

ORDINANCE 2025-002

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, AMENDING TITLE 9 CHAPTER 9.36, "OUTDOOR FIRES" OF THE TOWN OF SPRINGERVILLE TOWN CODE; PROVIDING FOR SEVERABILITY, AND PROVIDING PENALTIES FOR VIOLATIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and

WHEREAS, pursuant to Arizona Revised Statutes §49-501(C), the Town is authorized to regulate open burning; and

WHEREAS, regulating fire restrictions and open burning will help promote the public health, safety and general welfare of the Town;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Springerville, Arizona, as follows:

SECTION 1: The current Chapter 9.36 of the Town Code is hereby deleted in its entirety and is hereby replaced by the following Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, and 9.36.080 with the title of the Chapter and each subsection listed below. The full code language to be added to the Code is set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Chapter 9.36: FIRE RESTRICTIONS/OUTDOOR BURNING

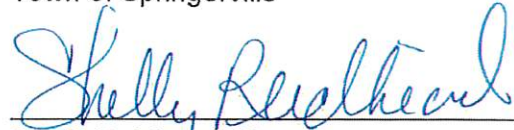
- 9.36.010 Definitions
- 9.36.020 Guidelines
- 9.36.030 Nonemergency Fire Restrictions
- 9.36.040 Emergency Fire Restrictions
- 9.36.050 Exceptions
- 9.36.060 Prohibited Materials
- 9.36.070 Burn Permit Regulations
- 9.36.080 Penalty and Enforcement

SECTION 2: Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 3: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

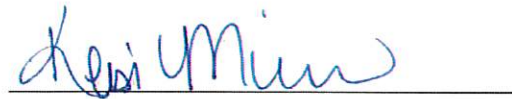
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, this 20th day of March, 2025.

Town of Springerville



Shelly Reidhead, Mayor

ATTEST:



Kelsi Miller, Town Clerk

APPROVED AS TO FORM:



Mangum Wall Stoops & Warden, PLLC
Town Attorney

EXHIBIT A
[See Attached]

EXHIBIT "A"

Title 9

Title 9-Public Peace, Morals and Welfare

Chapter:

Chapter 9.36-Fire Restrictions/Outdoor Burning

Sections:

9.36.010 Definitions

"Bonfire" is an open outdoor fire for the purpose of burning rubbish, waste material or refuse.

"Campfire" is an open outdoor fire that is used only for the cooking of food or for providing personal warmth for human beings or for recreational purposes.

"Flue" means a pipe, tube, channel, duct or passage through which hot air, gas, steam, smoke or fire may pass, such as a chimney, stovepipe or stack.

"Open charcoal fire" means an open outdoor fire that uses only charcoal as a combustible material and is used only for the purpose of cooking food.

"Open outdoor fire" means any burning, oxidation or combustion of combustible material of any type in the open where the products of combustion are not directed through a flue, with the exception of campfires and charcoal fires. This definition does not include the smoking of tobacco products.

"Red flag warning" or "red flag conditions" means a posting of a red flag by the United States Forest Service ("USFS") to inform communities, state, county and other agencies of the imminent or actual occurrence of extreme fire danger or extreme fire conditions. Red flag warnings are issued by the National Weather Service.

9.36.020 Guidelines

- A. The purpose of these guidelines is to provide a uniform system in determining what fire restrictions are needed and when emergency fire conditions are to be put into place.
- B. It is the duty of the Fire Chief or the Mayor of the Town of Springerville to initiate additional fire restrictions during emergency conditions.

- C. The Fire Chief will utilize the USFS Energy Release Components (ERC) Monitoring System to help determine when emergency fire restrictions may be necessary. As a general guideline, when the ERC reading reaches sixty-five (65), fire restrictions should be considered.
- D. In addition to monitoring the ERC readings, the Fire Chief will consult with the Town Manager of the Town of Springerville, and the White Mountain Fire Coordinating Group, to assist in determining what fire restrictions are needed, when these emergency fire restrictions are to be initiated, and to establish a uniform date of the implementation of those restrictions.
- E. When it has been determined that emergency fire restrictions are necessary and the date of initiation has been determined, the Mayor will, by proclamation per Section 2.52.020 of this Code, implement the emergency fire restrictions contained in this Chapter. The public will be notified of the restrictions and the date of initiation. The public may be notified by the use of newspapers, radio broadcasts, phone messaging, internet postings and other systems as needed. It is important to remember it is vital this information is received by not only the local residents, but by the visiting public as well.

9.36.030 Nonemergency Fire Restrictions

- A. It is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided by permit through the Fire Department, authority having jurisdiction and/or the Department of Environmental Quality pursuant to Title 49, Chapter 3 of the Arizona Revised Statutes. The following fires are exempt from this provision:
 - 1. Fires used only for the cooking of food or providing warmth for human beings; for recreational purposes (campfires and open charcoal fires); for the branding of animals; for the use of orchard heaters for the purpose of frost protection in farming or nursery operations; and for the disposal of flags pursuant to federal law.
 - 2. Any fire set, or permitted, by any public officer in the performance of an official duty, if such fire is set, or permission given, for the purpose of weed abatement, the prevention of a fire hazard, to control an active wildfire or instruction in the methods of fighting fires.
 - 3. Fires set by, or permitted by, the director of the Department of Agriculture or by the Apache County agricultural agent for the purpose of disease and pest prevention.
 - 4. Fires authorized by a burn permit issued by the Fire Department.
 - 5. Fires set by, or permitted by, the Federal Government or any of its departments, agencies or agents, or by the State or any of its agencies, departments or political sub-divisions for the purpose of watershed rehabilitation or control through the vegetative manipulation.

6. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.
- B. Permission for the setting of any fire authorized by the Fire Department under subsection (A)(4) of this section shall be in writing. The setting of any such fire shall be conducted in a manner, and at such time, as approved by the Fire Department, unless doing so would defeat the purpose of the above exemptions. There shall be no charge for such a permit.

9.36.040 Emergency Fire Restrictions

- A. In addition to the burning restrictions set forth in Section 9.36.030 of this Chapter, the following restrictions shall be in effect and shall apply to all public and private properties:
1. During red flag conditions, as predicted by the National Weather Service, absolutely no open outdoor fires, campfires, or open charcoal fires shall be permitted. Outdoor smoking shall be limited as outlined in subsection B of this section.
 2. When it has been determined by the Fire Chief, or his/her designee, that additional fire restrictions are needed to assure the safety of the public, the Mayor may initiate the following additional emergency fire restrictions unless exempt by Section 9.36.050 of this Chapter making it unlawful for any person to:
 - a. Start, ignite, build, attend, have, possess, or use any open outdoor fire, or any outdoor burning of flammable or combustible materials on all public or private property within the Town of Springerville;
 - b. Start, ignite, build, attend, have, possess, or use lit or burning smoking materials, which shall include, but are not limited to, cigarettes, cigars and other tobacco or smoking products on all public and private property within the Town of Springerville unless conditions of subsection B of this section are met.
- B. Smoking may be permitted within enclosed building, inside vehicles, performed on porches, in carports, garages, parking lots and other areas which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire danger.
- C. Outdoor cooking on enclosed stoves or grills does not meet the criteria of an open outdoor fire and will not be prohibited by this section.

9.36.050 Exceptions

The following fires are excepted from the provisions of this Chapter:

- A. Fires set, or permitted, by any public officer in the performance of their official duties.
- B. Fires set, or permitted, by the State entomologist, or the Apache County agricultural agents for the purpose of disease and pest prevention.
- C. Fires set, or permitted, by the Federal Government or the State of Arizona, or any of their departments, agencies or political subdivision for the purpose of watershed rehabilitation or control through vegetative manipulation.
- D. As permitted by the Fire Chief or his/her designee.

9.36.060 Prohibited Materials

Materials most likely to produce toxic smoke are prohibited from being burned. These materials include, but are not limited to:

- A. Household waste including garbage, animal waste, and animal carcasses.
- B. All plastic material including bottles for household chemicals, grocery and retail bags.
- C. Toxic vegetative materials such as oleander, poison oak, poison ivy, and poison sumac.
- D. Waste petroleum products such as waste crankcase oil, transmission oil, used oil, and oil filters.
- E. Construction materials including chemically treated wood, lead-painted wood, linoleum flooring, composite countertops, asphalt shingles, tar paper, electrical wire, insulation, asbestos, and thermal insulation.
- F. Hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, flammable liquids, plastic pesticide bags and containers.
- G. Hazardous materials containers that contained lead compounds, cadmium compounds, mercury, and arsenic compounds.
- H. Automotive waste such as tires and anti-freeze.

9.36.070 Burn Permit Regulations

A person shall file with the Fire Department, on a form prescribed by the Fire Department, a completed burn permit application. Prior to burning any material, the Permittee shall call

the non-emergency dispatch line and inform them of their location and intent to burn material. Burning shall be allowed from 6:00 AM to 6:00 PM daily, unless otherwise stated by non-emergency dispatch.

- A. The burning material(s) are to be observed at all times by a responsible adult until the fire is completely extinguished (no flame or smoldering material remains).
- B. During the burning period there must be a water source under pressure capable of extinguishing the fire if the need arises, as well as tools or other equipment approved by the Fire Chief or his/her designee.
- C. No burning shall be conducted within fifty (50) feet of any structure, unless approved by the Fire Chief or his/her designee.
- D. No burning will be allowed when wind conditions are over fifteen (15) miles per hour ("MPH"), unless written authorization is obtained by the Fire Chief or his/her designee.
- E. Any fire shall not produce dense or offensive smoke that could cross roadways to the extent a safety hazard occurs.
- F. Any fire that produces smoke that is offensive to neighbors shall be discontinued.

9.36.080 Penalty and Enforcement

Each violation of this ordinance shall result in a petty misdemeanor violation, with monetary penalties not to exceed one hundred dollars (\$100.00), but not restricting other penalties to only monetary fines. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing monetary penalties the reasonable response costs of the governmental entity or entities that respond to the prohibited fire may be assessed against the violator(s).