

After recording, please deliver to: Marian Sheppard, BOS



RESOLUTION NO. 01-07-02

*A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS AMENDING ORDINANCE NO. 98-01 REGARDING OPEN OUTDOOR FIRES.*

*WHEREAS*, on August 4, 1998, the Gila County Board of Supervisors adopted Ordinance Number 98-01 regarding open outdoor fires; and,

*WHEREAS*, Arizona Revised Statutes §11-251.05 allows the County to amend ordinances; and,

*WHEREAS*, the County wishes to amend the ordinance to increase the penalty; and,

*WHEREAS*, adoption of this amendment has been preceded by 15 days' published notice of the board of supervisor's hearing, and a copy of the ordinance will be published at least once in a newspaper of general circulation in the county seat.

*NOW, THEREFORE*, be it resolved that Ordinance Number 98-01 is amended in Section 3.1 to state:


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

PASSED THIS 3rd day of July, 2001.

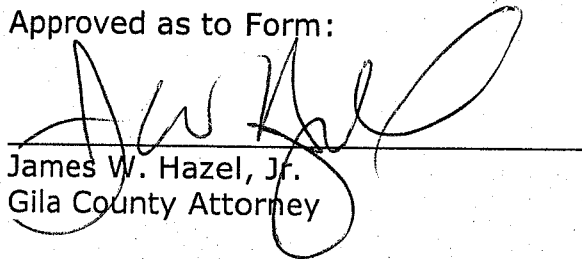
GILA COUNTY BOARD OF SUPERVISORS

  
Cruz Salas, Chairman

Attest:

  
Steven L. Besich, Clerk of the Board

Approved as to Form:

  
James W. Hazel, Jr.  
Gila County Attorney

Resolution No. 01-07-02  
Amending Ordinance No. 98-01



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## ORDINANCE NO. 98-01

*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.

**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

## 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.



## 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 a open outdoor fire, bonfire, campfire, 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.*

**SECTION 3**

**PENALTIES:**

- 3.1 Each violation pursuant to this Ordinance shall result in a civil penalty not to exceed \$100.00 for each violation.

**SECTION 4**

**APPLICABILITY:**


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

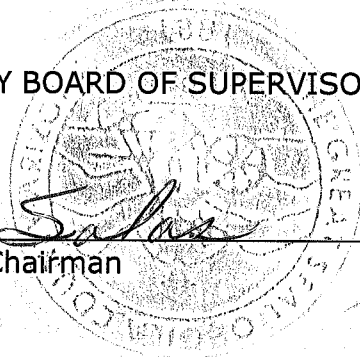
**PASSED AND ADOPTED** this 4th day of August, 1998.

ATTEST:

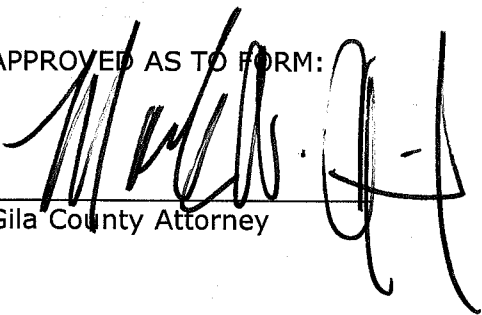
GILA COUNTY BOARD OF SUPERVISORS

  
Steven L. Besich, Clerk

  
Cruz Salas, Chairman



APPROVED AS TO FORM:

  
Gila County Attorney