

RESOLUTION 55-2011

A RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, PERMITTING THE PUBLIC DISPLAY OF FIREWORKS DURING THE BUTTERFIELD STAGE DAY FESTIVITIES

WHEREAS, the Mayor and Council of the City of Benson do hereby find:

That due to the un-characteristically dry weather experienced this year in Southern Arizona creating low moisture content of local vegetation, and other dry and dangerous conditions; and

That there was a state of local emergency with regard to all areas effected by the Horseshoe Two Fire, as established by Cochise County Resolution No. 11-23 dated June 7, 2011; and

That there was a wildland fire burning in the Huachuca Mountains in the Palominas area, Cochise County Arizona: and

That Arizona Revised Statue §36-1606 empowers the Mayor and Council to regulate the use of permissible consumer fireworks including public displays within the corporate areas of the City of Benson whenever there is a reasonable risk of wildfires; and

That the result of these conditions, the Fourth of July Public Firework Display was cancelled by orders of the City of Benson Fire Chief; and

That it is the wish of this Mayor and Council to designate the Public Firework Display to Butterfield Stage Days to be observed on Saturday, October 8th starting at dark; and

That the use of Permissible Consumer Fireworks (personal use) as defined in Arizona Revised Statue §36-1601 is prohibited as adopted by Ordinance 551; and

That Arizona Revised Statue §36-1608 makes it a class three misdemeanor, punishable by up to 30 days in jail or up to a \$500 fine plus 84% surcharge, to violate a permissible consumer firework prohibition issued by the Mayor and Council; and

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

That Arizona Revised Statue §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.

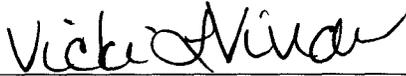
NOW THEREFORE, the Mayor and Council of the City of Benson do hereby issue permission for the Public Fireworks Display occurring on October 8th to be observed at Lions Park.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of September, 2011.



TONEY D. KING, SR., Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney