

## ORDINANCE 14-\_\_

### **AUTHORIZING THE PROHIBITION OF OPEN FIRE AND CAMPFIRES IN THE UNINCORPORATED AREA OF COCHISE COUNTY, ESTABLISHING PROCEDURES FOR THE ENACTMENT OF PROHIBITIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS**

#### **I. TITLE**

This Ordinance shall be known as the Cochise County Outdoor Fire Ordinance.

#### **II. DEFINITIONS**

1. **“BOARD”** means the Cochise County Board of Supervisors.
2. **“CAMPFIRE”** means an open outdoor fire which is used only for the cooking of food or providing personal warmth for human beings or for recreational purposes.
3. **“EMERGENCY SERVICES COORDINATOR”** means the Cochise County Emergency Services Coordinator.
4. **“OPEN FIRE”** means a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney (including burning in a burn barrel), except as set forth in Section XIII herein.
5. **“OUTDOOR FIRE PROHIBITION”** means a prohibition on open fires and campfires enacted by the Board pursuant to Section 11-251(63) of the Arizona Revised Statutes.
6. **“UNINCORPORATED AREA”** means the unincorporated area of Cochise County, exclusive of areas under the jurisdiction of the United States or the State of Arizona.

#### **III. PURPOSE**

The purpose of this Ordinance is to protect the public health, safety and welfare by establishing procedures for enactment and enforcement of emergency prohibitions

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of open fires and campfires pursuant to Section 11-251(63) of the Arizona Revised Statutes and establishing penalties for violation of such prohibitions.

**IV. EFFECTIVE AREA**

This Ordinance shall be effective in the Unincorporated Area as defined herein.

**V. DETERMINATION OF A FIRE RESTRICTION EVENT**

For the purposes of this ordinance, a County Fire Restriction Event will be determined to exist in the County, or any portion thereof, whenever and wherever a Stage 1 or Stage 2 fire restriction is instituted within the boundaries of Cochise County by federal or state agencies having the authority to impose such restrictions. The County Fire Restriction Event will remain in effect until the state and/or federal agency lifts the Stage 1 and/or Stage 2 restrictions. The provisions of this ordinance will be in effect for the duration of the County Fire Restriction Event.

**VI. ENACTMENT OF PROHIBITION**

The provisions and prohibitions of this ordinance will be automatically enacted for the duration of a County Fire Restriction Event or as directed by the Board of Supervisors. The Emergency Management Coordinator shall ensure that a public notice of enactment be placed on the County's webpage and that appropriate public safety agencies are notified.

**VII. TERMINATION OF PROHIBITION**

The provisions and prohibitions of this ordinance will expire upon termination of the County Fire Restriction Event or at the direction of the Board of Supervisors. The County Emergency Management Coordinator shall ensure that the public notice of enactment be removed from the County's webpage and that appropriate public safety agencies are notified.

**VIII. PROHIBITED CONDUCT**

During the effective term of an Outdoor Fire Prohibition enacted pursuant to this Ordinance, it shall be unlawful to burn, start, ignite, build, possess, maintain or use any open fire or campfire within the Unincorporated Area of the County governed by the Outdoor Fire Prohibition.

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**IX. ENFORCEMENT**

This Ordinance may be enforced by any peace officer acting within the officer's area of jurisdiction.

**X. FAILURE TO OBEY A LAWFUL ORDER**

The failure to obey a lawful order by a peace officer to comply with the requirements of this Ordinance shall be a distinct and separate violation of this Ordinance.

**XI. CONTINUING VIOLATION**

If any violation of this Ordinance is a continuing one, each day, or portion thereof, within which said violation continues, shall be deemed a separate violation.

**XII. PENALTIES FOR VIOLATIONS**

Any person, firm, associations, partnerships, corporation or other legal entity who violates the terms of this Ordinance is guilty of a petty offense and is liable for any damages or costs incurred by any private party or public agency as a consequence of that violation.

**XIII. FIRES EXEMPT FROM OUTDOOR FIRE PROHIBITIONS**

The following fires are exempt from any Outdoor Fire Prohibition enacted pursuant to this Ordinance:

1. Fires set or permitted by any public officer, federal, state or local, in the performance of the officer's official duties.
2. Fires set or permitted by the State Entomologist or Cochise County Health Department for the purpose of disease or pest prevention.
3. Fires set or permitted by the United States, the State of Arizona, or any of their political subdivisions, including local fire districts.
4. Petroleum or propane fueled stoves, lanterns, heating and livestock branding devices.
5. Charcoal fires burning in a charcoal burning device.
6. Fires for branding.

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7. Other fires exempted by the Board of Supervisors due to special circumstances.

**XIV. EFFECTIVE DATE**

This Ordinance is an emergency measure intended to reduce the hazard created by open fires and campfires during periods of a County Fire Restriction Event, and has been determined to be necessary to preserve the public peace, health or safety and shall, therefore, be effective immediately upon approval as provided by this law.

**PASSED AND ADOPTED** this \_\_\_ day of **July, 2014**, by the Board of Supervisors of Cochise County, Arizona

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Ann English, Chairperson  
Cochise County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM:**

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Arlethe G. Rios  
Clerk of the Board

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Adam Ambrose  
Civil Deputy County Attorney