

YAVAPAI COUNTY ORDINANCE NO. 2011-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY, ARIZONA, PROHIBITING THE USE OF "PERMISSIBLE CONSUMER FIREWORKS" IN THE UNINCORPORATED AREAS OF YAVAPAI COUNTY DURING TIMES WHEN THERE IS A REASONABLE RISK OF WILDFIRES; AND SPECIFYING CRIMINAL PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

I. TITLE

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

II. AREA OF APPLICATION

This Ordinance shall be effective in the unincorporated areas of Yavapai 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 Yavapai 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; EXCEPTIONS

Except as expressly authorized in this Ordinance, it shall be unlawful for any person to use fireworks, including consumer fireworks or display fireworks, in the unincorporated areas of Yavapai County.

VI. USE OF PERMISSIBLE CONSUMER FIREWORKS

The use of Permissible Consumer Fireworks shall be allowed within the unincorporated areas of Yavapai County except during such times as it has been determined that a reasonable risk of wildfires exists within the unincorporated area of Yavapai County or portions thereof. For purposes of interpretation of this Ordinance, a reasonable risk of wildfire shall be deemed to exist in such portions of the unincorporated area of Yavapai County, for which an Order or Interim Order enacting an Outdoor Fire Prohibition has been issued and is in effect pursuant to Sections V and VI and VI of Yavapai County Ordinance 2008-1, the “Yavapai County Outdoor Fire Ordinance.”

VII. ENACTMENT OF CONSUMER FIREWORKS PROHIBITION.

Upon issuance of an Order or Interim Order enacting an Outdoor Fire Prohibition pursuant to Sections V and VI the Yavapai County Outdoor Fire Ordinance, the Board of Supervisors, by majority vote, may issue an Order enacting a Consumer Fireworks Prohibition for such portions of the unincorporated area of Yavapai County to which the Outdoor Fire Prohibition Order applies. If it appears that that a delay in imposition of a Consumer Fireworks Prohibition would pose an immediate threat to public health or safety, the Chairman of the Board of Supervisors may, upon issuance of an Order or Interim Order enacting an Outdoor Fire Prohibition, issue an interim Order imposing a Consumer Fireworks Prohibition, subject to ratification by majority vote of the Board at its next regularly scheduled meeting.

VIII. TERMINATION OF PROHIBITION

Unless otherwise specified in the Order enacting the Consumer Fireworks Prohibition, a Consumer Fireworks Prohibition shall expire as of the expiration date of the Outdoor Fire Prohibition upon which the issuance of the Order or Interim Order enacting the Consumer Fireworks Prohibition was predicated.

IX. 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.

X. 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 Yavapai, Arizona, an emergency is hereby declared to exist and, therefore, this Ordinance shall be effective immediately upon its passage, approval and adoption.

PASSED, APPROVED AND ADOPTED by the Yavapai County Board of Supervisors on June 6th, 2011.

YAVAPAI COUNTY BOARD OF SUPERVISORS

By: /s/ Carol Springer
Carol Springer, Chairman

ATTEST:

/s/ Julie Ayers
Julie Ayers, Clerk of the Board

Approved as to Form and Content:

/s/ David S. Hunt
David S. Hunt, Deputy County Attorney