



# Board of Supervisors Memorandum

May 6, 2014

Resolution No. 2014-\_\_\_\_\_

**Fire Restrictions and Fireworks Ban in Unincorporated Areas of Pima County**

## Background

The State Forester issued notice of fire restrictions effective April 18, 2014 on all State-owned and managed lands. These fire restrictions were deemed necessary due to existing very high fire danger to prevent human-caused wildfires and protect public health and safety.

In past years, the Board of Supervisors unanimously adopted a Resolution declaring an emergency and banning permissible consumer fireworks on unincorporated areas of Pima County, citing extreme risk of fire and dry conditions.

This year, however, the State Forester has already seen an increase in the number of wildfires, with most being human-caused. The State Forester believes that conditions will continue to degrade as heat, wind and time increase.

In addition to the restrictions placed on State lands, most of the Federal lands in Arizona have begun fire restrictions. This is approximately one month sooner than normal. Our Office of Emergency Management regularly communicates with fire service organizations within the County regarding the advisability of restrictions and/or a ban by the Board.

The proposed restrictions will remain in place until weather conditions permit their being lifted.

## Recommendation

Given the extreme risk of fire and the dry conditions, I recommend the Board adopt Resolution No. 2014-\_\_\_\_\_ and not only ban the use of permissible consumer fireworks within unincorporated areas of the County but that additional bans consistent with those placed on State-owned and State-managed lands be placed on lands in unincorporated Pima County. These include restrictions on fires, smoking and welding and the use of other open-flame devices on County-owned parks.

Respectfully submitted,

*C. Huckelberry*  
C.H. Huckelberry  
County Administrator

CHH/mjk - April 28, 2014

c: Jan Lesher, Deputy County Administrator for Medical and Health Services  
Mike Hein, Director, Office of Emergency Management

RESOLUTION NO. 2014-\_\_\_\_\_

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS  
BANNING THE USE OF PERMISSIBLE CONSUMER FIREWORKS  
IN THE UNINCORPORATED AREAS OF PIMA COUNTY,  
DECLARING A FIRE EMERGENCY AND IMPOSING FIRE  
RESTRICTIONS UPON COUNTY-OWNED LANDS

WHEREAS, the Board of Supervisors has the authority pursuant to A. R. S. § 36-1606 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, and the power granted by A.R.S. § 26-311 to declare a fire emergency; and

WHEREAS, the risk of wildfire is at extreme levels due to extraordinarily dry conditions that have created unprecedented fuel levels; and

WHEREAS, wildfire poses a serious threat to the lives and property of the residents of Pima County; and

WHEREAS, fireworks pose a serious risk of igniting fires which cannot be contained in light of highly flammable conditions and limited resources; and

WHEREAS, extreme fire conditions such as those that presently exist within Pima County result in the need for a declaration of a fire emergency pursuant to A.R.S. § 26-311; and

WHEREAS, commercial fireworks displays may be permitted under Pima County code Chapter 9.04 to provide the public with the opportunity to experience professional fireworks in a controlled environment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, as follows:

1. The use of permissible consumer fireworks within the unincorporated areas of Pima County is prohibited effective immediately until further notice, subject to state law.
2. The Pima County Board of Supervisors further declares, by this resolution that a fire emergency exists throughout unincorporated Pima County, effective immediately until further notice. The following fire restrictions as adopted by the Arizona State Forester shall remain in place on all County-owned lands: a) Building, maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove other than in a developed campsite or picnic area is prohibited. Exemptions include persons using a device solely fueled by liquid petroleum or LPG fuels 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 three (3) feet of the device. b) Smoking is prohibited unless: it is within an enclosed vehicle or building, a developed recreation site/improved site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable materials. c) The discharging or using of any kind of fireworks, consumer fireworks and incendiary devices is prohibited. Exceptions include commercial firework displays as authorized by the Pima County Board of Supervisors. d) Welding or

operating acetylene or other torch device with an open flame is prohibited. In addition, the Chairman of the Pima County Board of Supervisors is authorized to exercise all powers granted by A.R.S. § 26-311.

3. Exemptions to the above restrictions include any Federal, State, or local officer or member of an organized rescue or firefighting force, county employee or Pima County agent in the performance of an official duty.
4. In the event the Arizona State Forester imposes additional restrictions within Southern Arizona, the County Administrator is authorized and directed to implement similar fire restrictions on all County-owned lands.
5. The various officers and employees of Pima County are hereby authorized and directed to perform all acts necessary and desirable to give effect to this Resolution.
6. The County Administrator is authorized to lift the fireworks ban and the fire emergency restrictions when, in his opinion, the extreme fire conditions have abated such that a prohibition is no longer required.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of Pima County, Arizona this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PIMA COUNTY BOARD OF SUPERVISORS

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Sharon Bronson, Chair

ATTEST:

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Robin Brigode, Clerk  
Pima County Board of Supervisors

APPROVED AS TO FORM:

  
TOBIN ROSEN  
Deputy County Attorney *for Anne Nately*