

TITLE 17 - HEALTH AND SAFETY

CHAPTER 4 - FIREWORKS

Legislative History: Ordinance No. 07-82, "Papago Fireworks Safety Ordinance," was enacted by the Papago Council on June 11, 1982 and approved by the Papago Agency Superintendent on June 17, 1982.

ORDINANCE OF THE PAPAGO TRIBAL COUNCIL
PAPAGO FIREWORKS SAFETY ORDINANCE

ORD. NO. 07-82

1 Statement of Purpose: An ordinance regulating the manufacture, sale,
2 possession, use, distribution, display or explosion
3 of fireworks within the exterior boundaries of the
Papago Reservation.

4 BE IT ENACTED by the Council of the Papago Tribe of the Papago Reservation,
5 as follows:

6 Section 1 Short Title

7 This ordinance may be cited as the Papago Fireworks Safety
8 Ordinance.

9 Section 2 Interpretation

10 This ordinance shall be deemed an exercise of the police power
11 of the Papago Tribe for the protection of the public welfare,
12 peace and safety of the people of the Papago Reservation, and
13 all provisions of this ordinance shall be liberally construed
14 for the accomplishment of this purpose.

15 Section 3 Definitions

- 16 In this ordinance, unless the context otherwise requires:
- 17 A. "Fireworks" means any combustible or explosive composition,
18 substance or combination of substances, or any article
19 prepared for the purpose of producing a visible or audible
20 effect by combustion, explosion, deflagration or detonation,
21 and toy cannons in which explosives are used, the type of
22 balloon which requires fire underneath to propel it, fire-
23 crackers, torpedoes, skyrockets, roman candles, daygo bombs,
24 sparklers or other fireworks of like construction, fireworks
25 containing any explosive or combustible compound, and any
26 tablet or other device containing an explosive substance.
27 The term "fireworks" does not include toy pistols, toy canes,
28 toy guns or other devices in which paper caps containing not
29 more than twenty-five hundredths grains of explosive compound
30 are used if constructed so that the hand cannot come in
31 contact with the cap when in place for the explosion, or toy
32 pistol paper caps which contain less than twenty hundredths
grains of explosive mixture, or fixed ammunition or primers
therefor.
- B. "Person" includes individual, partnership, firm or corporation.

24 Section 4 Fireworks Prohibited

- 25 A. Except as otherwise provided by this ordinance it is unlawful
26 to sell, offer or expose for sale, use, explode or possess
27 any fireworks within the exterior boundaries of the Papago
28 Reservation.
- 29 B. This section shall not be construed to prohibit or restrict
30 the possession of aerial set pieces designed for use in
31 pyrotechnical displays, or the display of such set pieces
32 by the Papago Tribe, Districts, villages, fair associations
and not-for-profit organizations or groups who have obtained
a permit in accordance with the terms of this ordinance.

31 Section 5 Permit for Public Display

- 32 A. The Papago Tribe, Districts, villages, fair associations
and not-for-profit organizations or groups may apply for

1 permits for supervised public displays of fireworks from
2 the Chairman of the Papago Tribe.

- 3 B. Application for a permit shall be accompanied by written
4 evidence that the District in which the display is to be
5 located has approved of such display. Each application
6 shall be made in writing not less than five days prior to
7 the date of the display. Every display shall be handled by
8 a competent operator, and shall be of a character and located
9 discharged and fired so that it will not be hazardous to
property or endanger any person. Before a permit is granted,
the operator, location and handling of the display shall be
approved after investigation, by the fire chief of the village
or the Papago police as is appropriate. After a permit is
granted, the sale, possession, use and distribution of
fireworks for the display shall be lawful for that purpose.
No permit is transferable or assignable.

10 Section 6 Permitted Uses

This ordinance shall not be construed to prohibit;

- 11 1. The sale by a wholesaler, dealer or jobber of fireworks
12 which are not prohibited by this ordinance.
13 2. The use of fireworks by transportation agencies for
14 signal purposes or illumination.
15 3. The sale or use of explosives for blasting or other
legitimate industrial purposes.
16 4. The use of fireworks or explosives, or both, by farmers,
17 ranchers and their employees, and by Tribal and federal
employees who manage wildlife resources, to rally, drive
or otherwise disperse concentrations of wildlife for
the purpose of protecting property or wildlife.

18 Section 7 Seizure

19 The Papago police, or other peace officer shall seize, remove
20 or cause to be removed, at the expense of the owner, all fire-
works or combustibles offered or exposed for sale, stored or
possessed in violation of this ordinance.

21 Section 8 Violation

22 Any person who violates any provision of this ordinance shall
23 be guilty of an offense punishable by a fine of not more than
24 five hundred dollars, or by imprisonment in the tribal jail for
25 not more than six months, or both. Nothing, however, in this
26 ordinance shall be construed to authorize or require the criminal
trial and punishment of non-Indians except to the extent allowed
by any applicable present or future Act of Congress or any
applicable court decision.

27 The foregoing Ordinance was duly enacted by the Papago Council on the 11th
28 day of June, 1982, at a meeting at which a quorum was present with a vote of
29 980.0 for; 84.0 against; 84.0 not voting; and 0 absent,
30 pursuant to the authority vested in the Papago Council by Section 2 (e), (f),
31 (h) and (m) and Section 3 (b), (e) and (h) of Article V of the Constitution
and By-laws of the Papago Tribe as amended, ratified by the Papago Tribe on
December 12, 1936, and approved by the Secretary of the Interior on January
6, 1937, (48 Stat. 984), pursuant to Section 16 of the Act of June 18, 1934.
Said Ordinance is effective as of the date of its approval by the Superin-
tendent of the Papago Agency, and is subject to review by the Secretary of
the Interior.

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THE PAPAGO COUNCIL

Max H. Norris
Max H. Norris, Chairman

ATTEST:

Rose Johnson
Rose Johnson, Secretary

ORDINANCE APPROVED this 17 day of June, 1982.

Curtis C. Nordwall
Curtis C. Nordwall
Superintendent, Papago Agency





United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PHOENIX AREA OFFICE
P. O. Box 7007
Phoenix, Arizona 85011

IN REPLY REFER TO:

Tribal Operations
(602) 241-2314
ETS 261-2314

23 JUL 1982

Through: Superintendent, Papago Agency

Mr. Max H. Norris

Chairman, Papago Council

Dear Mr. Norris:

On June 11, 1982, the Papago Council enacted Ordinance No. 07-82. Subject ordinance regulates the manufacture, sale, possession, use, distribution, display or explosion of fireworks within the exterior boundaries of the Papago Reservation.

In our review, we find no legal objection to its passage. I hereby concur with the Superintendent's June 17 approval, and Ordinance No. 07-82 remains in full force and effect as of the date of approval.

Sincerely yours,

J. Bart Graves
Acting Assl. Area Director

Attachment

