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RESOLUTION NO. 11-846

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, TEMPORARILY PROHIBITING THE USE OF ALL FIREWORKS, INCLUDING "PERMISSIBLE CONSUMER FIREWORKS" WITHIN CITY LIMITS AND SPECIFYING CRIMINAL PENALTIES AND FINANCIAL RESPONSIBILITY FOR THE VIOLATION OF THIS PROHIBITION.

WHEREAS, the City of Douglas does hereby find:

That there is currently a state of local emergency with regard to the high wildfire danger existing in the City and surrounding areas, and that a Proclamation was issued by the Mayor's Office on June 16, 2011, prohibiting fireworks and other open fires, as during these summer months there have been various extreme wildland fires in the Huachuca Mountains, the Palominas area, and the Chiricahua Mountain Region of Cochise County, Arizona; and

WHEREAS, there is a more than reasonable risk of additional wildfires at this time and for the foreseeable future, in Cochise County as a whole, due to extremely low moisture content of local vegetation, and other dry and dangerous conditions; and

WHEREAS, the Arizona revised Statute §36-1606 empowers the City of Douglas to regulate the use of permissible consumer fireworks within the unincorporated areas of Cochise County whenever there is a reasonable risk of wildfires; and

WHEREAS, the Arizona Revised Statute §36-1608 makes it a class three misdemeanor, punishable by up to 30 days in Jail or up to a \$500 fine plus an 84% surcharge, to violate a permissible consumer fireworks prohibition issued by the City of Douglas; and

WHEREAS, the Arizona Revised Statute §13-1702 makes it a class one misdemeanor, punishable by up to 180 days in Jail or up to a \$2,500 fine plus an 84% surcharge, to recklessly cause a fire or explosion which results in damage to an occupied structure, a structure, wildland or other property; and

WHEREAS, the Arizona Revised Statute §13-2913 makes it a class two misdemeanor to violate any fire ban that has been established by order or rule.

WHEREAS, the Arizona Revised Statute §13-1709, makes a person who is convicted of starting a fire which requires an emergency response or investigation responsible for the expenses incurred for that response or investigation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Douglas, Arizona, as follows:

The City of Douglas does hereby issue a temporary prohibition against the use of all fireworks, including permissible consumer fireworks and novelty items, along with cancelling the issuance of any burn permit, pursuant to Arizona Revised Statute §36-1606, within city limits; and

1 **WHEREAS**, due to the current, emergency nature of the extreme fire risk, this City wide
2 prohibition against fireworks use, as noted herein, is immediately effective upon the passage of this
3 resolution and does hereby supersede and cancel the previously issued Proclamation of June 16, 2011.

4 **WHEREAS**, this prohibition shall remain in effect for 28 calendar days (until and including
5 Wednesday, August 10, 2011), unless lifted earlier by a new, explicit resolution of the City of
6 Douglas; and

7 **WHEREAS**, any person who uses fireworks, including permissible consumer fireworks and
8 novelty items, or otherwise violates this resolution shall be subject to arrest for violation of this City
9 wide prohibition and shall be subject to punishment upon conviction, as stated in Arizona Revised
10 Statute §36-1608, or as otherwise provided by law; and

11 **WHEREAS**, any person who starts a fire by using fireworks or through other actions/means
12 violates this City wide prohibition shall be subject to arrest and subject to punishment upon conviction,
13 as stated in Arizona Revised Statute §13-1702, or as otherwise provided by law; and

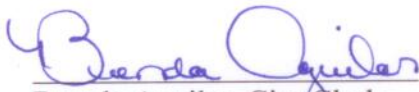
14 **WHEREAS**, any person who starts a fire by using fireworks or through other actions/means
15 violates this City wide prohibition will be responsible for emergency response and investigation
16 expenses incurred, pursuant to Arizona Revised Statute §13-1709, or as otherwise provided by law.

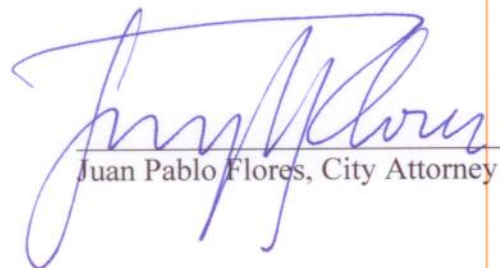
17 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 13th
18 day of July, 2011.

19 
20 Dr. Michael Gomez, Mayor

21 Attest:

22 Approved as to Form:

23 
24 Brenda Aguilar, City Clerk

25 
Juan Pablo Flores, City Attorney



THE CITY OF DOUGLAS Recreation Department

Contact: George Lopez
425 Tenth Street, Douglas, Arizona 85607
Telephone (520) 417-7340
Fax (520) 805-9345

Press Release

Douglas 4th of July Park Festivities and Fireworks Cancelled

The City of Douglas issues Proclamation forbidding open flame or propane grills on City property

Douglas, AZ, June 22, 2011: Due to continuing High Fire Danger conditions in Cochise County and in light of the massive destruction of the current wild land fires in surrounding communities the Mayor of Douglas has signed a Proclamation prohibiting the use of consumer fireworks in City limits, forbidding open fire and/or propane grills on City property, and cancelling the City of Douglas 4th of July fireworks show. As a result of this Proclamation, the City of Douglas has also cancelled all 4th of July festivities at Veteran's Memorial Park. Many surrounding communities have also cancelled 4th of July fireworks shows.

Parade still to take place on the 4th of July

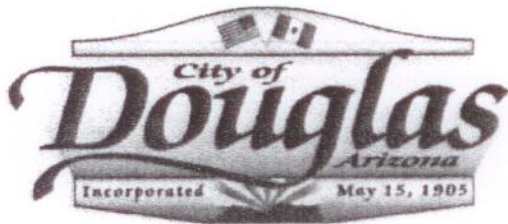
The annual 4th of July parade will still take place beginning at 10:00 a.m. The parade route will begin on 3rd street and G Avenue and end on 14th Street and G Avenue. Community members are encouraged to enter a float and show their patriotism.

Community Celebration to take place at a later date

City officials will organize a community event that will include live music and fireworks that were scheduled to take place during the 4th of July weekend. No date has been set for this celebration at this time. An alternate date such as Labor Day or Patriots Day is under consideration. Details on the event will be announced throughout the community.

Consumer Fireworks Prohibited

Although the purchases of consumer fireworks, display fireworks, and novelty fireworks are allowed under ARS 36-1601, both the **City of Douglas** and **Cochise County** have prohibited the use of any and all fireworks within City limits and unincorporated areas of Cochise County during this period of High Fire Danger. Please be aware that steep fines and even jail time may be associated with fireworks violations.



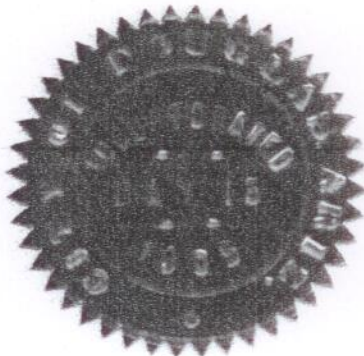
OFFICE OF THE MAYOR
DR. MICHAEL GOMEZ


PROCLAMATION High Fire Danger

- WHEREAS,** The City of Douglas through the Mayor's office as a matter of local public concern and due to the High Fire Danger currently existing at a state-wide level; and
- WHEREAS,** Pursuant to the City Charter, Article II, Section 7, hereby issues the following Proclamation relating to the DMC, Title 8 Fire Prevention suspending and prohibiting all Fireworks use; and
- WHEREAS,** This prohibition shall apply to all types of Consumer Fireworks, Display Fireworks, Novelty Items and Permissible Consumer Fireworks within the meaning of ARS Section 36-1601; and
- WHEREAS,** All Supervised Firework Displays are also hereby suspended, along with cancelling the issuance of any burn permits and outlawing any type of open fire and/or propane grills on City owned property; and
- WHEREAS,** There will not be any City sponsored Fireworks Display at the 8th Street Park for the Fourth of July. This proclamation will automatically renew and shall remain in effect until Mayor and Council can consider the matter by Resolution at the next scheduled regular meeting on July 13, 2011.

NOW, THEREFORE, LET IT BE KNOWN that the Mayor and Council of the City of Douglas, Arizona, prohibit all types for Fireworks and all Open Fires until further notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Douglas to be affixed, this 16th day of June, 2011




Dr. Michael Gomez, Mayor