

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2018-12

AN ORDINANCE REPEALING AND REENACTING ARTICLE XV OF CHAPTER 10 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE REGARDING FIRE RESTRICTIONS

WHEREAS, under C.R.S. § 31-15-401(q), the Town has the general police power to "control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited";

WHEREAS, the Town wishes to establish the various stages of Town fire restrictions depending on the level of fire danger and provide for the authority and method of declaring such restrictions;

WHEREAS, the Town wishes to clarify the activities that are prohibited and allowed under each Town fire restriction stage; and

WHEREAS, for these purposes, the Green Mountain Falls Municipal Code is amended as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Article XV, Chapter 10, of the Green Mountain Falls Municipal Code is repealed in its entirety and reenacted to read as follows:

ARTICLE XV - Fire Restrictions

Sec. 10-325. Purpose.

The purpose of this Article is to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, and surrounding areas by restricting open fires and open burning within the Town of Green Mountain Falls in order to prevent forest and grass fires, which, as a result of atmospheric conditions including lack of moisture and other local conditions, pose a significant danger to the Town and its citizens.

Sec. 10-326. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, by restricting open fires and open burning to prevent forest and grass fires.

Sec. 10-327. Authority.

The restrictions imposed by this Article shall take effect upon the issuance of an administrative order executed by the Town Manager or his or her designee, in consultation with the Fire Chief and the Fire Restriction Evaluation Guidelines, and shall remain in effect until rescinded by similar order. The authority granted by this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

Sec. 10-328. Definitions.

As used in this Article, unless the context otherwise requires:

- (a) *Bonfire* means an outdoor fire burning material other than rubbish or debris in which the fuel area exceeds the dimensions of a recreational fire, but which are no greater than eight (8) feet in diameter and four (4) feet in height, and which is located fifty (50) feet or more from any structure or combustible material.
- (b) *Burning in the performance of an official duty* means engaging in any activity prohibited under this chapter by any Federal, State, or local officer, or member of a rescue or firefighting force organized, employed or contracted by a Federal, State or local firefighting, military, or police protection service where engaging in such activity is required for the performance of such duties.
- (c) *Fire Restriction Evaluation Guidelines* means that set of evaluation criteria currently in use by Federal, State and local fire suppression/management agencies for monitoring fuel moistures, fire danger class, current impacts on suppression resources, current fire cause types, fire weather forecasts, and other indicators of predicted fire danger.
- (d) *Illegal fireworks* means any composition or device, regardless of the mass of the explosive composition, designed to produce audible or visual effects by combustion that is illegal under State of Colorado law and includes without limitation: firecrackers, rockets, bottle rockets, roman candles, cherry bombs, mortars, and other similar items such as M-80s.
- (e) *Open fire or open burning* means any outdoor fire that does not meet the requirements of a recreational fire or bonfire where any material is burned on the ground or in an open receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney, and includes without limitation the burning of agricultural land, silvicultural lands, rangeland, wildland, ditches, trash, or debris for any purpose including without limitation wildfire risk reduction, pest control or prevention, crop management, or wildlife management.
- (f) *Permissible fireworks* means small firework devices containing not more than fifty (50) milligrams of explosive composition that are

designed to produce audible or visual effects by combustion and which are non-explosive and not intended to leave the ground and includes fountains, ground spinners, illuminating torches, dipped sticks and sparklers, and other similar items.

- (g) *Recreational fire* means an outdoor fire burning material other than rubbish or debris with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height, which is located twenty-five (25) feet or more from any structure or combustible material.

Sec. 10-329. Unlawful acts.

During a Stage I, Stage II, or Stage III restriction, it shall be unlawful for any person to engage in acts prohibited by this Article within the municipal limits of the Town, including public, private, state and federal lands, while the restriction is in effect. The following table summarizes the prohibitions in place set forth by Sections 10-330 to 10-332 of this Article:

	None	Stage I	Stage II	Stage III
Burning of trash	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Emergency flares	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Illegal Fireworks	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Permissible Fireworks	Allowed	Allowed	Not Allowed	Not Allowed
Commercial pyrotechnics	Permit	Permit	Permit	Not Allowed
Bonfires	Permit	Not Allowed	Not Allowed	Not Allowed
Open Burning	Permit	Not Allowed	Not Allowed	Not Allowed
Recreational Fires	Allowed	Allowed	Not Allowed	Not Allowed
Model rockets	Allowed	Not Allowed	Not Allowed	Not Allowed
Outdoor charcoal grills	Allowed	Allowed	Not Allowed	Not Allowed
Smoking outdoors	Allowed	Allowed	Allowed*	Allowed*
Outdoor welding, gas torches, burning rods	Allowed	Allowed	Not Allowed	Not Allowed
Fires contained in liquid-fueled or gas-fueled stoves and grills	Allowed	Allowed	Allowed	Not Allowed
Indoor open fireplaces and wood-burning stoves	Allowed	Allowed	Allowed	Not Allowed
Gasoline operated power tools equipped with a spark arrestor	Allowed	Allowed	Allowed	Not Allowed
Smoking indoors or in enclosed vehicles	Allowed	Allowed	Allowed	Allowed
Burning in the performance of an official duty	Allowed	Allowed	Allowed	Allowed

*Outdoor smoking is permitted during Stage II and III restrictions, subject to the restrictions set forth in Sections 10-331 and 10-332.

Sec. 10-330. Stage I restrictions.

- (1) Whether or not such activity is permitted or prohibited elsewhere in this Code, the declaration of a Stage I fire restriction shall prohibit:
 - (a) Burning of garbage and waste material.
 - (b) Use of emergency flares or roadside fusees.
 - (c) Use of illegal fireworks.
 - (d) Burning of bonfires.
 - (e) Open burning.
 - (f) Launching of model rockets.
- (2) The declaration of a Stage I fire restriction shall allow commercial pyrotechnics by permit only, such permit to be issued in accordance with Section 10-296 of this Code.
- (3) Unless prohibited elsewhere in this Code, the declaration of a Stage I fire restriction shall allow:
 - (a) Use of permissible fireworks.
 - (b) Burning of recreational fires.
 - (c) Use of outdoor charcoal grills.
 - (d) Smoking indoors, outdoors, or within an enclosed vehicle.
 - (e) Outdoor welding, use of gas torches, or use of burning rods.
 - (f) Use of liquid or gas-fueled stoves and grills.
 - (g) Use of indoor open fireplaces and indoor wood-burning stoves, provided that chimneys are equipped with a functioning spark arrestor in compliance with applicable fire regulations.
 - (h) Use of gasoline operated power tools equipped with a spark arrestor
 - (i) Burning in the performance of an official duty.

Sec. 10-331. Stage II restrictions.

- (1) Whether or not such activity is permitted or prohibited elsewhere in this Code, the declaration of a Stage II fire restriction shall prohibit:
 - (a) Burning of garbage and waste material.
 - (b) Use of emergency flares or roadside fusees.
 - (c) Use of illegal fireworks.
 - (d) Use of permissible fireworks.
 - (e) Burning of bonfires.
 - (f) Open burning.
 - (g) Burning of recreational fires.
 - (h) Launching of model rockets.
 - (i) Use of outdoor charcoal grills.
 - (j) Smoking outdoors except upon an improved nonflammable

surface that is barren or cleared of all flammable materials.

- (k) Outdoor welding, use of gas torches, or use of burning rods.
- (2) The declaration of a Stage II fire restriction shall allow commercial pyrotechnics by permit only, such permit to be issued in accordance with Section 10-296 of this Code.
- (3) Unless prohibited elsewhere in this Code, the declaration of a Stage II fire restriction shall allow:
 - (a) Use of liquid or gas-fueled stoves and grills.
 - (b) Use of indoor open fireplaces and indoor wood-burning stoves, provided that chimneys are equipped with a functioning spark arrestor in compliance with applicable fire regulations.
 - (c) Use of gasoline operated power tools equipped with a spark arrestor
 - (d) Smoking indoors or within enclosed vehicles.
 - (e) Smoking outdoors upon an improved nonflammable surface that is barren or cleared of all flammable materials.
 - (f) Burning in the performance of an official duty.

Sec. 10-332. Stage III restrictions.

- (1) Whether or not such activity is permitted or prohibited elsewhere in this Code, the declaration of a Stage III fire restriction shall prohibit:
 - (a) Burning of garbage and waste material.
 - (b) Use of emergency flares or roadside fuses.
 - (c) Use of illegal fireworks.
 - (d) Use of permissible fireworks.
 - (e) Commercial pyrotechnics.
 - (f) Burning of bonfires.
 - (g) Open burning.
 - (h) Burning of recreational fires.
 - (i) Launching of model rockets.
 - (j) Use of outdoor charcoal grills.
 - (k) Smoking outdoors except upon an improved nonflammable surface that is barren or cleared of all flammable materials.
 - (l) Outdoor welding, use of gas torches, or use of burning rods.
 - (m) Use of liquid or gas-fueled stoves and grills.
 - (n) Use of indoor open fireplaces and indoor wood-burning stoves, provided that chimneys are equipped with a functioning spark arrestor in compliance with applicable fire regulations.
 - (o) Use of gasoline operated power tools, even if accompanied by a spark arrestor.
- (2) Unless prohibited elsewhere in this Code, the declaration of a Stage III fire restriction shall allow:
 - (a) Smoking indoors or within enclosed vehicles.
 - (b) Smoking outdoors upon an improved nonflammable surface that is barren or cleared of all flammable materials.

(c) Burning in the performance of an official duty.

Sec. 10-333. Prohibition on use of emergency flares and roadside fuses.

The use of emergency flares or roadside fuses is prohibited at all times.

Sec. 10-334. Requirements when and where outdoor fires are permitted.

When and where bonfires, recreational fires, or open burning are permitted, the following requirements shall be in place:

- (1) A person 18 years of age or older must be physically present and continuously monitoring and attending to the outdoor fire at all times to ensure it remains safe and in control.
- (2) Attendees of an outdoor fire must have a functioning and suitable extinguisher nearby such as a garden hose or dry chemical extinguisher.
- (3) The outdoor fire must be the requisite distance away from structures or combustible materials and must not at any point move any closer to the structure than the stated distance. Such requisite distance shall be:
 - (a) Twenty-five (25) feet for recreational fires.
 - (b) Fifty (50) feet for bonfires and open fires.

Sec. 10-335. Outdoor Smoking in the Business Zone District.

Smoking outdoors in the Business Zone District is only permitted within ten (10) feet of a receptacle or ashtray designed for disposing of cigarette butts or similar discarded smoking items.

Sec. 10-336. Enforcement.

This Article shall be enforced by the Green Mountain Falls Town Marshal or his or her deputies, including thereby the administering agencies of the State and Federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Ordinance. This authority shall include, but not be limited to, the right to issue a penalty assessment notice and the right to take such person or persons into temporary custody. Any exception to the meaning, terms, or enforcement of this Article shall be granted only by the administering agency, and only if the proposed action is deemed by the Green Mountain Falls Town Marshal to be safe or mitigatable.

Sec. 10-337. Penalties.

Violation of this Article shall be a misdemeanor under Green Mountain Falls Municipal Code. The penalties for violation of this adopted Code are as set forth in a resolution or subsequent modifications thereof.

Sec. 10-338-340. Reserved.

Section 2. Section 97, Article IV, Chapter 11, of the Green Mountain Falls Municipal Code is amended to read as follows:

Sec. 11-97. Fires prohibited.

...

- (b) It shall be unlawful to build fires in any place in or on park land during periods that the U.S. Forest Service rates the fire danger as very high or extreme for the Ute Pass area or when fire restrictions have been declared by the Fire District or County Fire Marshal, or when fire restrictions have been implemented by the town pursuant to Article XV, Chapter 10 of this Code.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

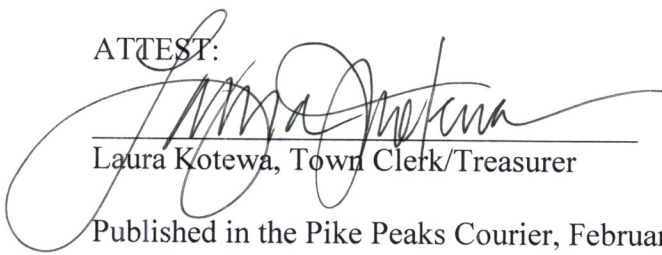
Section 5. Effective Date. This Ordinance shall be effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the 18 day of December, 2018, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the 5 day of February, 2019.

Tyler Stevens, Mayor Pro Tem

ATTEST:



Laura Kotewa, Town Clerk/Treasurer

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