

**ORDINANCE No. 2024-01**  
**AN ORDINANCE OF THE BOARD OF SUPERVISORS FOR COCONINO COUNTY,**  
**ARIZONA, ESTABLISHING PROVISIONS FOR THE ENFORCEABILITY OF**  
**RESTRICTIONS UPON WILDFIRE-RISK ACTIVITIES IN ITS JURISDICTION;**  
**AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF EMERGENCY**  
**MANAGEMENT TO IMPLEMENT THE SAME; AND REPEALING COCONINO COUNTY**  
**ORDINANCE NO. 2022-04**

**I. TITLE**

This Ordinance shall be known as the Coconino County Wildfire Defense Ordinance.

**II. PURPOSE**

The purpose of the Coconino County Wildfire Defense Ordinance is to save lives; preserve and protect the public health, safety, welfare, comfort, and convenience of the citizens of, and visitors to, Coconino County; to preserve and protect private property and public infrastructure; to preserve the natural beauty of the Area of Jurisdiction; and to coordinate wildfire restrictions in and amongst the various jurisdictions within Coconino County pursuant to Arizona Revised Statutes (“A.R.S.”) Section 11-251(63).

The entirety of this Ordinance shall apply to the Area of Jurisdiction, as defined below.

**III. DEFINITIONS**

1. **“ADEQUATE FIRE SUPPRESSION EQUIPMENT”** is defined as personnel, tools, water, or other equipment suitable for the suppression of fire.
2. **“AREA OF JURISDICTION”** has the same meaning as provided for in A.R.S. § 11-801(2), namely that part of Coconino County outside the corporate limits of any municipality, federally owned land, or any federally recognized tribe in accordance with 25 Code of Federal Regulations Part 83. This Ordinance also applies to private property but does not apply to the interior of residential or commercial structures. Further, this Ordinance applies to County islands surrounded by municipalities or federally recognized tribal lands as defined in A.R.S. § 11-251.12(D).
3. **“BOARD”** means the Coconino County Board of Supervisors.
4. **“CAMPFIRE”** means an open outdoor fire, which is used only for the cooking of food, providing for human warmth, or for recreational purposes.
5. **“COMBUSTION”** means a chemical process of oxidation that occurs at a rate fast enough to produce heat and usually light in the form of a glow or flames.
6. **“DEVELOPED SITE”** means an area, public or private, which has been improved or developed for the safe use of fire. The Developed Site must include a minimum radius of fifteen (15) feet surrounding the fire and/or combustion site that is barren and cleared of vegetation and combustible materials. The area above said fifteen (15) foot radius must also be cleared of all vegetation and combustible materials.

7. **“DIRECTOR”** means the appointed Director, or his/her designee, of the Coconino County Department of Emergency Management.
8. **“EXEMPTION”** means a limited set of exclusions from the prohibited activities set forth in Section IV below. An exemption is a defense to a charge of a violation of this Ordinance. However, an exemption does not absolve any Person(s), as defined below, from liability or responsibility for any fire started by the exempted activity. In the event of any ambiguity or uncertainty as to the meaning or application of an exemption, the narrowest interpretation as shall further the prevention of wildfire and promote the public health, safety and welfare shall prevail.
9. **“FIRE BAN”** means a prohibition upon open fires, campfires, fireworks, and combustion when so declared by the Board of Supervisors.
10. **“FIRE STAGE”** means a category of exemptions commensurate with the degree of least to most wildfire risk, increasing in severity as the stages progress from Stage 1 to Stage 3, as further specified herein.
11. **“FIREWORKS”** means any combustible or explosive composition, substance or combination of substances, whether deployed on the ground or in the air or held in place by an individual or any device, whose purpose is a visible or audible effect brought about by combustion, explosion, detonation, or deflagration, and that is a consumer firework or display firework as further defined in A.R.S. § 36-1601.
12. **“FIRE DISTRICT”** as described in A.R.S. Title 48, Chapter 5.
13. **“PERMISSIBLE CONSUMER FIREWORKS”** means the types of permissible consumer fireworks as defined in A.R.S. § 36-1601.
14. **“PERSON(S)”** shall mean and refer to any natural person, corporation, limited liability company, partnership, property owner or manager, association, or other business or commercial entity.
15. **“OPEN FIRE”** means a combustion event or fire where the products of combustion are emitted directly into the ambient air without the interception of a regulated fire arresting and heat controlling device.
16. **“SMOKING”** means the practice in which a substance is ignited by a heat source and combusted, resulting in the smoke being inhaled into the body. In relation to this Ordinance, vaping and e-cigarette devices with no open flame or open combustible material are excluded from this definition.
17. **“VARIANCE”** means an officially granted written exception to this Ordinance, to be granted on a case-by-case basis, as further described in Section VII.
18. **“ZONE”** means a specific geographical area/zone that is outlined by using existing County district boundaries, fixed and unchanging natural landmarks, major roadways, municipal or community boundaries or other highly visible, easily mapped (illustrated) and communicated boundaries.

**IV. PROHIBITED ACTIVITIES**

During implemented Fire Stages or a Fire Ban, it shall be unlawful for one or more Person(s) to, either directly or indirectly:

1. Initiate, facilitate, maintain, cause, or contribute to a campfire, an outdoor open fire, or use of fireworks;
2. Authorize or direct a Person(s) to initiate, facilitate, maintain, cause, or contribute to a campfire, an outdoor open fire, or use of fireworks; or
3. Knowingly engage in an activity likely to result in combustion outdoors.

**V. CLASSIFICATION**

Any Person(s) who is convicted of a violation of this Ordinance is guilty of a class one (1) misdemeanor and shall be subject to a fine not to exceed \$2,500.00 and/or a term of imprisonment not to exceed six (6) months.

A Person(s) who commits an act in violation of A.R.S. Title 13, Chapter 17 that results in an appropriate emergency response or investigation and who is convicted of the violation may be liable for the expenses that are incurred incident to the emergency response and the investigation of the commission of the offense in accordance with A.R.S. § 13-1709.

Any peace officer in the State of Arizona may enforce the provisions of this Ordinance.

**VI. FAILURE TO OBEY AND CONTINUING VIOLATIONS**

Each calendar day within which a violation occurs or continues shall be deemed a separate offense. The failure to obey a lawful order by any peace officer of this State shall constitute a distinct and separate violation of this Ordinance.

**VII. WRITTEN VARIANCE**

Variances will only be issued by Coconino County Emergency Management during Stage 1 and Stage 2 restrictions. Coconino County Emergency Management will not issue any variance under Stage 3 restrictions.

Person(s) may seek a written variance to engage in activity prohibited by this Ordinance. Such variance must be issued by the specific fire district or fire authority in the district where the activity is to be performed and must specifically describe the Person seeking to set the fire's contact information, activity, location, and time at which the variance applies. For activities during a stage of restriction *outside* of a fire district or other jurisdictional fire authority, or if a fire district does not have the authority to issue the applicable permits and/or variances, a variance request can be submitted to the Coconino County Emergency Management Director. If, upon review by the Director, regional fire weather conditions favor the authorization of a variance, a variance may be issued specifically describing the Person seeking to set the fire's contact information, activity, location, and time at which the

variance applies.

In the event that a fire district is unable to issue a variance, Coconino County Emergency Management may issue a variance only after coordination with, and approval of, the respective fire district. This approval shall be in writing and a copy kept with the variance response records at Coconino County Emergency Management. A copy of the variance will also be sent to the respective fire district.

Adequate fire suppression equipment and personnel, as attested to by the variance applicant, must be on site and readily available. Reasonable and prudent measures should be taken to mitigate fire risks, such as the removal of receptive fuels from the immediate area of activity and monitoring of changing weather conditions to include high winds.

In the event of changing weather conditions not favorable for safe activity and the prevention of fire or a change in Coconino County stage restrictions, the variance holder shall suspend the activity. The variance holder is responsible for ensuring that they are always aware of the existing weather conditions and current stage restrictions. Coconino County publishes stage alerts on [www.coconino.az.gov/firerestrictions](http://www.coconino.az.gov/firerestrictions). At the Director's discretion, a variance may be rescinded for weather conditions that have developed or under other circumstances. Variances are issued for the current fire stage. If the stage should change, the variance shall become automatically void. The variance holder may re-apply for a new variance under the new fire stage.

While Coconino County Emergency Management will not issue a variance under Stage 3 restrictions, fire districts within Coconino County, as defined by A.R.S. Title 48, Chapter 5, may choose to issue a variance for locations within their jurisdiction. Any variance issued by a fire district shall be recognized under this Ordinance.

**A written variance issued according to this Ordinance does not relieve any Person(s) or organization(s) from any civil or criminal liability outside the authority of this Ordinance associated with the activity and the potential for fire because of such activity.**

## **VIII. FIRE STAGE RESTRICTIONS**

Coconino County uses fire restrictions to help prevent unwanted, human-caused fires and to limit the exposure of residents and visitors during periods of potentially dangerous fire conditions.

Implementation of fire restrictions occurs based on a combination of factors that are carefully measured. Criteria used to determine when to implement restrictions includes things such as current and predicted weather, fuel moisture, fire activity levels, and available firefighting resources.

There are three stages of fire restrictions, which become more restrictive as the stages progress from Stage 1 to Stage 3. The following is a general explanation of the restrictions in each Stage, however, the Coconino County website, located at [www.coconino.az.gov/firerestrictions](http://www.coconino.az.gov/firerestrictions), contains the latest details on specific fire restrictions, therefore, please check the Coconino County website prior to any fire related activities.

**A. STAGE ONE:**

During Stage 1, the following is prohibited at all times, unless exempted by this section:

1. Igniting, building, maintaining, or using a fire, including fires fueled by combustible materials such as wood, charcoal, briquettes, and/or coal.

Exemption: Fires fueled by combustible materials, such as wood, wood pellet smokers, charcoal, briquettes, and/or coal are allowed in a Developed Site, as defined above.

Exemption: Using a stove, grill, fire ring, or other manufactured device that is fueled solely by pressurized liquid petroleum or pressurized liquid petroleum gas (LPG) fuels that can be turned on and turned off (for example, a gas grill or gas fire ring) provided the device is located in a Developed Site, as defined above.

2. Smoking outdoors.

Exemption: Smoking within an enclosed vehicle or Developed Site, as defined above.

3. Use of explosive targets, tracer rounds, or incendiary ammunition.

Exemption: None

Additional Exemptions during Stage 1:

1. Person(s) with a written variance specifically exempting them from the effect of this Order.
2. For emergency repair of public utilities, railroads, and other health and safety mitigation measures when operated by a public utility or railroad and implemented in accordance with an agency fire mitigation plan.
3. By any Federal, State, or local officer or member of an organized rescue or firefighting entity in the performance of an official duty subject to A.R.S. § 49-501(C) where applicable.
4. By Person(s) operating generators or pumps with an approved spark arresting device in a Developed Site, as defined above.

An exemption does not absolve any Person(s) from liability or responsibility for any fire started by the exempted activity.

**B. STAGE TWO:**

During Stage 2, the following is prohibited at all times:

1. Igniting, building, maintaining, or using a fire, including fires fueled by combustible materials such as wood, charcoal, briquettes, and/or coal.

Exemption: Using a stove, wood pellet smoker, grill, fire ring, or other manufactured device that is fueled solely by pressurized liquid petroleum or pressurized liquid petroleum gas (LPG) fuels that can be turned on and turned off (for example, a gas grill) provided the devices are located in a Developed Site, as defined above.

2. Smoking outdoors.

Exemption: Smoking within an enclosed vehicle or Developed Site, as defined above.

3. Use of internal combustion engines for common household-only activities, such as landscaping or property maintenance and repair.

Exemption: Operating internal combustion engines with spark arresting devices when the use is for common household-only activities such as landscaping, property maintenance and repair.

4. Use of explosive targets, tracer rounds, or incendiary ammunition.

Exemption: None.

5. Outdoor mechanical and industrial operations such as welding and/or the use of acetylene or other torch with an open flame.

Exemption: None.

Additional Exemptions during Stage 2:

1. Persons with a written variance specifically exempting them from the effect of this Order.
2. By Persons operating generators or pumps with an approved spark arresting device in a Developed Site, as defined above, between the hours of 8:00PM and 9:00AM.
3. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of official duty subject to A.R.S. § 49-501(C) where applicable.
4. For emergency repair of public utilities and railroads and other health and safety mitigation measures when operated by a public utility or railroad and implemented in accordance with an agency fire mitigation plan.

An exemption does not absolve any Person(s) from liability or responsibility for any fire started by the exempted activity.

**C. STAGE THREE:**

During Stage 3, the following is prohibited at all times:

1. Igniting, building, maintaining, or using a fire, including fires fueled by combustible materials such as wood, charcoal, briquettes, and/or coal.

Exemption: None.

2. Smoking outdoors.

Exemption: Smoking within an enclosed vehicle.

3. Use of internal combustion engines for common household-only activities, such as landscaping, property maintenance and repair.

Exemption: None.

4. Use of explosive targets, tracer rounds, or incendiary ammunition.

Exemption: None.

5. Outdoor mechanical and industrial operations such as welding and/or the use of acetylene or other torch with an open flame.

Exemption: None.

Additional Exemptions during Stage 3:

1. For emergency repair of public utilities and railroads and other health and safety mitigation measures when operated by a public utility or railroad and implemented in accordance with an approved agency mitigation plan.
2. By any Federal, State, or local officer or member of an organized rescue or firefighting entity in the performance of an official duty, subject to A.R.S. § 49-501(C) where applicable.

An exemption does not absolve any Person(s) from liability or responsibility for any fire started by the exempted activity.

**IX. PROGRESSION FROM FIRE STAGE TO FIRE STAGE; ALTERATION OF ZONE EXEMPTIONS**

During the period of any fire stage, the Director shall have authority to change the fire stage commensurate with the risk of wildfire in the area of jurisdiction. The Director is also authorized to add, remove, or amend any Zone exemptions to the fire ban Order. Such changes to fire stages or Zone exemptions are subject to the following procedure: Prior to making authorized changes, the Director shall conduct the same consultations as in the determination of fire stages. The Director shall prepare and submit a report with supporting



exhibits as deemed necessary and consult with the Chairperson and Vice Chairperson of the Board of Supervisors, the County Manager, and the County Sheriff. Upon determination that the fire stage will be adjusted or a Zone exemption will be added, removed, or amended, the Director shall specify the effective date of the change and shall cause public notification of the fire stage designation.

Nothing herein prevents the Board of Supervisors from convening a meeting, seeking a report from the Director, and taking action in the event the Board believes a need exists for a fire stage, fire ban, or Zone exemption change.

**X. DETERMINATION OF CONDITIONS WARRANTING A FIRE BAN**

The Director shall be responsible for determining when conditions are such that a fire ban is warranted. The Director shall base his/her determination upon such factors as may be deemed relevant by the Director including, but not limited to, the imposition of fire restrictions within the area of jurisdiction by federal, state, and local agencies having the authority to impose such restrictions. Upon a determination that conditions warrant a fire ban the Director shall submit to the Board of Supervisors such report with data and exhibits specifying: (a) the basis for the determination that a fire ban is warranted; (b) a recommendation as to which fire stage is appropriate for the prevailing conditions; and (c) whether conditions warrant a declaration of emergency.

The Director, when offering the determination required under this Ordinance, will also determine whether any Zone within the area of jurisdiction may be exempted from application of this Ordinance. The Director shall specifically define the Zone(s) that is/are to be exempted. In formulating this determination, the Director will consult with necessary subject matter experts, affected population officials, law enforcement and any other party necessary to appropriately define any Zone(s) to be exempted from this Ordinance. The concurring opinions, opposing arguments and other relevant points will be included in the Director's recommendation for county leadership consideration.

The Director shall also ensure an effective public awareness effort to ensure compliance and to facilitate enforcement efforts are applied to an educated public. This campaign will include comprehensive mapping to better illustrate any Zone exemption(s).

There may be more than one Zone exemption enacted at any one time.

**XI. ENACTMENT OF FIRE BAN AND NOTICE**

If, following the report of the Director, the Board of Supervisors by majority vote determines that a fire ban is warranted the Board may issue an Order enacting a fire ban. The Order shall specify the effective date of the fire ban, any Zones that are exempted, and whether conditions warrant a declaration of emergency. Immediately upon enactment of a fire ban the Board of Supervisors shall give public notification of the fire ban.

**XII. TERMINATION OF FIRE BAN**

Unless otherwise specified in the Order enacting the fire ban, the Order shall expire on the date that the Director issues a written determination that conditions warranting the fire ban no



longer exist; or alternatively, on the date that the written determination specifies as an expiration date if within thirty (30) days of the written determination. Thereafter, the Director may rescind his/her determination if wildfire conditions worsen such that the fire ban Order should remain in effect.

Nothing herein prevents the Board of Supervisors from convening a meeting, seeking a report from the Director, and taking action in the event the Board believes a need exists for termination of the fire ban.

All determinations of the Director recommending a fire ban, altering the fire stages or Zone exemptions, or recommending termination shall be in writing and an original of the same shall be filed with the Clerk of the Board of Supervisors.

### **XIII. PERMISSIBLE CONSUMER FIREWORKS**

#### **A. Where No Federal or State Fire Restrictions are in Place:**

Pursuant to A.R.S. § 36-1606, the State of Arizona has declared that the regulation of fireworks is a matter of statewide concern and, as a result thereof, if no federal or state agency stage one or higher fire restrictions are in place, permissible consumer fireworks may only be used during the periods of June 24 through July 6 and December 26 through January 4 of each year.

If no federal or state agency stage one or higher fire restrictions are in place, the use of permissible consumer fireworks during the periods of June 24 through July 6 and December 26 through January 4 of each year is an affirmative defense to a charge that a violation of the fire ban has occurred or is occurring.

In addition to any penalties and liabilities imposed by law, any Person(s) who violates this Section VIII.A. is subject to a civil penalty of \$1,000.

#### **B. In the Event of a Federal or State Implemented Stage One or Higher Fire Restriction:**

**Pursuant to A.R.S. § 36-1606(A)(2), if a federal or state agency has implemented a stage one or higher fire restriction, the use of permissible consumer fireworks is prohibited on all dates. In addition to any penalties and liabilities imposed by law, any use of permissible consumer fireworks during such time that both this Ordinance and federal or state agency stage one or higher fire restrictions are in place is a violation of this Ordinance.**

### **XIV. EFFECTIVE DATE**

Subject to the citizens' right of referendum, this Ordinance shall become effective upon adoption by the Board of Supervisors on the date given below and upon the filing of a copy of this Ordinance with the Clerk of the Board of Supervisors.

**XV. REPEAL OF ORDINANCE 2022-04**

Upon the effective date of this the Wildfire Defense Ordinance, the Coconino County Ordinance No. 2022-04 dated April 26, 2022, is hereby repealed.

**SO ORDAINED** by the Coconino County Board of Supervisors on March 19, 2024.

**AYES:**

**NOS:**

**ABSENT:**

**COCONINO COUNTY BOARD OF SUPERVISORS**

By \_\_\_\_\_  
Jerónimo Vasquez, Chair

**ATTEST:**

\_\_\_\_\_  
Lindsay Daley, Clerk of the Board of Supervisors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Deputy County Attorney