

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Fire Restrictions/Outdoor Burning**
- 8.08 Sale of Pseudoephedrine Products**
- 8.12 Reasonable Accommodation for Persons with Disabilities**

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Chapter 8.04

FIRE RESTRICTIONS/OUTDOOR BURNING

Sections:

8.04.010	Guidelines.
8.04.020	Definitions.
8.04.030	Burning restrictions.
8.04.040	Emergency burning restrictions.
8.04.050	Exceptions.
8.04.060	Violations.

8.04.010 Guidelines.

A. The purpose of these guidelines is to provide a uniform system in determining what fire restrictions are needed and when they are to be put into place during emergency fire conditions.

B. As outlined in the proposed County and Town Outdoor Burning Ordinance, it shall be the duty of the Emergency Management Director of each respective jurisdiction to initiate additional fire restrictions within their respective jurisdiction during emergency fire conditions.

C. Each Emergency Management Director will utilize the U.S. Forest Service (USFS), Apache-Sitgreaves Zone K Energy Release Components (ERC) Monitoring System to help determine when emergency restrictions may be necessary. As a general guideline, when the ERC reading reaches 65, fire restrictions should be considered.

D. In addition to monitoring the ERC readings, the Emergency Management Director of each jurisdiction will consult with the USFS, Fire Districts within their jurisdictions, and other Emergency Management Directors within Navajo County to assist in determining what fire restrictions are needed, when these emergency fire restrictions are to be initiated, and to establish a uniform date of the implementation of those restrictions. The Emergency Management Director for Navajo County shall be responsible for initiating and coordinating these actions throughout the county.

E. When it has been determined emergency fire restrictions are necessary and the date of initiation has been determined, it will be the duty of the Emergency Management Director of each respective jurisdiction to recommend to their respective authorizing agencies (County Board of Supervisors, Town Council or Mayor) that the ordinance be activated and then to assure the public is notified of the restrictions and the date of initiation. This shall be accomplished through the use of the newspaper, radio, television, emergency broadcast system, phone messaging, public postings and other systems as needed. It is important to remember it is vital this information is received by not only the local residents, but to the visiting public as well.

8.04.020 Definitions.

A. Open Outdoor Fire means any combustion of combustible material of any type in the open where the products of combustion are not directed through a flue, with the exception of campfires and charcoal fires.

B. Campfire means an Open Outdoor Fire that is used only for cooking of food or for providing personal warmth for human beings or for recreational purposes.

C. Charcoal Fire means an Open Outdoor Fire that uses only charcoal as a combustible material and is used only for the purpose of cooking food.

D. Flue as used in this subsection means any duct or passage for air, gases or the like, such as a stack or chimney.

8.04.030

8.04.030 Burning restrictions.

A. It shall be unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided by permit through the local Authority Having Jurisdiction and the Department of Environmental Quality as set forth in A.R.S., Title 49. As set forth in A.R.S., Title 49, the following fires are excepted from this provision:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes (campfire 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 under 4 U.S.C.

2. Any fire set or permitted by any public officer 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.

3. Fires set by or permitted by the director of the department of agriculture or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Special permits as issued by the authority having jurisdiction.

5. 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.

6. Fires permitted by any rule or regulation issued pursuant to A.R.S. Title 49, by any 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 when the Department of Environmental Quality pursuant to Section 49-402 has assumed jurisdiction of the county in which the fire is located.

8.04.040 Emergency burning restrictions.

A. In addition to the burning restrictions set forth above, the following restrictions shall be in affect and shall apply to all public and private properties:

1. During red flag conditions, as predicted by the National Weather Service, no open outdoor fires, campfires, charcoal fires and outdoor smoking shall be permitted.

2. When it has been determined by the Emergency Management Director that additional fire restrictions are needed to assure the safety of the public, the appointed representative may initiate the following additional Emergency Fire Restrictions.

B. It shall be unlawful for any person to:

1. Start, ignite, build, attend, have, possess or use any outdoor fire, or any outdoor burning of flammable or combustible materials unless conditions of item C are met.

2. Start, ignite, build, attend have, possess or use lit or burning smoking materials, which shall include but is not limited to cigarettes, cigars, and other tobacco or smoking products unless conditions of item C are met.

3. Open outdoor fires, campfires, charcoal fires, and smoking shall be prohibited on all public and private properties, except smoking may be permitted within enclosed buildings and inside vehicles. Smoking may also be performed on porches, carports, garages, parking lots and other areas on properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire danger. Outdoor cooking on stoves or grills which use propane, butane or other gases only are not prohibited by this section.

8.04.050 Exceptions.

The following fires are excepted from the provisions of this chapter:

A. Fires set or permitted by any public officer in the performance of their official duties.

B. Fires set or permitted by the State Entomologist or County Agricultural agents of Navajo County for the purposed of disease and pest prevention.

C. Fires set or permitted by the Federal Government or the White Mountain Apache Tribe or any of their departments, agencies or agents, the State of Arizona or any of its departments, agencies or political subdivisions for the purpose of water shed rehabilitation or control through vegetative manipulation.

D. As permitted by the Emergency Management Director or his designee.

8.04.060 Violations.

Violations of this chapter shall constitute a class 3 misdemeanor. (Ord. 05-249)

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Chapter 8.08

SALE OF PSEUDOEPHEDRINE PRODUCTS

Sections:

- 8.08.010** Definitions.
- 8.08.020** Security of pseudoephedrine products.
- 8.08.030** Sale to adult only by adult employee.
- 8.08.040** Quantity that may be sold.
- 8.08.050** Purchaser log book; identification requirements.
- 8.08.060** Confidentiality of identification information.
- 8.08.070** Requirement to report suspicious sale.
- 8.08.080** Violations; penalties.

8.08.010 Definitions.

For purposes of this chapter, the following words shall have the following meanings:

A. "Pseudoephedrine Product" is a class of sympathomimetic drugs commonly used in over-the-counter, solid dosage form products for the relief of nasal congestion. Pseudoephedrine chloride and any other salt of pseudoephedrine, ephedrine, norpseudoephedrine, and phenylpropanolamine, whether included as the single active ingredient or in combination with other drugs, shall be included in this definition as "pseudoephedrine products." Pseudoephedrine products are also used illegally to make or manufacture methamphetamine and other illicit drugs.

B. "Proper identification" shall mean a recognized government issued photo identification of the adult purchaser including, but not limited to, a current, valid driver's license, other government-issued identification card or passport.

C. "Solid dosage form" means any of the many pharmacy dosage forms like tablets, capsules, caplets, pills, powders, troches, lozenges, cachets, pellets or confections which are solid and which are not in liquid or gaseous form.

8.08.020 Security of pseudoephedrine products.

Any business, retailer or establishment that sells pseudoephedrine products in a tablet or other solid dosage form must store, display and hold all such pseudoephedrine products in an area that is not accessible to the public and where such products are continually monitored by a pharmacist to prevent theft and unauthorized or uncontrolled purchases.

8.08.030 Sale to adult only by adult employee.

Any compound, mixture or preparation in solid dosage form that contains pseudoephedrine products shall be sold or dispensed only to an adult only by an adult employee of the business, retailer or establishment.

8.08.040 Quantity that may be sold.

No business, retailer or establishment shall sell more than a total of six grams (6 Gm.) in any solid dosage form of pseudoephedrine product(s) to a person within any thirty (30) day period, except pseudoephedrine product(s) dispensed pursuant to a valid prescription issued to the patient by a licensed health care practitioner in accordance with Arizona law.

8.08.050

8.08.050 Purchaser log book; identification requirements.

Every business, retailer or establishment that sells or dispenses pseudoephedrine products shall keep a log book(s) which shall contain entries for all pseudoephedrine products sold or dispensed. No pseudoephedrine product shall be sold or dispensed to a person under eighteen (18) years of age, nor shall pseudoephedrine products be sold or dispensed to any person without recording in a log book:

- A. The name of the pseudoephedrine product sold or dispensed,
- B. The date of sale or dispensing,
- C. The name, address and signature of the purchaser or patient,
- D. The signature of the adult employee selling or dispensing the drug.
- E. The strength and quantity sold.

8.08.060 Confidentiality of identification information.

The purchaser log book will be retained by the business, retailer or other establishment for a period of one (1) year, and will be considered a confidential document that will only be available to the business owner or manager(s), a pharmacist, pharmacy intern, or certified pharmacy technician employed by that business, retailer or establishment, and upon written request shall be available to the Town of Pinetop-Lakeside Police Department officers, Arizona Department of Public Safety officers, Navajo County Sheriff's Department officers, and other law enforcement officers.

8.08.070 Requirement to report suspicious sale.

The business, retailer or establishment and any employee pharmacist, pharmacy intern, or certified pharmacy technician shall be required to report to the police department by telephone any attempt by a person to obtain or purchase pseudoephedrine products in larger quantities than allowed by this chapter, and any other suspicious activity or pseudoephedrine products thefts or purchases that may be related to the manufacture or possession of illegal drugs.

8.08.080 Violations; penalties.

A violation of this chapter shall be a criminal offense and shall be punished as a Class III misdemeanor. See Town Code Chapter 1.16. (Ord. 05-246)

Chapter 8.12

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Sections:

- 8.12.010 Request for reasonable accommodation.**
- 8.12.020 Hearing.**
- 8.12.030 Ruling.**
- 8.12.040 Proceedings are confidential.**
- 8.12.050 Appeals to Board of Adjustment.**

8.12.010 Request for reasonable accommodation.

Reasonable accommodation will be made by the Town to qualified individuals with disabilities who request reasonable accommodation seeking relief from the requirements of the Town Code. All requests for reasonable accommodation shall be made to the Director of the Community Development Department. Requests for relief from the requirements of the Town Code shall be made by the individual with a disability or another person acting on their behalf orally or in writing to the Director certifying that the applicant is a qualified individual with a disability, setting forth the section(s) of the Town Code that the applicant seeks relief from, and setting forth the accommodation, modification or adjustment that will enable the qualified individual to enjoy equal benefits and privileges.

8.12.020 Hearing.

The Director will review the application, hold a hearing himself or herself, or appoint a hearing officer to hold the hearing, when necessary. The hearing shall be held within thirty (30) days unless all of the parties agree to expand the time.

8.12.030 Ruling.

A written response or ruling will be issued within thirty (30) days of the receipt of the application. A case-by-case determination will be made by the Director, or the Hearing Officer, about what constitutes a reasonable accommodation.

8.12.040 Proceedings are confidential.

All reasonable accommodation proceedings shall be private and confidential, except that the Director shall notify the Town Manager of each such written application, and the Director may consult with attorneys to help ensure that reasonable accommodation is available to qualified individuals.

8.12.050 Appeals to Board of Adjustment.

Appeals from rulings of the Director or the Hearing Officer shall be to the Board of Adjustment in accordance with the procedures set forth in Title 17, Chapter 17.120. (Ord. 07-300)

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