

**YAVAPAI COUNTY
ORDINANCE 2025-2
OUTDOOR FIRE ORDINANCE
REPEALING AND REPLACING
ORDINANCE 2020-2**

**AN ORDINANCE OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE STAGED RESTRICTION AND PROHIBITION OF
COMBUSTION, OPEN FIRES, CAMPFIRES, AND FIREWORKS ON
DESIGNATED LANDS IN THE UNINCORPORATED AREA OF YAVAPAI
COUNTY, ESTABLISHING FIRE ZONES IN THE UNINCORPORATED AREA,
ESTABLISHING PROCEDURES FOR THE ENACTMENT OF PROHIBITIONS
AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

I. TITLE

This Ordinance shall be known as the Yavapai County Outdoor Fire Ordinance.

II. PURPOSE

The purpose of this Ordinance is to protect the public health, safety and welfare by establishing procedures for enactment and enforcement of emergency prohibitions and staged restrictions of combustion, open fires, campfires, and fireworks pursuant to A.R.S. §§11-251(63) and 36-1606 and establishing penalties for violation of such prohibitions.

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”** means that part of Yavapai 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 Yavapai 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. **“EMERGENCY MANAGEMENT OFFICER”** means the Yavapai County Emergency Manager, or their designee, of the Yavapai County Office of Emergency Management.
8. **“EXCLUSION”** means a limited set of exemptions from the prohibited activities set forth in Section VIII below. An exclusion is a defense to a charge of a violation of this Ordinance. However, an exclusion does not absolve any Person(s), as defined below, from liability or responsibility for any fire started by the excluded activity. In the event of any ambiguity or uncertainty as to the meaning or application of an exclusion, the narrowest interpretation as shall further the prevention of wildfire and promote the public health, safety and welfare shall prevail.
9. **“EXEMPTION”** means an officially granted written exception to this Ordinance, to be granted on a case-by-case basis, as further described in Section VII below.
10. **“FIRE BAN”** means a prohibition upon open fires, campfires, fireworks, and combustion when so declared by the Board of Supervisors
11. **“FIRE DISTRICT”** means a special taxing district created pursuant to Arizona Revised Statutes Title 48, Chapter 5.
12. **“FIRE STAGE”** means a category of exclusions 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.
13. **“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, or any article prepared for the purpose of producing a visible or audible effect brought about by combustion, explosion, detonation, or deflagration that is a consumer firework or display firework as further defined in Arizona Revised Statutes § 36- 1601.
14. **“PERMISSIBLE CONSUMER FIREWORKS”** means the type of permissible consumer fireworks as defined in Arizona Revised Statutes § 36-1601.
15. **“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.
16. **“OPEN FIRE”** means a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
17. **“OUTDOOR FIRE PROHIBITION”** means a prohibition on open fires and campfires enacted by the Board pursuant to Arizona Revised Statutes § 11-251(63).
18. **“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.

19. **“UNINCORPORATED AREA”** means the unincorporated area of Yavapai County, exclusive of areas under the jurisdiction of the United States, the State of Arizona or a federally recognized Indian tribe.
20. **“ZONE”** means a delineated portion of the unincorporated area of Yavapai County, having a designation and boundary as set forth and defined in Attachment 1, which may be the subject of a fire emergency determination pursuant to this ordinance.
21. **“ZONE EXCLUSION”** means the exemption of a zone from any fire ban.

IV. **PROHIBITED ACTIVITIES**

During an implemented 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 open fire, or use of fireworks when prohibited by this Ordinance; or
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 during a fire ban.

V. **ENFORCEMENT**

1. Any person, firm, association, partnership, corporation or other legal entity who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor **and shall be subject to a fine or a term of imprisonment or both. A.R.S. 11-251.05(2)**
2. 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 to the emergency response and the investigation of the commission of the offense in accordance with A.R.S. § 13-1709.

VI. **EFFECTIVE AREA/FIRE ZONES**

This Ordinance shall be effective in the Unincorporated Area of Yavapai County as defined herein. For purposes of this Ordinance, the Unincorporated Area shall be divided into Five Zones as depicted on the map attached hereto as Attachment 1 and incorporated by reference herein.

VII. **EXEMPTION**

1. Person(s) may seek an exemption to engage in activity prohibited by this Ordinance. Such exemptions must be issued by the specific fire district where the activity is to be performed and must specifically describe the requesting party's contact information, activity, location, and time frame for which the exemption applies. For activities outside of a fire district, an exemption request can be submitted to the Emergency Management Officer.

2. Exemptions will only be issued by the Emergency Management Officer during Stage 1 and Stage 2 restrictions. The Emergency Management Officer will not issue any exemptions under Stage 3 restrictions. If, upon review by the Emergency Management Officer, regional fire weather conditions and fire conditions favor the authorization of an exemption, an exemption may be issued specifically describing the person seeking the exemption, contact information, activity, location, and time frame for which the exemption applies. Adequate fire suppression equipment and personnel, as attested to by the exemption applicant, must be on site and readily available. Reasonable and prudent measures should be taken to mitigate risks, such as the removal of receptive fuels from the immediate area of activity and monitoring of changing weather conditions to include high winds.
3. In the event of changing weather or other conditions not favorable for safe activity and the prevention of fire or an increase in Yavapai County stage restrictions, the exemption holder shall suspend the activity. The exemption holder is responsible for ensuring that they are always aware of the existing weather conditions and current fire stages. At the Emergency Management Officer's discretion, an exemption may be rescinded for developing fire hazard conditions or other circumstances. Exemptions are issued for the current fire stage. If the stage should change, the exemption shall become automatically void. The exemption holder may re-apply for a new exemption under the new stage.
4. While the Yavapai County Office of Emergency Management will not issue an exemption under Stage 3 restrictions, fire districts within Yavapai County, as defined by A.R.S. Title 48, Chapter 5, may choose to issue an exemption for locations within their jurisdiction. Any exemption issued by a fire district shall be recognized under this Ordinance.
5. An exemption issued according to this Ordinance does not relieve any Person(s) or organization(s) from any civil or criminal liability outside of the authority of this Ordinance associated with the activity and potential for fire because of such activity

VIII. FIRE STAGE RESTRICTIONS

Yavapai 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.

1. STAGE ONE:

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

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

Exclusion: 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.

Exclusion: 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.

B. Smoking outdoors.

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

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

Exclusion: None

D. Additional Exclusions during Stage 1:

1. Person(s) with a written exemption 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.
5. An exclusion does not absolve any Person(s) from liability or responsibility for any fire started by the excluded activity.

2. STAGE TWO:

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

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

Exclusion: Using a stove, wood pellet smoker, grill, fire ring, 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.

B. Smoking outdoors.

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

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

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

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

Exclusion: None.

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

Exclusion: None.

F. Additional Exclusions during Stage 2:

1. Persons with a written exemption 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.
5. An exclusion does not absolve any Person(s) from liability or responsibility for any fire started by the excluded activity.

3. STAGE THREE:

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

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

Exclusion: None.

B. Smoking outdoors.

Exclusion: Smoking within an enclosed vehicle.

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

Exclusion: None.

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

Exclusion: None.

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

Exclusion: None.

G. Additional Exclusions 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.
3. An exclusion does not absolve any Person(s) from liability or responsibility for any fire started by the excluded activity.

IX. PROGRESSION FROM FIRE STAGE TO FIRE STAGE; ALTERATION OF ZONE EXCLUSIONS

During the period of any fire stage, the Emergency Management Officer shall have authority to change the fire stage commensurate with the risk of wildfire in the area of jurisdiction. The Emergency Management Officer is also authorized to add, remove, or amend any Zone exclusions to the fire ban Order. Such changes to fire stages or Zone exclusions are subject to the following procedure: Prior to making authorized changes, the Emergency Management Officer shall conduct the same consultations as in the determination of fire stages. The Emergency Management Officer shall prepare and submit a report with supporting exhibits as deemed necessary and provide to County Management and the Board of Supervisors. Upon determination that the fire stage will be adjusted, or a Zone exclusion will be added, removed, or amended, the Emergency Management Officer 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 Emergency Management Officer, and acting in the event the Board believes a need exists for a fire stage, fire ban, or Zone exclusion change.

X. DETERMINATION OF CONDITIONS WARRANTING A FIRE BAN

1. The Emergency Management Officer shall be responsible for determining when conditions are such that a fire ban is warranted. The Emergency Management Officer shall base his/her determination upon such factors as may be deemed relevant by the Emergency Management Officer 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 Emergency Management Officer 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.
2. The Emergency Management Officer, when offering the determination required under this Ordinance, will also determine whether any Zone within the area of jurisdiction may be

excluded from application of this Ordinance. The Emergency Management Officer shall specifically define the Zone(s) that is/are to be excluded.

3. The Emergency Management Officer 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 exclusion(s).
4. There may be more than one Zone exclusion enacted at any one time.

XI. ENACTMENT OF FIRE BAN AND NOTICE

If, following the report of the Emergency Management Officer, 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 fire stage restrictions and any Zones that are excluded 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. If the Emergency Management Officer requests immediate imposition of the fire ban, the Chair of the Board or the Vice Chair or his/her designee may issue an Interim Order imposing the restrictions, subject to ratification by majority vote of the Board at its next regularly scheduled meeting.

XII. TERMINATION OF FIRE BAN

1. Unless otherwise specified in the Order enacting the fire ban, the Order shall expire on the date that the Emergency Management Officer 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 Emergency Management Officer may rescind his/her determination if wildfire conditions worsen such that the fire ban Order should remain in effect.
2. Nothing herein prevents the Board of Supervisors from convening a meeting, seeking a report from the Emergency Management Officer, and acting in the event the Board believes a need exists for termination of the fire ban.
3. All determinations of the Emergency Management Officer recommending a fire ban, altering the fire stages or Zone exclusions, 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

1. 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 XIII is subject to a civil penalty of \$1,000.

2. 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.

1. Notwithstanding the above, the Board of Supervisors may prohibit the use of permissible consumer fireworks at any time at the following locations:

- a. Within a one-mile radius of the border of preservation lands owned by a city or town that has purchased more than fifteen thousand acres of land for preservation purposes.
- b. Within a one-mile radius of the border of any municipal or county mountain preserve, desert park, regional park, designated conservation area, national forest or wilderness area.

2. Permits for Public Displays

Pursuant to A.R.S. § 36-1603 permits for public displays of fireworks in unincorporated areas within 50 miles of the County Seat shall be requested from the Board of Supervisors not less than five days prior to the date of display. A bond will be required. Upon the granting of a permit, the sale, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit is transferable or assignable.

XIV. REPEAL

This Ordinance repeals and replaces Ordinance 2020-2.

XV. EFFECTIVE DATE/DECLARATION OF EMERGENCY

This Ordinance is an emergency measure intended to reduce the hazards created by open fires and campfires during periods of declared fire prohibitions or restrictions. It has been determined to be necessary to preserve the public peace, health or safety and shall, therefore, be effective immediately upon approval as provided by law.

APPROVAL

APPROVED by the Yavapai County Board of Supervisors this _____ day of _____
2025.

YAVAPAI COUNTY

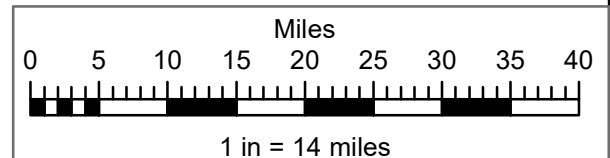
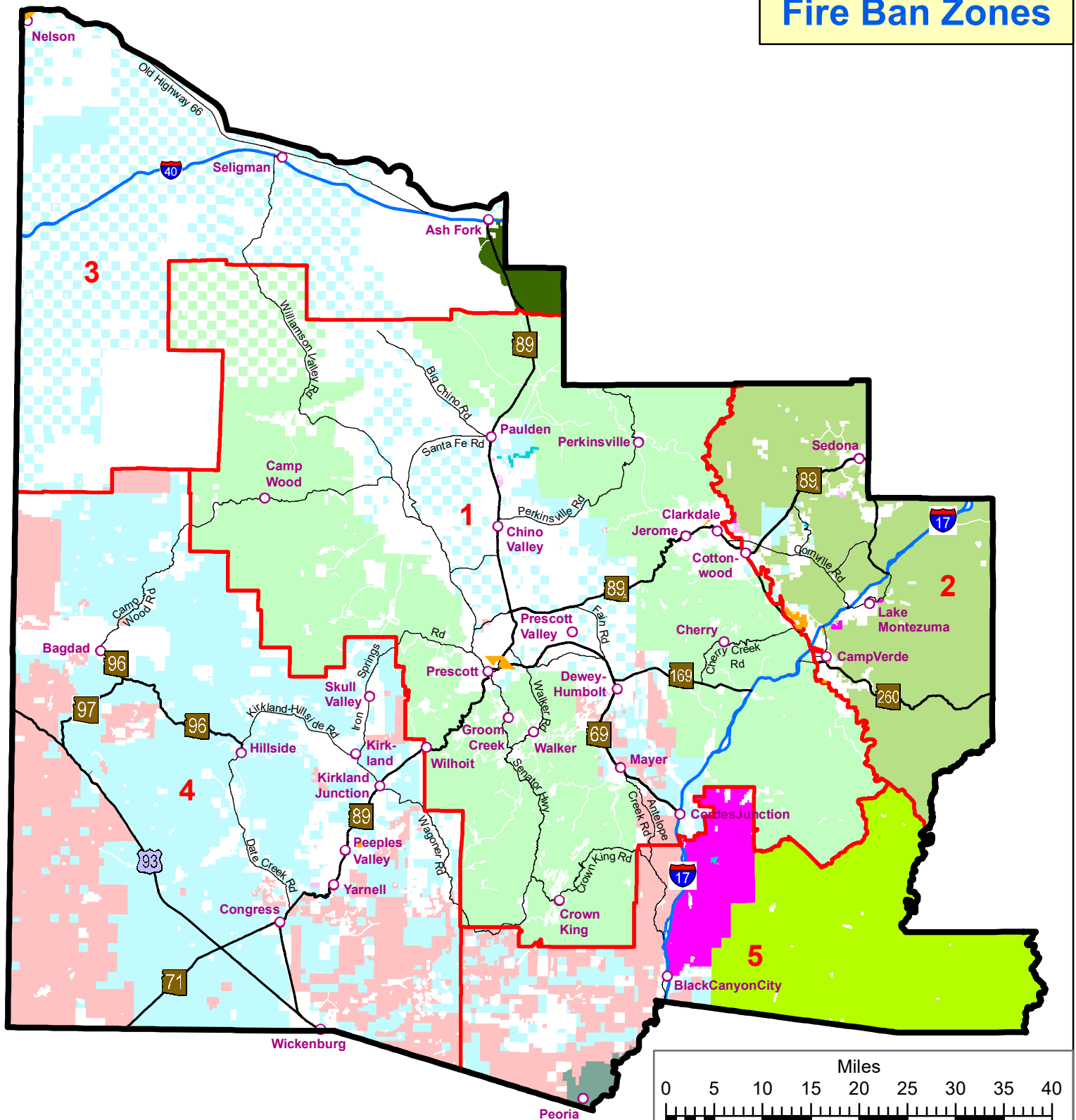
By: _____

Mary Mallory, Chair
Yavapai County Board of Supervisors

ATTEST:

Jayme Rush, Clerk of the Board
Yavapai County

Fire Ban Zones



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Yavapai County assumes no responsibility for errors, omissions, or inaccuracies in this mapping product.

LEGEND

- Communities
- ▭ Fire Ban Zones
- Major Roads**
 - Interstate Hwys
 - U.S. and State Hwys
 - Other

- Land Ownership**
 - Arizona Game and Fish
 - Arizona State Parks
 - Bureau of Land Management
 - Bureau of Reclamation
 - Coconino National Forest
 - Kaibab National Forest

- National Monument
- Prescott National Forest
- Private
- State of Arizona Land
- Tonto National Forest
- Tribal Lands

