

ORDINANCE NO. 993

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, ARIZONA AMENDING THE WICKENBURG TOWN CODE CHAPTER 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, SECTION 10-1-5 EXPLOSIVES, BY ADOPTING REQUIREMENTS FOR THE USE OF EXPLOSIVES WITHIN THE TOWN LIMITS AND THE ISSUANCE OF A BLASTING PERMIT FROM THE BUILDING SAFETY DEPARTMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 10 Offenses, Article 10-1 Unlawful Acts, is amended by amending Section 10-1-5 Explosives to read as follows: (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

SECTION 10-1-5 Explosives

A. It is unlawful for any person within the limits of the Town to blast or use powder or other explosives without a BLASTING Permit from the BUILDING SAFETY DEPARTMENT ~~Chief of Police in writing~~ IN COMPLIANCE WITH THE 2003 INTERNATIONAL FIRE CODE. THE APPLICATION FOR A PERMIT SHALL BE FILED AT LEAST TEN (10) DAYS PRIOR TO THE USE OF THE EXPLOSIVES. THE BLASTING PERMIT SHALL BE VALID FOR NOT MORE THAN THIRTY (30) DAYS AND SHALL BE VALID ONLY FOR THE SITE IDENTIFIED IN THE PERMIT. APPLICATION FOR A BLASTING PERMIT SHALL INCLUDE THE FOLLOWING INFORMATION AND DOCUMENTS:

1. A FEE OF \$300.00 AND A VALID CERTIFICATE OF INSURANCE
2. A BLASTING PLAN IDENTIFYING THE SITE, TYPE OF BLASTING AND AMOUNT OF EXPLOSIVES TO BE USED OR STORED AT THE SITE (IF ANY).
3. A COPY OF A VALID FEDERAL EXPLOSIVES USER'S PERMIT OR FEDERAL EXPLOSIVES LICENSE.
4. A COPY OF ANY LICENSE REQUIRED BY THE ARIZONA REGISTRAR OF CONTRACTORS FOR THE TYPE OF BLASTING OPERATIONS PROPOSED.
5. A SITE PLAN SHOWING THE SECURITY FOR THE SITE DURING THE BLASTING OPERATIONS.

B. Anyone wishing to display the fire works within the Town shall:

1. File with the Town Clerk a petition or request for a permit to display fire works no less than thirty (30) days prior to the proposed display.
2. Each such request shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00) unless the request is made by the Town to be used for and on behalf of the Town.
3. The request may be in letter form and shall include an explanation of the purpose of such display, the manner in which the display is to be supervised, the particular fire works to be displayed, the location of the display, the qualifications of the individuals to be directly in charge of the display, and the precautions which will be taken to protect spectators, nearby property and the operators of the display.
4. The Town Council shall rule on such requests. No permit issued by the Town shall be transferable nor assignable.

C. It is unlawful for any person to sell, furnish or give to any minor any squid, cracker, bomb or other thing of like character containing powder, or other combustible or explosive material, or any explosive cane, for use or to be fired, exploded or set off within the Town, or to knowingly permit such minor child to fire, explode or set off any squid, bomb, cracker or other thing of like character containing powder or other combustible or explosive materials or any explosive cane.

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Section II. Repeal of Conflicting Ordinance.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

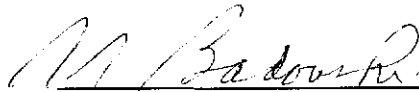
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 IV. Proving for Penalties

Any person found guilty of violating this Section shall be subject to the violation and penalty provisions of Section 1-8 of the Town Code of Wickenburg.

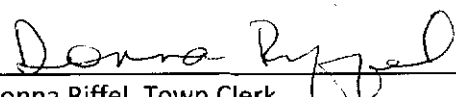
PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 17
day of December, 2007.



R.R. BADOWSKI, MAYOR

Date Signed: 12/17/07

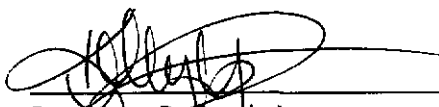
ATTEST:



Donna Riffel, Town Clerk

Date Signed: 12-17-07

APPROVED AS TO FORM:



By: Susan D. Goodwin
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC