



MEMORANDUM

DATE: July 3, 2017
TO: Julie Castañeda, Clerk of the Board
FROM: Ramón Valadez, County Supervisor, District 2
SUBJECT: Agenda Item

A handwritten signature in black ink, reading "Ramón Valadez", is written over the "FROM:" line of the memorandum.

Please add the following item on the July 11, 2017, agenda addendum:

Ordinance to ban the sale, use, explosion, and possession of exploding targets.
(District 2)

Background: Given the number of recent wildfires and the tremendous costs associated with fighting these fires, I asked the Pima County Attorney and Sheriff's Office to come up with an enforceable ordinance to ban the sale, use, explosion, and possession of exploding targets.

c: C.H. Huckelberry

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ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
PIMA COUNTY, ARIZONA, RELATING TO THE PUBLIC
HEALTH, SAFETY, AND WELFARE, PROHIBITING THE
SALE, USE, EXPLOSION, AND POSSESSION OF
EXPLODING TARGETS (All Districts)**

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors has authority under A.R.S. § 11-251(31) and A.R.S. § 11-251.05 to enact local ordinances to protect the public health, safety, and welfare of the residents of unincorporated Pima County.
2. The use of an exploding target was the cause of the recent Sawmill wildfire in Pima County, which burned over 46,000 acres and cost over \$5 million to fight. Pima County law enforcement has also investigated a case in which an exploding target was used to destroy a refrigerator by detonation, causing metal fragmentation to be thrown long distances outside the area of a wildcat shooting range, causing a fire and endangering the shooter and potential bystanders. In another case, a subject mixing an exploding target had an unintended explosion, setting his house on fire and injuring himself. Two other family members, including a child, were in the home at the time of the blast. On at least two other occasions, an exploding target mixture was purchased and used as the main explosive in criminal improvised explosive devices.
3. In addition to increasing the already high risk of wildfire, the use of exploding targets also risks personal injury or death and property damage.
4. The sale, use, or possession of exploding targets is detrimental to the public health, safety, and welfare of the residents of unincorporated Pima County.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Title 9 of the Pima County Code is amended to add a new chapter 9.80 to read as follows:

**Chapter 9.80
EXPLODING TARGETS**

9.80.010 - Short title.

This chapter may be cited and shall be known as the "Pima County Exploding Target Ordinance."

9.80.020 - Declaration of policy.

The purpose of this chapter is to protect the general public from the hazardous use, sale, and unintended effects of exploding targets.

9.80.030 - Definitions.

- A. "Exploding target" means a mixture or combination of chemicals that can explode, detonate, or deflagrate upon impact by firearms ammunition projectile. This includes commercial or homemade binary mixtures or synthesized energetic material.
- B. "Person" means any individual, corporation, association, partnership, firm, trustee, or legal representative.

9.80.040 – Exploding targets prohibited.

Except as otherwise provided by this section, it is unlawful to sell, offer, or expose for sale; use; explode; or possess any exploding target, or any chemical or material intended to be used as an exploding target.

9.80.050 – Violations; restitution required.

- A. Upon a defendant's conviction for a violation of this chapter that causes economic loss to any person, the court shall order that, in addition to any monetary fine imposed, restitution to be paid by the defendant to any person who suffered an economic loss caused by the defendant's conduct.
- B. Restitution shall include any economic loss for which restitution may be ordered for a misdemeanor offense under Arizona law.

9.80.060 - Seizure.

The sheriff or other peace officer shall seize, remove, or cause to be removed, at the expense of the owner, all precursors, chemicals, materials or substances which were, offered or exposed for sale, stored or possessed in violation of this chapter.

9.80.070 - Violation—Penalty.

A person violating a provision of this chapter is guilty of a class one misdemeanor.

9.80.080 – Severability.

If any provision of this chapter, or the application of any provision of this chapter, is invalid, that invalidity shall not affect other provisions or applications of this chapter. The provisions of this chapter are severable.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

Deputy County Attorney

DRAFT