

ORDINANCE 15-390

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, AMENDING "TOWN CODE CHAPTER 8.16 FIREWORKS" AND ADOPTING BY REFERENCE AMENDED "TOWN CODE CHAPTER 8.16 FIREWORKS" AND PROSCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Section 1. Adoption by Reference. Pursuant to A.R.S. §9-802 the Town hereby adopts a text amendment to the Town Code, replace the former Town Code Chapter 8.16 "Fireworks" with a new Town Code Chapter 8.16 "Fireworks", dated August 6, 2015 that is declared a public record pursuant Resolution 15-1350.

Section 2. Effective Date: This Ordinance is to be effective when publication and posting pursuant to A.R.S. §9-812 is accomplished.

Section 3. Copies of this text amendment. At least three (3) copies of "TOWN CODE CHAPTER 8.16 FIREWORKS" dated August 6, 2015 and any future amendment or revisions, shall be kept on file in the office of the Town Clerk and on the Town website for public access. Additional copies may be purchased by the public. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 4 Penalty Provisions. The following penalty provisions that are included in the new form of Chapter 8.16 are set forth below.

Failure to comply with any permit requirements issued by the fire marshal shall be subject to a civil penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

A person who uses, discharges, or ignites permissible consumer fireworks, fireworks, or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

The expenses of an emergency response are a charge against the person liable for those expenses pursuant to section 10-1-26(F)(1). The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities, or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed two hundred and fifty thousand dollars (\$250,000.00) for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

Section 4. Severability. All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

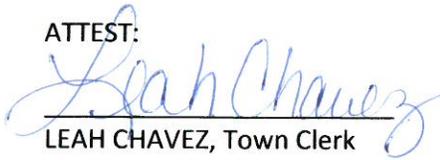
PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, on the 1st day of October 2015, to be effective when publication and posting, pursuant to A.R.S. §9-812, is completed.

TOWN OF PINETOP-LAKESIDE



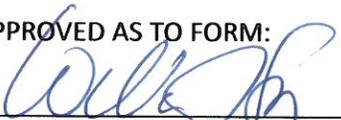
GREG SMITH, Mayor

ATTEST:



LEAH CHAVEZ, Town Clerk

APPROVED AS TO FORM:



WILLIAM J. SIMS III, Town Attorney