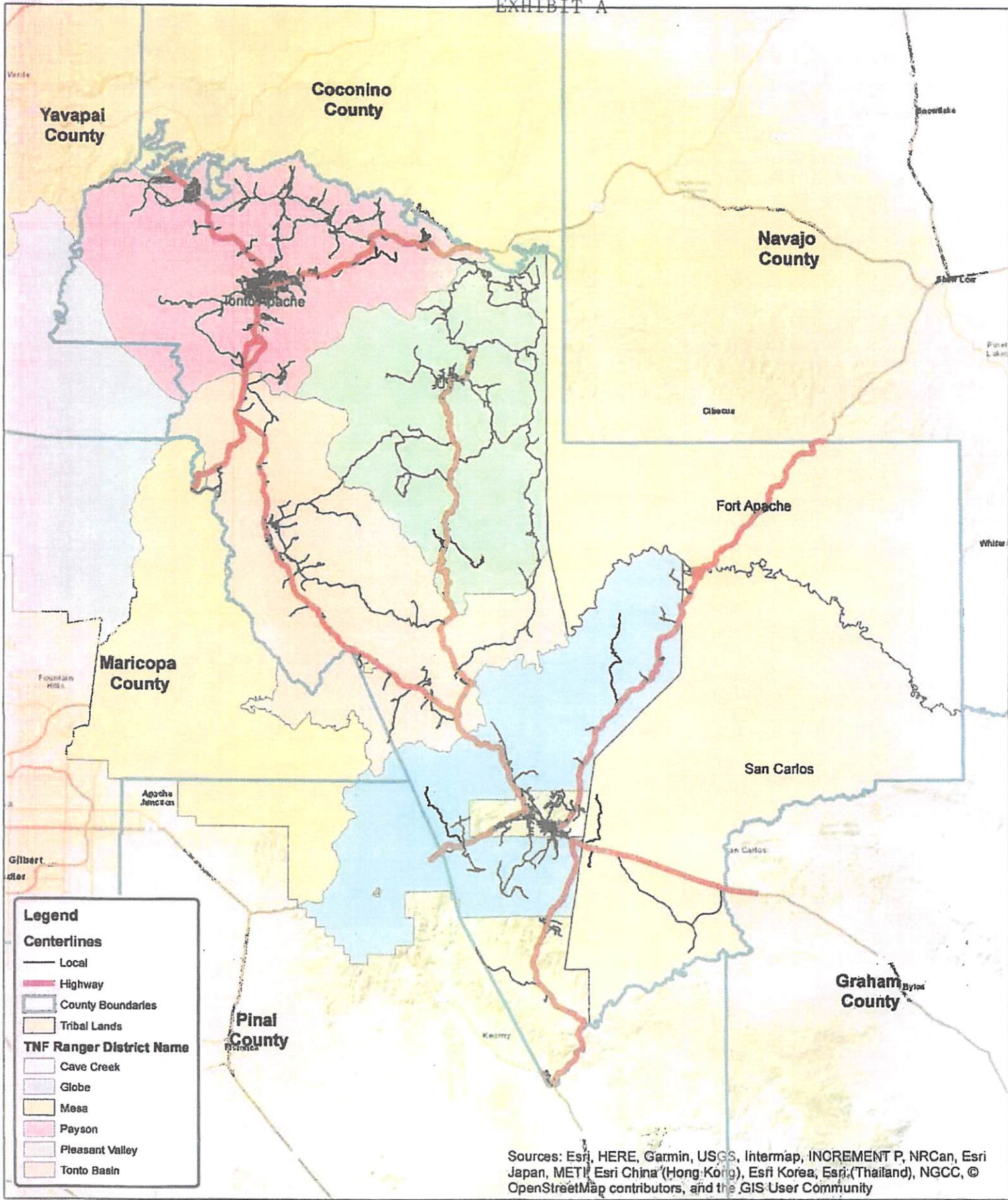


Tim R Humphrey, Chairman

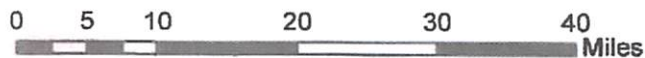
APPROVED AS TO FORM:



The Gila County Attorney's Office



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Tonto National Forest Ranger Districts

