

# CRR POLICY 1303: Fire Restriction Stages

Created: April 23, 2018 Revised: June 9, 2021 Effective Date: Immediate  
Community Risk Reduction Division – 928-204-8926

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This policy is promulgated in accordance with Section 104.1 of the 2012 International Fire Code (IFC).

The boundary of the Sedona Fire District (SFD) encompasses lands managed by many different agencies. SFD works closely with Yavapai County, Coconino County, United States Forest Service (USFS), Arizona Department of Forestry, and other land managers to determine the appropriate level of fire restrictions in place within the district. Due to the wide variety of conditions and climate zones present in our fire district, SFD will typically implement the most restrictive fire restrictions being utilized by a partner agency. Due to the close proximity of multi-jurisdictional boundaries, many challenges present themselves. One such challenge are differing rules based on those boundaries. While SFD mirrors the Forest Service's Staged Fire Restrictions, enforcement may differ depending on what side of a boundary that an individual is located. The Sedona area is unique in that it is possible to be standing on public or private property and within feet, cross an unmarked jurisdictional boundary.

The fire code also gives broad authority to the Fire Marshal to regulate certain activities:

**307.1.1 Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

It should be noted that open burning does not include the use of enclosed charcoal or wood devices used for cooking and certain exceptions in other sections of the fire code specifically allow this activity at one and two family dwellings.

**308.1.6 Open-flame devices.** Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6 secured from the *fire code official*.

**307.3 Extinguishment authority.** When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

**308.1.2 Throwing or placing sources of ignition.** No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

**102.9 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the *fire code official*.

It is unclear how far this broad authority extends onto the private property of one and two family dwellings. Clearly the Fire Marshal has the authority to order the extinguishment of a fire that is deemed unsafe. It is unlikely that a fire code official can regulate smoking on non-commercial private property, or a property owner preparing a meal, or using a chainsaw or hiring a contractor to do so on their own (non-commercial) private property during restricted hours. Arizona state law would likely be in conflict with the fire code in these cases. This office is resolved to not be in conflict with state law.

Chainsaw use and smoking restrictions are enacted by the forest service on USFS managed property. USFS lands are typically not manicured or as well maintained as a private residence would be; and there are not typically readily available water sources; and extreme topography and remote locations are likely to be of greater concern on USFS lands. This is not to say that those issues may not be present or deserve due consideration when off federally managed forestlands but that they are less likely to be an issue. These considerations as well as the lack of direction from the fire code along with private property rights makes it unclear whether the authority of the Fire Marshal to enforce these provisions on private property are allowed.

Although the USFS may prohibit smoking outside of an enclosed vehicle or building on forest lands, SFD has no such mechanism to prohibit smoking under the same circumstances in public while outside of USFS managed lands. We must educate the public as to the hazards of doing so, encourage them to alter their behavior, and inform them of their liability should they be the cause of a hostile fire.

The Fire Marshal has determined that when the intent or enforcement of this code would conflict with state law, it is our incumbent on us to advise the individual that if a poor outcome were to occur that they are legally liable for their negligence, educate them as to the recommended best practices and encourage them to wait until weather conditions are more favorable to perform the work or, at a minimum, to take all prudent precautions while performing the work.

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The following guidelines for fire restrictions have been created to inform the public of the restrictions imposed by Sedona Fire District, city and county governments, and federal and state land managers when those restrictions are enacted. It is important for the public to understand that SFD will enforce the restrictions where we are legally allowed to do so, and strongly encourage citizens to follow them while on property where we are not legally allowed to take enforcement action. The safety of our citizens and firefighters as well as the preservation of property and natural resources are the main goal of instituting fire restrictions when needed. Please consider the consequences of your actions before undertaking activities that, while legally allowed, may be ill advised.

## STAGE I FIRE RESTRICTIONS

### What is Prohibited:

- No building, maintaining, attending, or using a fire, campfire, or stove fire *except* in Forest Service **developed recreation sites** (not including dispersed camping areas).
- No smoking *except* in an enclosed vehicle or building on USFS managed forestlands, or in **specific developed recreation sites**.

### What is allowed:

- Petroleum-fueled stoves, lanterns, or heating devices providing such devices meet the fire underwriter's specification for safety.
- The use of commercially manufactured charcoal grills or wood smokers is allowed on private property so long as a tight fitting lid is in place during use and sparks and fire brands are contained within the device. Devices fueled solely by liquid petroleum, LPG, or LNG are always allowed so long as the flame may be immediately extinguished without residual combustion.
- **Shooting firearms IS allowed.** Just make sure to follow all federal, state & local regulations: No shooting within 150 yards of a campsite, developed recreation site or occupied area, residence or building. No shooting across a road, trail or body of water, or in any manner or place whereby any person property is exposed to injury or damage as a result of such discharge. No shooting in a cave.

### NOTE-

- Yavapai County prohibits the discharge of firearms during fire restrictions.
- Violating these restrictions on the Coconino National Forest is a violation that carries a **mandatory appearance in federal court.**
- Additional information can be found at <https://www.fs.usda.gov/detail/coconino/home/?cid=stelprdb5423784#stage1>

## STAGE II FIRE RESTRICTIONS

### Prohibitions:

- **No fires, campfires, charcoal, coal, and wood stoves.** (except using a device that is solely fueled by liquid petroleum, LPG, or LNG fuels and that can be immediately turned off, extinguishing the flame without residual combustion, are allowed in areas that are barren or cleared of all overhead and surrounding flammable materials within three feet of the device). The use of wood and charcoal in an enclosed device for the purpose of cooking at one and two family dwellings and at fixed restaurant sites is allowed.

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- **No smoking** (except within an enclosed vehicle or building on USFS managed forestlands). Smoking outside on private property at one and two family dwellings, while not advisable, is allowed.
- **No using an explosive.**
- **No possessing, discharging, or using any type of firework by pyrotechnic device.** Fireworks are *always* prohibited.
- **No operating a chainsaw or any other equipment powered by an internal combustion engine from the hours of 9 a.m. to 8 p.m. on public lands** (except generators with 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 feet of the generator). The use of these items on private property, while not advisable, is not regulated. Please see **CRM Policy 1317** for best practices regarding the use of power equipment on private property.
- **No welding or operating an acetylene or other torch with open flame. The Fire Marshal will evaluate jobs on a case by case basis and if certain criteria are met, may elect to issue a hot work permit. See CRM Policy 1318.**
- **No operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order** (this does not include motor vehicles. This restriction is directed at items such as landscaping tools).
- **No discharging firearms, air rifles, or gas guns** (except while engaged in a lawful hunt pursuant to state, federal or tribal laws and regulations).
- **No possessing or using a motor vehicle off National Forest System roads.** Vehicles must follow Travel Management Rule regulations and cannot drive/park over any vegetation at any time.

## What is allowed:

- **Common generators with working spark arresting device may be operated between 8 p.m. and 11 a.m.,** as long as you have cleared flammable material at least 3 feet around it or it is enclosed in your vehicle (such as the rear portion of an RV).
- **Liquid petroleum or LPG fueled stoves, grills, lanterns, decorative devices or heating devices** as long as you have:
  - Cleared flammable material at least 3 feet around it.
  - It is placed in an area that has no overhead flammable materials.
  - It produces a flame that can ***immediately*** be turned off and there is no element continuing to burn after it has been turned off.

## NOTE-

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Any comments or questions regarding the above information may be submitted to:  
Community Risk Reduction Division  
Sedona Fire District  
2860 Southwest Drive  
Sedona, AZ 86336