

ORDINANCE NO. 2010-11-0802

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, IMPOSING A BAN ON PRIVATE AND PUBLIC LANDS IN THE INCORPORATED TOWN OF TUSAYAN.

WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and

WHEREAS, A.R.S. § 26-307 authorizes towns to make, amend and rescind orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and

WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and

WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and

WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and

WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and

WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and

WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and

WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1: The Mayor and Town Council of the Town of Tusayan hereby impose a ban on all open fires, campfires, fireworks and other pyrotechnic displays within the incorporated boundaries of Tusayan, effective at any time and for such times in which Restrictions are declared in effect by U.S. Forest Service, Kaibab National Forest. Excepted from this ban are petroleum-fueled stoves or lanterns, enclosed charcoal barbeque grills operated in residential yards, and special events specifically approved by the Town Council.

Section 2: Any person found guilty of violating any provision of this ordinance shall be guilty of a class one misdemeanor. Each occurrence of a violation shall be a separate offense punishable as herein described. Violations of this ordinance shall be enforced under the same conditions and procedure as set forth in A.R.S. § 13-3903.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of public peace, health and safety of the Town of Tusayan, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of Tusayan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Tusayan, Arizona, this 8th day of September, 2010.

APPROVED this 8th day of September, 2010 by the affirmative vote of three-fourths of the Town Council of the Town of Tusayan, Arizona.

APPROVED:

Pete Shearer
Pete Shearer, Mayor

ATTEST:

[Signature]
Pam Parsons, Town Clerk

APPROVED AS TO FORM:


[Signature] for Russell A. Kolsrud
Russell A. Kolsrud, Town Attorney

ORD. 2010.09.08.02

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store, Red Feather Lodge, and the Best Western Squire Inn in Tusayan Arizona in accordance with the statement filed by the Tusayan Town Council.

Posted at 4:30 p.m. this 13th day of September 2010.



Pam Parsons, Town Clerk

Removed 5PM
OCT 11 2010
