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DISTRICT III  
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**BOARD OF SUPERVISORS  
OF APACHE COUNTY**

P.O. BOX 428  
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**ORDINANCE NO. 2003-21**

DELWIN P. WENGERT, MANAGER-CLERK  
ST. JOHNS, AZ 85936

**APACHE COUNTY  
OPEN OUTDOOR FIRE ORDINANCE**

AN ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, PURSUANT TO A.R.S. §§11/251 AND 11-251.05, PROHIBITING CERTAIN OPEN OUTDOOR FIRES IN THE UNINCORPORATED AREAS OF APACHE COUNTY DURING PERIODS WHEN SUCH FIRES ARE PROHIBITED BY THE UNITED STATES FOREST SERVICE OR BY RESOLUTION OF THE APACHE COUNTY BOARD OF SUPERVISORS; AND PROVIDING CIVIL PENALTIES FOR VIOLATIONS.

**WHEREAS**, A.R.S. §§11-251(31) and 11-251.05 authorize the Apache County Board of Supervisors to make and enforce all local police, sanitary and other regulations not in conflict with general law; and

**WHEREAS**, the Board of Supervisors is concerned about dry conditions, low humidity, increased windy conditions and high temperatures, which increase the threat of human-caused fires in the unincorporated areas of Apache County; and

**WHEREAS**, the United States Department of Agriculture, United States Forest Service, prohibits certain open outdoor fires in areas designated by order; and

**WHEREAS**, local fire departments and fire districts likewise prohibit certain open outdoor fires within their respective areas of jurisdiction; and

**WHEREAS**, the Board of Supervisors wishes to prohibit certain open outdoor fires in the unincorporated areas of Apache County during periods when such fires are prohibited by the Forest Service or when the Board prohibits such fires by a resolution adopted pursuant to a request by the Director of Emergency Services or one or more local fire departments or fire districts;

**NOW, THEREFORE**, be it ordained by the Board of Supervisors that the following ordinance is hereby adopted and may be referred to as the Apache County open outdoor fire ordinance.

## SECTION 1: DEFINITIONS

- 1.1 **Open Outdoor Fire** any combustion of combustible material(s) of any type that is not within a fully enclosed building, mobile home or other structure having four walls and a ceiling.
- 1.2 **Campfire** an open outdoor fire that is used for cooking, personal warmth, lighting ceremony or aesthetic purposes.
- 1.3 **Gas Barbecue** a fixed or portable device where food is cooked outdoors on a metal frame over a fire fueled by a propane or gas source.
- 1.4 **Bonfire** an open outdoor fire for the purpose of burning rubbish, waste material or refuse.

## SECTION 2: PROHIBITION/EXEMPTIONS

- 2.1 **Prohibition against Open Outdoor Fires:** At any time when there is in effect an order issued by the United States Department of Agriculture, United States Forest Service, pursuant to Title 36, Section 261.52 of the Code of Federal Regulations, restricting fires within a National Forest located wholly or partly within the boundaries of Apache County, it shall be unlawful for any person to build, maintain, attend, ignite, or use an open outdoor fire, including a campfire or bonfire, in the unincorporated areas of Apache County, except as provided in this Section. It shall likewise be unlawful for any person to build, maintain, attend, ignite, or use an open outdoor fire, including a campfire or bonfire, in the unincorporated areas of Apache County when such fires have been prohibited by a resolution adopted by the Board of Supervisors pursuant to a request by the Director of Emergency Services or one or more fire departments or fire districts located wholly or partly within the boundaries of Apache County.
- 2.2 **Exemptions:** The following open outdoor fires are exempt from the provisions of this ordinance.
- A. Open outdoor fires used solely for the cooking of food on a gas barbecue.
  - B. Open outdoor fires set or permitted by any public officer in the performance of official duty of the purpose of weed abatement, the prevention of fire hazard or instruction in the methods of fighting fires.
  - C. Open outdoor fires set or permitted by the Director of the Department of Agriculture or County Agricultural agents for the purpose of disease and pest prevention.
  - D. Open outdoor fires set by or permitted by the Federal Government or any of its departments or agencies, or the State of Arizona or any of its departments, agencies or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

- E. Any campfire within a designated area at a developed recreational site maintained by an agency or department of the federal, state, or local government (unless further prohibited by the governmental entity having jurisdiction over the recreational site.)
- F. Open outdoor fires authorized by a permit issued pursuant to A.R.S. §49-501 *et seq.*
- G. In addition to the exceptions set forth in paragraphs A through F, the Board of Supervisors may, by resolution, exempt certain portions of the unincorporated area of Apache County if the issuance of an order by the Forest Service as described in Section 2.1, or the adoption of a resolution by the Board as described in Section 2.1, is deemed by the Board not to require country-wide application of this ordinance. In such circumstances, the resolution of the Board shall clearly specify areas which are exempted.

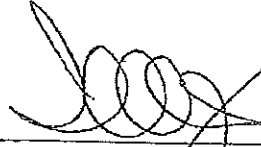
### SECTION 3: PENALTY/ENFORCEMENT

- 3.1 Each violation of this ordinance shall result in a civil penalty not to exceed \$100.00. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing fine, the reasonable response costs of the governmental entity or entities that respond to the prohibited fire may be assessed against the violator(s).
- 3.2 This ordinance may be enforced by an action in the Justice Court Precinct where the violation occurs.

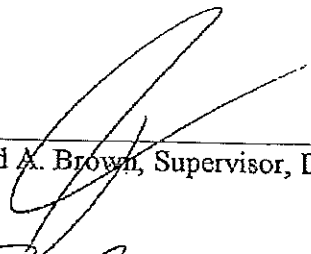
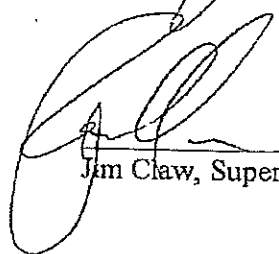
**SECTION 4: APPLICABILITY**

4.1 This ordinance applies within all unincorporated areas of Apache County.

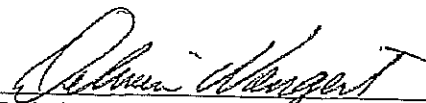
PASSED AND ADOPTED THIS 1 day of July, 2003, by the Board of Supervisors of Apache County, Arizona.



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Tom M. White, Jr. Supervisor, District II  
Chairman of the Board of Supervisors

  
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David A. Brown, Supervisor, District III  
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Jim Claw, Supervisor, District I

ATTEST:

  
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Delwin Wengert, Clerk of the Board