



THE NAVAJO NATION

JOE SHIRLEY JR.
PRESIDENT

Department of Fire & Rescue Services
PO Box 3360
Window Rock, Arizona 86515
(928) 871-6915

FRANK DAYISH JR.
VICE PRESIDENT

May 17, 2006

Dear Applicant,

Thank you for your interest to display a fireworks show and to do so legally. With local water restrictions, and major wildland fires burning throughout the nation, fireworks can be detrimental to life and property if not used cautiously. For this reason Navajo Nation law forbids the sell, use and possession of firework, unless permitted to do so through the attaining of a fireworks permit.

To expedite your fireworks permit application, we have provided the following checklist for you. Please make sure that all areas of the checklist have been completed or addressed. In addition, please make sure that if you handwrite the application it is legible. Sloppy and unreadable handwriting is perceived as a reflection upon you or the organization you are representing. Neatness does count.

Of all the fireworks permits that we deny, almost 90% is due to insurance problems and other agencies/entities involved. For example, a High School may want to have fire works during a Homecoming game. As such, they will ask their local fire department (or a fireworks company) to do the shooting. Here we have two agencies/entities involved – the school and the fire department (or a private company). Each agency thus needs certificate of liability insurance, whether it is there own or an umbrella certificate that covers both agencies. All insurance documents need to be attached.

- _____ Is the application typed or printed legibly?
- _____ Is the Certificate of Insurance for the Shooters attached?
- _____ Is the Certificate of Insurance for the Sponsor attached?
- _____ Is the Certificate of Insurance for a Co-Sponsor attached?
- _____ Do we have the sponsor's name and/or contact person, their mailing address and two (2) phone numbers?
- _____ Is the map detailed and clear (include feet, miles, etc.)?

Please have the above documents attached before delivering the fireworks permit to our department. Incomplete applications will be returned.

Thank You
Larry Chee, Fire Chief

**NAVAJO
NATION
FIREWORKS
DISPLAY
APPLICATION**

Permit Number

DIVISION OF PUBLIC SAFETY
NAVAJO NATION FIRE & RESCUE SERVICES

FIREWORKS DISPLAY - AGREEMENT

This agreement made on _____, 20 _____, between _____
_____ of _____, City of _____
_____ County of _____, State of _____, as
permittee and _____ of _____, City of
_____, County of _____, State of
_____, as permitter.

In consideration of the mutual covenants herein contained and other good and valuable consideration, the parties agree to as follows:

SECTION ONE
PUBLIC FIREWORKS DISPLAY

Permittee shall furnish Navajo Nation Fire & Rescue Services a list of fireworks to be displayed and attached hereto and incorporated herein, for compliance with the Navajo Nation Fireworks Code. The Public Fire Works Display shall take place on, _____, 20 _____, at _____, City of _____, County of _____, State of _____.

**SECTION TWO
PYROTECHNIST**

Permittee shall furnish an experienced pyrotechnist for the exhibition and pay all his/her traveling and other expenses incident thereto.

**SECTION THREE
CHARGES RELATED TO EXHIBITION**

Permittee shall furnish all lumber required, and pay all freight, express and cartage charges related to the exhibition.

**SECTION FOUR
STORAGE OF FIREWORKS**

Permittee shall furnish a secure and dry shelter for storage of firework materials in the event of rain or inclement weather. Any damages or loss resulting from the failure of permittee to do so shall be borne solely by permittee, and permittee agrees to make no claim against the Navajo Nation for such damages or loss.

**SECTION FIVE
CANCELLATION OF FIREWORKS DISPLAY**

Permittee shall, in the event the fireworks display is cancelled due to rain or inclement weather, refund the entrance fees charged to the customer to observe the fireworks display.

**SECTION SIX
PROTECTION OF PUBLIC**

The Navajo Nation Fire & Rescue Services or Police Department shall furnish and set-up restraining lines, if required, for the protection of the public.

**SECTION SEVEN
POLICE PROTECTION**

The Navajo Nation shall furnish ample police protection to permittee for the protection of its property and the firing of the fireworks without interference from the public.

**SECTION EIGHT
PERMITS AND LICENSES**

Permittee shall procure any and all permits or licenses that may be required by governmental authorities and bear the cost thereof.

**SECTION NINE
INDEMNITY AGREEMENT**

Permittee shall indemnify the Navajo Nation against any and all liability to any person or persons for or by reason of any conditions, whether defective or otherwise, of any fireworks, apparatus, equipment or fixtures furnished by permittee in connection with the fireworks display and against any and all liability to any person for or by reason of any act or omission of permittee or any of its agents, servants or employees.

In witness whereof, the parties have executed this agreement at _____
_____ the day and year first above written.

Signature

**DIVISION OF PUBLIC SAFETY
NAVAJO NATION FIRE & RESCUE SERVICES**

FIREWORKS DISPLAY – APPLICATION FOR PERMIT

TO: _____

The undersigned _____, hereby makes application for a permit to stage a public display of fireworks, and in accordance with the regulations pertaining thereto, submits the following information with respect to such display:

1. The name of the organization intending to sponsor the display is _____
_____ of _____, City of _____,
County of _____, State of _____.
2. The name of the person(s) who will be in charge of the display are:
 - a. _____
 - b. _____
3. It is intended that the display will be held on _____, 20 _____,
at _____ o'clock _____m.
4. The exact location planned for the display is _____, City of _____,
County of _____, State of _____.
5. The following is a description of each person who will do the actual discharging of the fireworks:
 - a. _____
 - b. _____

6. The following is a list of the numbers and kinds of fireworks intended to be discharged:

a. _____

b. _____

c. _____

d. _____

7. The fireworks to be used in the display will be stored, prior to such display at:

_____, and in the following manner:

_____.

Attached hereto and made a part of this application is a diagram of the ground on which the display is intended to be held, showing the point at which the fireworks are to be discharged, the locations of all buildings, highways and other lines of communications, the lines behind which the audience will be retrained, and the location of all nearby trees, telegraphy or telephone lines or other overhead obstructions.

The undersigned respectfully asks that this application be granted.

Date

Signature

Diagram Map

DIVISION OF PUBLIC SAFETY
NAVAJO NATION FIRE & RESCUE SERVICES

FIREWORKS DISPLAY – BOND

By this agreement, we the undersigned _____ of _____, City of _____, County of _____, State of _____, as principal and _____, of _____, City of _____, State of _____, as surety, are firmly bound to the State of _____ in the sum of _____ dollar (\$ _____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns.

Principal contemplates making application to the Navajo Nation for a permit to display fireworks publicly, as provided for by Navajo Tribal Council Resolution CAP-19-86.

The condition of this obligation is such that if the permit is issued, the principal shall pay all damages to persons or property that shall or may result from or be caused by such public display of fireworks or any negligence on the part of principal of his/her or its agents, servants, and shall faithfully comply with the provisions of Tribal Resolution and with the reasonable rules and regulations of the Tribe, State or Federal Government not inconsistent with the statute, then this obligation shall be null and void; otherwise, it shall remain in full force and effect, subject to the following further conditions:

1. Surety shall be liable hereunder only for defaults during the term of this bond, and the aggregate liability of surety for all such defaults shall in no event exceed the sum above stated.
2. This bond may be terminated by the Navajo Nation at any time by a written notice of such termination to surety, and thereupon this bond shall be of no more force or effect, except as to any liability already incurred or occurred, to which it shall remain in full force and effect. Surety may relieve itself from liability to the extent and in the manner set forth in Navajo Tribal Code governing the termination of the liability of the surety under bond. However, surety shall in no event be relived from liability respecting transactions occurring before the effective date of such termination. Service of notice of termination on principal may be made by personal service or by mailing a copy of the notice by registered mail to principal at their last known address.
3. The term of this bond shall be from _____ o'clock ____m, on the effective date of the _____ referred to above until _____ o'clock ____m, on _____, 20_____, subject to prior termination as provided above.

Date

Signature

DIVISION OF PUBLIC SAFETY
NAVAJO NATION FIRE & RESCUE SERVICES
PUBLIC DISPLAY PERMIT

This permit authorizes _____ to display fireworks at _____, _____, _____ on _____, 20 _____, between the hours of 8:00 am to 8:00 pm, and expires on _____, 20 _____ when all unfired fireworks will be disposed of in accordance with the Navajo Nation Fireworks Code, CAP-19-86 Application for Permit and Fireworks Display Agreement dated _____, 20 _____.

All fireworks in possession of permittee will be handled, stored and transported and displayed in accordance with Navajo Nation Tribal Council Resolution CAP-19-86 and applicable County, State and Federal laws within the State where fireworks will be displayed.

Any violation of Navajo Tribal Council Resolution CAP-19-86 will invalid this permit. Permittee will be subject to prosecution in Tribal, State or Federal court.

Date

Fire Chief
Department of Fire & Rescue Services

NAVAJO NATION FIREWORKS CODE

SECTION I

Title & Establishment

This enactment shall hereby establish, and shall be known as the NAVAJO NATION FIREWORKS CODE.

SECTION II

Purpose

Insofar as is practicable, it is in the intent and purpose of this Act to regulate the manufacture, possession, sale and use of fireworks within the exterior boundaries of the Navajo Nation and Indian Country. With this enactment, it is hereby declared by the legislative bodies of the Navajo Nation that possession, manufacture, sale and use of fireworks is against the public health, safety, and welfare of the people of the Navajo Nation, when performed outside of these regulations.

SECTION III

Definitions (§ 2732)

- a. "Fireworks" mean any combustible or explosive composition, or any substance or combination of substance, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridge toy pistols, toy cannons, toy canes or toy gun in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any devices containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps if constructed so that the hand cannot come into direct contact with the cap when in place of explosive.
- b. "Person" means individual, firm, corporation, employee or agent.

SECTION IV

Manufacture, possession, sale or use of fireworks (§ 2733).

It shall be unlawful within the exterior boundaries of the Navajo Nation for any person to manufacture, attempt to manufacture, possess, store, offer or expose for sale, sell, use or

explode any fireworks, except as provided for in section VI (2735) of this code, and other applicable Navajo Nation and federal laws.

SECTION V

Illegal and prohibited fireworks (§ 2734)

Manufacture, possession, sale and use of the following types of fireworks are strictly prohibited and in violation of this code:

- a. Cherry bomb. Red in color – 1” in diameter
- b. Silver salute. Silver in color – 2” in length.
- c. M-80. Red in color – approximately 1” length

SECTION VI

Exemptions, Permit and Bond (§ 2735)

- a. Exemptions. Nothing in this code shall be construed to prohibit.
 1. Public Exhibition shows. A permit shall be required for all such supervised public displays of fireworks by a jurisdiction, fair association, amusement or other organization, or by any artisan in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Navajo Nation Fire Chief, and shall be of such character and location, not to be hazardous to any property or person.
 2. Manufacture. Nothing in this Code shall be construed to prohibit a resident manufacturer, jobber, dealer to manufacture, sell (at wholesale only), any fireworks, provided such fireworks are intended for direct shipment out of the Navajo Nation; for supervised displays on the Navajo Nation, or any other uses permitted in subsection (A)(3) below.
 3. Other legitimate uses of fireworks as specifically provided for in accordance with this code and other applicable Federal regulations, such uses include but not limited to wildlife management, agricultural, athletic or sport, blasting or other legitimate industrial purposes on the Navajo Nation. All such use must be properly permitted by the Navajo Nation Fire Department.
- b. Permits. Applications for a Fireworks Permit shall be made to the Navajo Nation Fire Department offices at least five (5) working days prior to the proposed date of display or use. For manufacture, or wholesale, applicant shall furnish a valid copy of a Business Permit issued by the Business Regulatory Department, prior to said Fireworks Permit application being accepted by the Fire Chief. After such privilege is granted, it shall be valid only for 48 hours prior to, and 48 hours following the date of display.

- c. Bond. Upon application, the Permittee shall furnish proof of a bond or certificate of insurance in an amount deemed adequate by the Navajo Nation Fire Department to satisfy claims for all personal or property damage arising out of any act or omission on the part of such person in connection with the activities permitted.
- d. Unfired Fireworks. All such fireworks, which are unfired upon expiration of the valid Fireworks Permit, shall be disposed of in a method, which is safe for the type of fireworks remaining, under the supervision of the Navajo Nation Fire Department.

SECTION VII

Enforcement Authority (§ 2736)

- a. The Navajo Nation Fire Chief shall have the power to carry out the intent and purpose of this code; and further, the Navajo Nation Fire Department, commissioned Peace Officers of the Navajo Nation, shall be charged with the enforcement of all of the provisions of this code.
- b. Seizures. The Navajo Nation Fire Department, or any of the aforementioned commissioned Police and Peace officer, shall seize, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustible offered for sale, stored or possessed in violation of this Code.

SECTION VIII

Violations of Code (§ 2737)

Any person, who is determined to be in violation of the provisions of this act, or the provisions of any ordinance complying with this act, shall be guilty of a misdemeanor.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Adopting a Navajo Nation Fireworks Code to be
Incorporated Into the Navajo Fire Protection Code,
Title 17 of the Navajo Tribal Code

WHEREAS:

1. The Navajo Tribal Council is the governing body of the Navajo Nation; and

2. By Resolution ACJY-83-84, the Advisory Committee of the Navajo Tribal Council has recommended the adoption of the Navajo Nation Fireworks Code (Exhibit "1"); and

3. The Navajo Nation Justice Department, via a legal opinion on the status of Fireworks regulation on the Navajo Nation, has determined that there is no existing Navajo Nation Fireworks Code, and that such a Code to regulate such activity be enacted (Exhibit "2"); and

4. The Bureau of Indian Affairs' Solicitor has issued a similar legal opinion (Exhibit "2"):

(a) The Navajo Nation may enact such legislation to regulate the sale, possession and use of fireworks for its Navajo citizens;

(b) Fireworks are illegal, following the Four (4) States' Statutes/Codes (Exhibit "3"), in outlawing fireworks, with the exception of New Mexico, which permits certain small fireworks;

and

5. The Navajo Nation Fire Department has reviewed the draft Model Code, and concurs with the contents, the intents and purposes therefore (Exhibit 4), for the following reasons:

(a) The Reservation has a very dry climate, and an acute shortage of water, even for domestic use, and especially for combating fires caused by any means;

(b) The Navajo Nation Fire Department has a limited staff of an average of 4-5 fire fighters at any one time, and the rest of the Reservation having only

volunteer staff whom are also limited, and the long distances the existent staff must transport their equipment to combat fires;

and

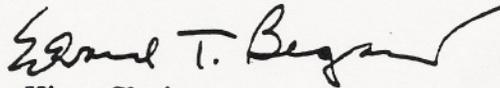
6. The Economic and Community Development Committee of the Navajo Tribal Council has duly considered this matter by authority of Resolution ACMA-35-84, and has determined that the possession, sale and use of fireworks are against the health, safety, and welfare of the Navajo people, and concurs with the intent and purpose for banning such fireworks from the Navajo Nation by Resolution ECDCJN-05-84, (Exhibit "5").

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Tribal Council hereby adopts the "Navajo Nation Fireworks Code", attached hereto and incorporated herein as Exhibit "2", to be incorporated into the Navajo Fire Protection Code, Title 17 of the Navajo Tribal Code.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 39 in favor and 21 opposed, this 24th day of April, 1986.



Vice Chairman
Navajo Tribal Council