

TOWN OF PINETOP-LAKESIDE

ORDINANCE 25-484

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, AMENDING TOWN CODE TITLE 8, CHAPTER 8.04, SECTIONS 8.04.010 (GUIDELINES), 8.04.020 (DEFINITIONS), 8.04.030 (GENERAL FIRE RESTRICTIONS), 8.04.040 (EMERGENCY FIRE RESTRICTIONS), 8.04.050 (STAGE 1 – MINIMAL RESTRICTIONS), 8.04.060 (STAGE 2 – MODERATE TO SEVERE RESTRICTIONS), 8.04.070 (EXCEPTIONS FROM EMERGENCY FIRE RESTRICTIONS), 8.04.080 (FAILURE TO OBEY LAWFUL ORDER), AND 8.04.090 (VIOLATIONS).

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending Town Code Title 8, Chapter 8.04, Sections 8.04.010 – 8.04.090, is in the best interest of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

Section 1. **Adoption by Reference.** Pursuant to A.R.S. §9-802, the Town hereby adopts text amendments to the Town Code Chapter 8.04, Sections 8.04.010 (Guidelines); 8.04.020 (Definitions); 8.04.030 (General Fire Restrictions), 8.04.040 (Emergency Fire Restrictions), 8.04.050 (Stage 1 – Minimal Restrictions), 8.04.060 (Stage 2 – Moderate to Severe Restrictions), 8.04.070 (Exceptions From Emergency Fire Restrictions), 8.04.080 (Failure to Obey Lawful Order), 8.04.090 (Violations), as set forth on Exhibit A, a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, at 325 W. White Mountain Blvd. Lakeside, AZ 85929 pursuant to A.R.S. Section 9-802.

Section 2. **Effective Date.** This Ordinance is to be effective when publication and posting pursuant to A.R.S. §§ 9-812 and 9-813 is accomplished.

Section 3. **Penalty Clauses.** Penalty clauses included in the text amendments to Town Code Chapter 8.04 are set forth below pursuant to A.R.S. § 9-803:

a. The following clause is added to Section 8.04.050.B.

A person who commits an act in violation of this chapter 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; Emergency response and investigation costs; civil liability.

b. The following clause is added to Section 8.04.060.B.

A person who commits an act in violation of this chapter 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; Emergency response and investigation costs; civil liability.

c. Section 8.04.090.A is amended by adding and deleting the bold underlined language shown below.

Civil Violation. When a violation of this chapter is undesignated or designated a first offense by the police officer, other enforcement official or the Town Attorney, a person found to have been in violation of this chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than ~~one five~~ **one thousand** five hundred dollars (~~\$1500.00~~) nor more than **one thousand** five hundred dollars (**\$1,500.00**), plus **surcharges, fees and court costs, plus** restitution for medical treatment **required, reimbursement for emergency response personnel** and equipment and **any** property damage or any other economic loss suffered by any person **as a result of such violation**

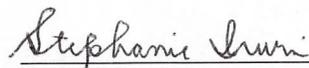
d. Section 8.04.090.B is amended by adding the bold underlined language shown below.

Criminal Violation. When a person convicted of a violation of this chapter is a person who has been previously convicted of a violation of a provision of this chapter within a period of twelve (12) months, or has refused to obey the lawful order of an officer as set forth in Section 8.04.080, the person shall be deemed to have committed a Class I misdemeanor, pursuant to A.R.S. Title 13, Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than two thousand five hundred dollars (\$2,500) for each violation or count, plus surcharges, fees and restitution for medical treatment and property damage or any other economic loss suffered by any person **as a result of such violation, and may include up to six (6) month in jail.**

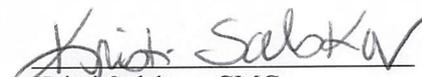
Section 4. **Severability**. All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 5th day of June 2025, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. §§ 9-812 and 9-813 is complete.

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

ATTEST:


Kristi Salskov, CMC
Town Clerk

APPROVED AS TO FORM:

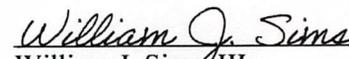

William J. Sims, III
Town Attorney

EXHIBIT A

Town Code Chapter 8.04, Sections 8.04.010 (Guidelines); 8.04.020 (Definitions), 8.04.030 (General Fire Restrictions), 8.04.040 (Emergency Fire Restrictions), 8.04.050 (Stage 1 – Minimal Restrictions), 8.04.060 (Stage 2 – Moderate to Severe Restrictions), 8.04.070 (Exceptions From Emergency Fire Restrictions), 8.04.080 (Failure to Obey Lawful Order), 8.04.090 (Violations).

Chapter 8.04 FIRE RESTRICTIONS/OUTDOOR BURNING

Sections:

- 8.04.010 Guidelines.**
- 8.04.020 Definitions.**
- 8.04.030 General fire restrictions.**
- 8.04.040 Emergency fire restrictions.**
- 8.04.050 Stage 1 – Minimal restrictions.**
- 8.04.060 Stage 2 – Moderate to severe restrictions.**
- 8.04.070 Exceptions from emergency fire restrictions.**
- 8.04.080 Failure to obey lawful order.**
- 8.04.090 Violations.**

8.04.010 Guidelines.

A. The purpose of these guidelines is to help provide a uniform system for political subdivisions in southern Navajo County to determine what fire restrictions are needed and when they are to be put into place during emergency fire conditions. In addition, one (1) goal of these guidelines is to have neighboring jurisdictions work together to try to establish a uniform date for implementation of fire restrictions.

B. It shall be the duty of the Town's Emergency Management Director after consultation, if necessary, with the U.S. Forest Service ("USFS"), local fire districts/[fire departments](#), other emergency management directors in the region, etc., to initiate fire restrictions within the Town during emergency fire conditions.

C. The Town's Emergency Management Director will utilize the ~~U.S. Forest Service ("U.S.F.S.") Apache-Sitgreaves Energy Release Components ("ERC") Monitoring System~~ [National Fire-Danger Rating System \(NFDRS\)](#) and [Fire Preparedness level indicators](#) (<https://www.fs.usda.gov/detail/invo/home/?cid=stelprdb5173311>) to help determine when ~~such~~ fire restrictions ~~may be~~ are necessary. As a general guideline, [emergency fire restrictions should be considered](#) when the [Energy Release Components \(ERCs\)](#) reading reaches ninety (90%) percent for at least five (5) consecutive days, ~~fire restrictions should be considered~~.

D. The ~~Emergency Management Director for Navajo County will work with the~~ Town's Emergency Management Director ~~shall to~~ attempt to ~~initiate and~~ coordinate [with the Emergency Management Director for Navajo County and fire officials in the region](#), a uniform date for implementing fire restrictions.

E. When the Town's Emergency Management Director, after consultation with the Town Manager, determines that fire restrictions are necessary and the date of **initiation implementation** has been determined, the Town's Emergency Management Director will direct that appropriate fire restrictions be ordered, and will notify the public of the nature and extent of the fire restrictions and the effective date. Fire restriction information needs to be disseminated not only to local residents, but to visitors and tourists as well. (Ord. 19-421 § 1 (part); Ord. 12-362; Ord. 05-249 § 2 (part))

F. Upon issuance of the initial order, the Town Manager authorizes the Emergency Management Director to modify the restriction level or cancel the restrictions as conditions warrant per National Fire-Danger Rating System (NFDRS) and Preparedness Level indicators to determine the cancellation of restrictions. The Emergency Management Director shall immediately notify the Mayor and Town Manager of any changes in restrictions.

8.04.020 Definitions.

A. "Attendance" Open burning, bonfires or recreational fires shall be constantly attended until the fire is completely and properly extinguished. Appropriate tools, equipment or approved devices and approved extinguishing agents such as dirt, sand, water or approved appropriate fire extinguishers shall be readily available for immediate utilization. A fire shall be considered "Unattended" if it is not constantly monitored with the appropriate tools and equipment and properly extinguished.

B. "Authority Having Jurisdiction (AHJ)" Means an entity that has the authority and responsibility for developing, implementing, maintaining, and overseeing the qualification process within its organization or jurisdiction. This may be a state or Federal agency, training commission, NGO, private sector company, or a tribal or local agency such as police, fire, or public works department. In some cases, the AHJ may provide support to multiple disciplines that collaborate as a part of a team (e.g., an Incident Management Team).

C. "Bonfire" means an outdoor fire utilized for ceremonial purposes and shall not be less than 50 feet (15,240 mm) from any structure.

D. "Charcoal fire" means an open outdoor fire **that which** uses primarily charcoal as the combustible material, and which is used only for the purpose of cooking food.

E. "Combustion Engines" means an engine which generates mechanical power from a fuel. This includes an engine in which combustion is intermittent such as four-stroke, two-stroke, gas turbines, and diesel engines.

F. "Deliberate or Negligent" burning means to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

~~G.G.~~ "Emergency Management Director" means a person who is designated as such by the Town Manager.

H. "Explosive or Reactive Targets" means targets that are reactive or explosive in nature and creates a big bang and/or a cloud of smoke such as targets that use Tannerite.

I. "Factory Mutual" (FM) is the independent testing arm of the international insurance carrier, FM Global. FM approves use scientific research and testing to make sure products conform to the highest standards for safety and property loss prevention.

J. "Firearms" means a weapon that launches one or more projectiles at a high velocity through the confined burning of a propellant.

K. "Fireworks" means any combustion or device consisting of a combination of explosives and combustible, detonated to generate colored lights, model rockets, pyrotechnic displays, smoke, and noise for amusement or entertainment purposes.

~~D.L.~~ "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.

M. "LPG" - LPG is a type of fuel consisting of hydrocarbon gases in liquid form. LPG is an abbreviation for "liquefied petroleum gas".

~~E.N.~~ "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, ~~but not including campfires and charcoal fires~~ to include the use of fire for the purpose of weed/debris abatement.

O. "Outdoor Fireplace/Commercial Smoker" means devices that have been manufactured and or built to current, approved, and tested standards (UL or FM listed or equivalent) or to approved building codes.

P. "Recreational Fire/Campfire" means burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material.

F.Q. "Red flag warning" or "red flag conditions" means a **posting determination** by the National **Weather Service Oceanic and Atmospheric Administration** to inform the Town and other agencies of the imminent or actual occurrence of extreme fire danger or extreme fire conditions.

R. "Special Event" means a one-time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing body.

S. "Underwriter Laboratories" (UL) is a global safety science company, and the largest and oldest independent testing laboratory in the United States. Underwriters Laboratories tests the latest products and technologies for safety before they are marketed around the world.

T. "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.

~~G. "Wind advisory" means an advisory issued by the National Weather Service when there are sustained winds of thirty-one (31) to thirty-nine (39) miles per hour and/or gusts of forty-six (46) to fifty-seven (57) miles per hour.~~

~~H. "High wind warning" means a warning when winds are expected to reach forty plus (40+) miles per hour and/or wind gusts of fifty-eight plus (58+) miles per hour.~~

I.Q. "Smoking" means burning, smoldering or lit cigarettes, cigars, cigarillos, smoking pipes or other smoking products containing tobacco or other plant material. (Ord. 19-421 § 1 (part); Ord. 05-249 § 2 (part))

8.04.030 General fire restrictions.

It shall be unlawful for any person to start, ignite, cause or permit to be ignited, or to allow or maintain any open outdoor fire except as allowed by permit through the Town, the applicable fire district, or the Arizona Department of Environmental Quality, as set forth in A.R.S. Title 49. ~~The following fires are excepted from these fire restrictions.~~

During "Red Flag Warning" conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires, agricultural burning or outdoor smoking are permitted on either public or private property within the Town.

The following fires are exempted from these fire restrictions:

A. Fires used only for cooking of food or for providing warmth for human beings. ~~or for recreational purposes (campfires and charcoal fires), or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery or the disposal of flags pursuant to federal law~~ in an area that is designated for that purpose and is barren or cleared of all debris. A person of appropriate age must maintain presence at all times when in operation. A fire shall be considered "Unattended" if it is not constantly monitored with the appropriate tools and equipment and properly extinguished.

B. Fires used for the purpose of branding of animals, for the purpose of frost protection in farming or nursery, or for the disposal of flags pursuant to federal law. A person of appropriate age must maintain a presence at all times when in operation. A fire shall be considered "Unattended" if it is not constantly monitored with the appropriate tools and equipment and properly extinguished.

~~B.C.~~ Any fire set or permitted by any public ~~officer~~ official in the performance of official duty, if such fire is set or permission given for the purpose of instruction in the methods of fighting fires or the control of an active wildfire.

~~C.D.~~ Fires set by or permitted by authority of the Director of the Arizona Department of Agriculture or Navajo County agricultural agents for the purposes of disease and pest prevention.

~~D.E.~~ Fires authorized by ~~s~~Special Use ~~p~~Permits as issued by the Town's Emergency Management Director, fire district or fire department.

~~E.F.~~ Fires set by or permitted by the federal government or any of its departments, agencies or agents or the state or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.

~~F.G.~~ Fires permitted by any rule or regulation issued pursuant to A.R.S. Title 49, by any special or conditional permit issued by a hearing board established under A.R.S. Title 49, or by any rule or conditional permit issued pursuant to A.R.S. Title 49, and when pursuant to A.R.S. § 49-402, the Arizona Department of Environmental Quality has assumed jurisdiction of the county in which the fire is located. (Ord. 19-421 § 1 (part): Ord. 05-249 § 2 (part))

8.04.040 Emergency fire restrictions.

A-In addition to the fire restrictions set forth in Section 8.04.030, the following emergency fire restrictions when ordered and in effect shall apply to all public and private properties:

1.A. During "Red Flag Warning," ~~"wind advisory" and/or "high wind warning"~~ conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires, agricultural burning or outdoor smoking shall be permitted on either public or private property within the Town.

B. When it has been determined by the Emergency Management Director, after consultation with the Town Manager and the Mayor, that additional fire restrictions are needed to assure the safety of the public, the Town's Emergency Management Director will initiate the appropriate restriction stage level. (Ord. 19-421 § 1 (part); Ord. 05-249 § 2 (part))

C. Except as specifically allowed under the Fireworks Ordinance, it shall be unlawful for any person to use fireworks when emergency fire restrictions are in effect. Prohibitions of fireworks include but are not limited to consumer fireworks, ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels and ground spinners in the Town.

8.04.050 Stage 1 – Minimal restrictions.

A. The following acts are prohibited until further notice:

1. Igniting, building, maintaining, attending, or using a fire or campfire fueled by combustible materials such as wood, charcoal, briquettes, and/or coal ~~unless noted in the exemptions below.~~

Exemption: Fires fueled by combustible materials, such as wood, wood pellet smokers, charcoal, briquette, and/or coal, used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires) must be in Developed Site, as defined above.

Exemption: Use of the following items are permitted: propane fire rings, pellet stoves/smokers/grills that have UL or FM approval and are a contained unit. A person of appropriate age must always maintain a presence when in operation.

2. Smoking outdoors ~~side of designated areas.~~

Exemption: Smoking within an enclosed vehicle is allowed. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire. All smoking materials must be and properly extinguished and disposed of in an appropriate manner. At no time is it allowed to discard lit cigarettes, cigars, or other smoking materials from a vehicle, or from ones' possession in a public place. ARS 13-1603.a.1.

3. Use of any and all consumer fireworks.

Exemption: None

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

Exemption: None

B. Additional Exemptions During Stage 1.

1. Persons obtaining a ~~with~~ written "Special Use ~~p~~Permits" from the "Authority Having Jurisdiction" that specifically authorize the otherwise prohibited act.

~~2.— Fires used only for cooking of food or for providing warmth for human beings or for recreational purpose (campfires and charcoal fires) in an area that is designated for that purpose and is barren or cleared of all debris.~~

2. Emergency repair of public utilities and mitigation measures are implemented as outlined in an emergency plan.

~~3.— Smoking within an enclosed building and inside vehicles is allowed. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire. Throwing or discarding lit cigarettes, cigars or other smoking materials from a vehicle or from one's possession out of doors is prohibited.~~

~~4.— Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the device.~~

~~5.— Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.~~

- ~~6.3.~~ Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

4. Other exemptions unique to each "Authority Having Jurisdiction".

** An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity. A person who commits an act in violation of this chapter 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; Emergency response and investigation costs; civil liability. (Ord. 19-421 § 1 (part))

8.04.060 Stage 2 – Moderate to severe restrictions.

Stage 2 intensifies the restrictions in effect from Stage 1 by focusing on activities that have a high risk of causing a fire to start.

A. The following acts are prohibited ~~until further notice~~: at all times under Stage 2, unless an exemption is listed:

1. Building, maintaining, attending, or using a fire, campfire, charcoal, coal, or wood including fires in developed campgrounds or improved sites.

Exemption: Devices used only for the cooking of food or for providing warmth for human beings in an area that is designated for that purpose and is barren or cleared of all debris for 3 feet in diameter around the device.

2. Smoking outside of designated areas.

Exemption: Designated areas for smoking include inside of an enclosed building and inside vehicles. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire, and all smoking materials are properly extinguished and disposed of. At no time is it allowed to discard lit cigarettes, cigars, or other smoking materials from a vehicle, or from ones' possession in a public place. ARS 13-1603.a.1.

3. Outdoor Mechanical and Industrial Prohibitions.:

- a. Operating any electric device or internal combustion engine in the course of mechanical or industrial operations that would produce open flames or sparks.
- b. Welding, or operating acetylene or other torch with open flame.
- c. Using an explosive.

Exemption: Industrial operations where specific operations and exemptions are identified, and mitigation measures are implemented as outlined by the Authority Having Jurisdiction.

Exemption: Welding, or operating acetylene or other torch with open flame in an enclosed or developed area designated for that purpose that is equipped with appropriate fire protection.

Exemption: Persons operating equipment with UL and/or FM approval and spark arrestors such as chainsaws (electric or internal combustion engine), lawnmowers and landscaping equipment in maintained landscaped space.

4. Operating motorized vehicles off designated roads and trails.

Exemption: Operating motorized vehicles on designated roads and trails so long as you park in an area devoid of vegetation within 10 feet of the roadway.

5. Use of all consumer fireworks.

Exemption: None

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

Exemption: None

7. Use of tracer round ammunition.

Exemption: None

8. Discharging firearms.

Exemption: Any federal, state, or local law enforcement officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Exemption: Discharging firearms is permissible while engaged in a lawful hunt pursuant to state, federal or tribal laws or regulations or in an agency designated shooting range or law enforcement officials in the course of their duties.

B. Additional Exemptions During Stage 2:-

1. Persons **with** obtaining a written "Special Use **p**Permits" **that specifically** from the Authority Having Jurisdiction **that specifically** authorizes the otherwise prohibited act.

~~2.—Industrial operations where specific operations and exemptions are identified and mitigation measures are implemented as outlined in an agency plan.~~

~~3.—Smoking within an enclosed building and inside vehicles is allowed. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of~~

~~fire. Throwing or discarding lit cigarettes, cigars or other smoking materials from a vehicle or from one's possession out of doors is prohibited.~~

~~4. Persons operating internal combustion engines with spark arrestors such as lawnmowers and landscaping equipment in maintained landscaped space.~~

~~5. Welding, or operating acetylene or other torch with open flame, in an enclosed or developed area designated for that purpose that is equipped with appropriate fire protection.~~

~~6. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the device.~~

~~72.~~ Operating generators with an UL and/or FM approval and an approved spark arresting device within an ~~enclosed vehicle or building or in an~~ area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the generator.

~~8. Operating motorized vehicles on designated roads and trails so long as you park in an area devoid of vegetation within ten (10) feet of the roadway.~~

93. Emergency repair of public utilities and mitigation measures are implemented as outlined in an agency plan.

104. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.

~~11. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.~~

5. Other exemptions unique to each "Authority Having Jurisdiction".

** An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity. A person who commits an act in violation of this chapter 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 Arizona Revised Statute 13-1709; Emergency response and investigation costs; civil liability. (Ord. 19-421 § 1 (part))

8.04.070 Exceptions Fires exempt from emergency fire restrictions.

The following fires are excepted from the provisions of the emergency fire restrictions set forth in this chapter:

- A. Fires set or permitted by any public officer, federal, state or local, in the performance of their official duties.
- B. Fires set or permitted by the State Entomologist or Navajo County agricultural agents for the purpose of disease and pest prevention.
- C. Fires set or permitted by the federal government, the **State of Arizona or the** White Mountain Apache Tribe, the State of Arizona or any of their **respective** departments, agencies or political subdivisions for the purpose of fire prevention or control, or watershed rehabilitation or control through vegetative manipulation.
- D. Fires permitted by the Town's Emergency Management Director or his designee. The conditions of the permit, including permitted date(s), nature of the burning, etc., shall be on every such permit issued. (Ord. 19-421 § 1 (part): Ord. 05-249 § 2 (part). Formerly 8.04.050)

8.04.080 Failure to obey lawful order.

The failure to obey a lawful order by the Town's Emergency Management Director or designee, a **certified** police officer, a firefighter or other officer of a fire district/**fire department**, uniformed personnel or certified peace officer of the U.S.F.S. or failure to comply with the requirements of this chapter (including without limitation an order to extinguish or put out any lit, burning or smoldering materials during emergency fire restrictions) shall be a distinct and separate violation of this chapter. (Ord. 19-421 § 1 (part): Ord. 05-249 § 2 (part). Formerly 8.04.060)

8.04.090 Violations.

- A. Civil Violation. When a violation of this chapter is undesignated or designated a first offense by the police officer, other enforcement official or the Town Attorney, a person found to have been in violation of this chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than ~~one~~ **five** hundred dollars (\$~~1500.00~~) nor more than **one thousand** five hundred dollars (\$1,500.00), plus **surcharges, fees and court costs, plus** restitution for medical treatment **required, reimbursement for emergency response personnel and equipment** and **any** property damage or any other economic loss suffered by any person **as a result of such violation**.
- B. Criminal Violation. When a person convicted of a violation of this chapter is a person who has been previously convicted of a violation of a provision of this chapter within a period of twelve (12) months, or

has refused to obey the lawful order of an officer as set forth in Section [8.04.080](#), the person shall be deemed to have committed a Class I misdemeanor, pursuant to A.R.S. Title [13](#), Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than two thousand five hundred dollars (\$2,500) for each violation or count, plus surcharges, fees and restitution for medical treatment and property damage or any other economic loss suffered by any person [as a result of such violation, and may include up to six \(6\) month in jail](#).

C. Continuing Violations. If any violation of this chapter continues, each day's violation shall be deemed as a separate violation, as long as the police officer or enforcement official notes the dates or the number of days on the citation(s). (Ord. 19-421 § 1 (part); Ord. 05-249 § 2 (part). Formerly 8.04.070)