

RESOLUTION NO. 2008-16

**A RESOLUTION PURSUANT TO A.R.S. § 36-1603 ADOPTING RULES AND REGULATIONS FOR GRANTING PERMITS FOR SUPERVISED PUBLIC DISPLAYS OF FIREWORKS**

*WHEREAS*, A.R.S. § 36-1601 et. seq. authorizes Apache County to adopt "rules and regulations for granting permits for supervised public displays of fireworks" in unincorporated areas of the County by various organizations and groups, and;

*WHEREAS*, Apache County presently has no rules or regulations in place that govern the issuance of permits for fireworks displays, and;

*WHEREAS*, Title 36-1601 et. seq. makes it illegal in the State of Arizona to put on a supervised fireworks display without a properly issued permit, and;

*WHEREAS*, it is the intent of the Board of Supervisors of Apache County to adopt regulations governing the issuance of permits for fireworks displays that adequately protect public health and safety and limit the danger of damage to structures or fire on public and private lands;

*NOW THEREFORE*, the Board of Supervisors adopts the following provisions which shall be followed in issuing permits for public fireworks displays:

1.) Applications to conduct a public display of fireworks shall be submitted to the Clerk of the Board of Supervisors on a form prescribed by the Board not more than sixty (sixty) days, but not less than 30 (thirty) days, prior to the date of the proposed display. For purposes of this resolution, the term "fireworks" shall be defined as in A.R.S. § 36-1601(1).

2.) The Application must be accompanied by a requisite bond in an amount not less than \$1,000,000 (one-million dollars), or proof of general liability insurance in the same amount. Failure to provide a bond or proof of insurance with the Application will result in the denial of the permit.

3.) Applications must be accompanied by a map of the display area which designates the proposed seating area for spectators, nearby structures, parking areas, public roads, the fallout zone, overhead lines, and fire department access to the area.

4.) Apache County will not review Applications for displays on property within tribal reservation boundaries or municipal boundaries, or displays on property owned by the federal government, state government, or public school districts.

5.) Applications shall be reviewed by the Sheriff, who shall also visit and inspect the display area. The Sheriff shall either approve or disapprove the Application. The Sheriff may

approve the application if it is determined that:

- a.) The display will be supervised by a competent pyrotechnic operator. In determining whether this provision is met, the Sheriff shall consider the operator's qualifications, experience, training, and/or certification;
- b.) It appears that the fireworks display will be conducted in a safe location that does not create an unreasonable risk of fire danger;
- c.) That the display will be discharged and fired so that it will not be hazardous to property or persons, and that adequate fallout zones have been designated that are a sufficient distance from the viewing area;
- d.) If the display will be within the boundaries of an existing fire district, that the display has been approved by the fire chief or fire district board. It shall be the responsibility of the Applicant to provide a letter of approval with the Application.
- e.) If the display is not within the boundaries of an approved fire district, evidence of the availability of services from an adjacent fire district or department has been provided. It shall be the responsibility of the Applicant to obtain a letter of approval from the fire district or department.
- f.) The manner and place of storage of the fireworks appears to be safe.
- e.) The organization has provided a sufficient bond or proof of liability insurance.

5.) When the Sheriff has reviewed the Application, it shall be returned to the Clerk of the Board of Supervisors. If the Sheriff has determined that the requirements for issuance of a permit have not been met, the Clerk of the Board shall deny the Application and notify the Applicant regarding the reason for the denial. If the Sheriff has approved the Application, a permit shall be issued by the Clerk of the Board subject to any special conditions designated by the Sheriff.

6.) At the discretion of the Clerk, or upon request by any Board member, approval of a permit may be placed on the Board's agenda for consideration. The Board of Supervisors retains the right to require additional conditions on any permit or to waive any of the provisions of this Resolution.

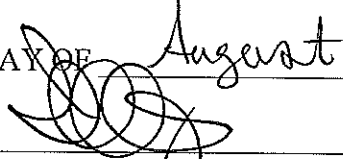
7.) All permits issued pursuant to this Resolution shall state that they are conditioned on:

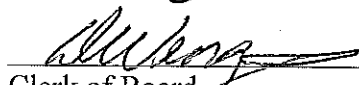
- a.) no fire restrictions currently in effect within the geographic area of the display site;
- b.) the permit is conditioned on the Applicant storing the fireworks and operating the display in a manner consistent with the standards set forth by the National Fire

Protection Association, including Section 1123, Code For Fireworks Display.

8.) All permits issued by the County shall be valid only for the date stated on the permit and 48 hours following the scheduled date of the display in the event it needs to be rescheduled due to weather or other conditions.

THIS RESOLUTION APPROVED THIS 26 DAY OF August, 2008.

  
\_\_\_\_\_  
Board Chairman

  
\_\_\_\_\_  
Clerk of Board

## INFORMATION REGARDING APPLICATION FOR SUPERVISED FIREWORKS DISPLAY

### TO WHOM IT MAY CONCERN:

Apache County is happy to provide you with an APPLICATION FOR SUPERVISED FIREWORKS DISPLAY PERMIT for your event to be held in an unincorporated area of the County.

We require that your Application be submitted to the Clerk's Office a **minimum of 30 days prior to your event.**

Please note that the County does not issue display permits if the display will occur on tribal lands, federal lands, state lands, within the boundaries of an incorporated city or town, or on property belonging to a public school district. In those instances, an application must be submitted to tribal authorities, federal authorities, municipal authorities, or the State Fire Marshal as may be appropriate.

In order to expedite processing, when you return your completed Application, please make certain that all information is provided and the required items requested on the application are included. These items are:

- \* Proof of bond or insurance
- \* A map of the display area
- \* Proof that a fire district or fire department has approved the display or is capable of providing fire suppression services in the area of the display
- \* A description of the pyrotechnic expert's qualifications, training, experience, certification and/or documentation thereof.

When completed, submit to:

Clerk of the Board  
Apache County Board of Supervisors  
P.O. Box 693  
St. Johns, AZ 85936

Your application and accompanying documents will be forwarded to the Apache County Sheriff's Office for their review and recommendations. After the Sheriff has completed his investigation of your Application, you will be informed of the decision. If you have any questions or we can be of further assistance, please contact the Clerk of the Board at (928) 337-7502.

## APPLICATION FOR SUPERVISED FIREWORKS DISPLAY PERMIT

Application is hereby made for the granting of a permit to conduct a supervised fireworks display. The display will be conducted as follows:

Name of Applicant Organization: \_\_\_\_\_  
Address of Organization: \_\_\_\_\_  
Phone Number of Organization: \_\_\_\_\_  
Date/Time of Display: \_\_\_\_\_  
Address of Display Location: \_\_\_\_\_  
Name of Property Owner at Site of Display: \_\_\_\_\_  
Place of Storage of Fireworks: \_\_\_\_\_

### 1.) Information Regarding Pyrotechnic Operator:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

*Please attach an explanation of the qualifications, training, experience, or certification of the designated Pyrotechnic Operator. Also attach any relevant documentation or certifications.*

### 2.) Information Regarding Fireworks: The following is a list of the numbers and kinds of fireworks intended to be discharged:

- a.) \_\_\_\_\_
- b.) \_\_\_\_\_
- c.) \_\_\_\_\_
- d.) \_\_\_\_\_

3.) This application must be accompanied by proof of a bond in the amount of at least \$1,000,000 or proof of general liability insurance in the same amount. Proof is hereby attached:  
Yes \_\_\_\_\_ No \_\_\_\_\_

4.) If the display area is within the boundaries of an existing fire district, please attach a letter from the Fire Chief or Fire District Board indicating approval. If the display area is not within the boundaries of a fire district, please attach a letter from an adjacent fire district or department indicating the availability of fire suppression services.

Documentation is attached: Yes \_\_\_\_\_ No \_\_\_\_\_

5.) A map of the display area must be attached to this application designating the proposed seating area for spectators, nearby structures, parking areas, public roads, the fallout zone, overhead lines, and designated fire department access to the area.

Map of display area is hereby attached: Yes \_\_\_\_\_ No \_\_\_\_\_

**PERMIT FOR SUPERVISED FIREWORKS DISPLAY**

Apache County hereby grants permission for a supervised fireworks display as follows:

GROUP/ORGANIZATION: \_\_\_\_\_

Date/Time of Event: \_\_\_\_\_

Location of Fireworks Display: \_\_\_\_\_

Pyrotechnic Expert: \_\_\_\_\_

Special Conditions of Permit: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Standard Terms of Permit:**

\* THIS PERMIT IS VALID ONLY IF NO FIRE RESTRICTIONS ARE IN PLACE IN THE GEOGRAPHIC AREA OF THE DISPLAY SITE AT THE TIME IT IS SCHEDULED TO OCCUR.

\*THE PYROTECHNIC EXPERT RESPONSIBLE FOR THE EVENT SHALL NOT CONDUCT THE DISPLAY UNLESS HE/SHE DEEMS IT SAFE CONSIDERING ALL CONDITIONS AND CIRCUMSTANCES AT THE TIME THE DISPLAY IS SCHEDULED TO OCCUR.

\*THE DISPLAY SHALL BE CONDUCTED IN A MANNER CONSISTENT WITH NFPA 1123, CODE FOR FIREWORKS DISPLAY.

\*IN THE EVENT THIS EVENT NEEDS TO BE RESCHEDULED FOR WEATHER OR OTHER REASONS, THIS PERMIT IS VALID FOR A PERIOD OF 48 HOURS AFTER THE SCHEDULED DATE AND TIME STATED HEREIN

\_\_\_\_\_  
Clerk of the Board

6.) By signing and submitting this Agreement, the Applicant certifies that the information herein is true and correct to the best of his knowledge, information and belief, and agrees to indemnify Apache County against any and all liability to any person or persons for or by reason of any conditions, whether defective or otherwise, of any fireworks, apparatus, equipment or fixtures furnished by the Applicant in connection with the fireworks display and against any and all liability to any person for or by reason of any act or omission of the Applicant or any of its agents or employees.

\_\_\_\_\_  
Signature of Applicant

Date: \_\_\_\_\_

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(Do Not Write Below This Line--To Be Filled Out by Sheriff or Designee Only)

**CERTIFICATION OF SHERIFF:**

Based on my review of the Application and inspection of the display area, I hereby:

\_\_\_\_ Approve of the display with standard conditions.

\_\_\_\_ Approve the display with the following special conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Disapprove the display. My reason for disapproving of the display is as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Sheriff or Designee

Date: \_\_\_\_\_