

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2019-11**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-4-49 OF THE
SILVERTHORNE TOWN CODE CONCERNING FIRE BANS**

WHEREAS, public safety regulations are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 2, Article IV, Section 2-4-49 contains regulations concerning Fire Bans; and

WHEREAS, the Town Council wishes to amend Chapter 2, Article IV, Section 2-4-49 to provide more clarity and specificity to the Town's fire ban regulations; and

WHEREAS, the Town Council wishes to also enact fire ban regulations that are consistent with that of other local governments in Summit County; and

WHEREAS, the Town Council finds and determines that it is prudent to identify the specifics of two distinct stages of fire bans; and

WHEREAS, after considering the Staff Memo and the recommendations therein, the Town Council finds that the revisions to the regulations prescribed in this ordinance are in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1.

Section 2-4-49 of the Silverthorne Town Code is hereby repealed and replaced to read as follows:

Sec. 2-4-49. - Fire bans.

- (a) The Police Chief is hereby authorized to enact fire restrictions, as necessary from time to time, to protect the health, safety and welfare of the citizens of the Town. The Police Chief shall publicize any fire ban imposed under this Section in any reasonable manner designed to inform the public.
 - (I) Exemptions from the provisions of this Article will be considered for persons with a permit specifically authorizing the otherwise prohibited act or any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- (b) **Stage 1 fire restrictions.** Upon the requisite findings, the Police Chief may enact Stage 1 Fire Restrictions as defined herein.

- (I) **Permitted Activities:** During Stage 1 Fire Restrictions, to reduce the danger of wildfires, only open fires and activities that meet the following criteria are permitted:
- (A) Fires on private property will be allowed under Stage 1 Restrictions under the following conditions:
 - (1) The fire is contained to a commercially designed and manufactured outdoor fireplace or portable outdoor fireplace (see definitions below) that is assembled, located, and operated in accordance with the manufacturer's instructions. Any device that meets this criteria will also be equipped with a protective screen that reduces the spread of embers;
 - (2) The area directly underneath the fire is barren;
 - (3) The fire is at least fifteen (15) feet from any flammable material and/or structure; AND
 - (4) The size of the fire is no larger than (3) feet wide and (2) feet tall.
 - (B) Any fire within a designated dispersed camping site or picnic area is permitted, but must be contained within a permanent metal fire ring.
 - (C) Use of a gas, charcoal and/or wood pellet grill is permitted.
 - (D) Commercial sale of firewood and/or charcoal is permitted.
 - (E) Pile burns with the appropriate permits from the local fire protection district and department of environmental health are permitted.
 - (F) The occurrence of any permissible fire, as detailed above, must also include the following safety measures:
 - (1) Be constantly attended by a responsible adult;
 - (2) Be extinguished and cool to the touch prior to leaving unattended;
 - (3) Have available for immediate utilization a minimum of:
 - (i) one (1) portable fire extinguisher with a minimum 2A10BC rating;

- (ii) A minimum 5gallon water container; or
 - (iii) A charged garden hose shall be available for immediate utilization.
- (G) Any fire contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure is permitted.
- (H) Fires caused or administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty are permitted.
- (I) Smoking outdoors is permitted so long as the individual is at least (3) feet away from natural vegetation and/or flammable materials.
- (J) Operation of a chainsaw is permitted as long as the operator is equipped with a minimum 2A10BC classified dry chemical fire extinguisher available for immediate use.
- (K) The outdoor use of any open flame torch device is permitted under the following conditions:
 - (1) Device is at least fifteen (15) feet away from natural vegetation and/or flammable materials; AND
 - (2) A minimum 2A10BC classified dry chemical fire extinguisher is available for immediate use.
- (L) Inflation or propulsion of a hot air balloon is permitted.
- (M) Use of an "off-highway vehicle" in compliance with C.R.S. 33-14.5-101 *et. seq.* is permitted.
- (II) **Prohibited Activities.** Any activity or open fire that does not specifically adhere to the criteria listed directly above shall be prohibited during Stage1 Fire Restrictions including, but not limited to the following:
 - (A) The use and/or sale of recreational fireworks and tracer ammunition, including recreational use of any projectile containing explosive material, incendiary material, or other chemical substance;
 - (B) The use and/or sale of recreational explosives, including explosive targets;

- (C) Disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match.

(c) Stage 2 Fire Restrictions. The Police Chief, upon approval of the Town Manager, may increase the restrictions imposed by a fire ban under this Section, including the implementation of Stage 2 Fire restrictions, as defined below, and the imposition of any other restriction as shall be necessary and appropriate for the protection of the public.

(l) **Permitted Activities.** During Stage 2 Fire Restrictions, to reduce the danger of wildfires, only open fires and activities that meet the following criteria are permitted.

- (A) Use of a gas grill is permitted.
- (B) Any fire contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure is permitted.
- (C) Smoking outdoors is permitted so long as the individual is at least (3) feet away from natural vegetation and/or flammable materials.
- (D) Operation of a chainsaw is permitted as long as the operator is equipped with a minimum 2A10BC classified dry chemical fire extinguisher available for immediate use.
- (E) The outdoor use of any open flame torch device is permitted under the following conditions:
 - (1) Device is at least fifteen (15) feet away from natural vegetation and/or flammable materials; AND
 - (2) A minimum 2A10BC classified dry chemical fire extinguisher is available for immediate use.
- (F) Use of an "off-highway vehicle" is permitted under the following conditions:
 - (1) Off-highway vehicle MUST remain on the surface of a designated "off-highway vehicle route"; and
 - (2) If parked:
 - (i) Off-highway vehicle must be located in a barren area within (10) feet of the designated off-highway vehicle route; and/or

- (ii) Off-highway vehicle must be located in a designated off-highway vehicle "staging area".

(II) **Prohibited Activities.** Any activity or open fire that does not specifically adhere to the criteria listed directly above shall be prohibited during Stage 2 Fire Restrictions including, but not limited to the following:

- (A) Fires on private property.
- (B) Fires in designated dispersed camping or picnic areas.
- (C) Use of a charcoal and/or wood pellet grill.
- (D) The use and/or sale of any explosives, including explosive targets (commercial applications will be reviewed on a case by case basis and may receive special permits from the local fire protection district and Police Chief.
- (E) Commercial sale of firewood and/or charcoal.
- (F) Inflation or propulsion of a hot air balloon.
- (G) Use of any projectile containing explosive material, incendiary material, or other chemical substance, including tracer ammunition.
- (H) Any type of fireworks display.
 - (1) This restriction includes previously licensed professional fireworks displays.
- (I) Pile burns (regardless of previously issued permits by the local fire protection district and department of environmental health);
- (J) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either USDA Forest Service Standard 5100-1a (as amended) OR appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a). 36 CFR § 261.52(j) and 43 CFR § 9212.1(h)

(d) Violations of this Section shall be punished by the Municipal Court as a noncriminal infraction under a penalty assessment of one hundred fifty dollars (\$150.00) for the first offense, five hundred dollars (\$500.00) for the second offense and nine hundred ninety-nine dollars (\$999.00) for all subsequent offenses.

(e) Definitions

For purposes of this subsection, the following definitions shall apply:

Barren – an area lacking any type of combustible material and incapable of sustaining fire.

Charcoal Grill – a metal appliance designed to cook food through heat produced by charcoal briquettes. Unlike a gas grill, this device does not have mechanical on/off capabilities.

Designated Dispersed Camping Site – a designated area, located in the backcountry and managed by the USFS, that is specifically designated for camping and equipped with a metal fire ring.

Explosives – a reactive substance that contains a great amount of potential energy that can produce an explosion if released suddenly, usually accompanied by the production of light, heat, sound, and pressure.

Explosive Target – used for recreational purposes, these reactive targets comprise a combination of oxidizers and a fuel that is supplied as two separate components and mixed together by the user. Once subjected to the force of a high-velocity bullet impact, an explosion occurs.

Fireplace – a fireproof compartment located in a permanent structure that is connected to a chimney that vents heat and smoke vertically out of the structure.

Fireworks – any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks or display fireworks as defined in C.R.S. § 24-33.5-2001.

Flammable Material – Material that ignites easily and burns rapidly with a flame,

Off-highway Vehicle - any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. (C.R.S. 33-14.5-101(3))

Off-highway Staging Area - any parking lot, trail head, or other location to or from which any off-highway vehicle is transported by truck, trailer, or other motor vehicle so that it may be placed into operation or removed from operation. (C.R.S. 33-14.5-101(7))

Off-highway Vehicle Route - any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel. (C.R.S. 33-14.5-101(4))

Permanent Structure – any structure that is designed or intended for support, enclosure, shelter or protection of person, animals or property having a permanent roof that is supported by columns or walls.

Smoking – a practice in which a substance is burned and the resulting smoke is inhaled by an individual.

Stove – a portable or fixed apparatus that furnishes heat for warmth or cooking.

Tracer Ammunition – bullets or cannon caliber projectiles that are built with a small pyrotechnic charge in their base. Ignited by the burning powder, the pyrotechnic composition burns very brightly, making the projectile trajectory visible to the naked eye.

Wood Pellet Grill – outdoor cookers that combine elements of charcoal smokers, gas grills, and kitchen ovens. Fueled by wood pellets, they utilize an electronic control panel to automatically feed fuel pellets to the fire, regulate the grill's airflow, and maintain consistent cooking temperatures.

Section 2: Safety Clause

The adoption of this Ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 3: Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 4. Effective Date

This ordinance shall be effective upon adoption at second reading as provided by the Home Rule Charter.

READ, MOVED, SECONDED, AND PASSED ON FIRST READING, THIS 12th DAY OF JUNE 2019.

MOVED, SECONDED, AND PASSED ON THE SECOND AND FINAL READING, THIS 26 DAY OF June 2019.

TOWN OF SILVERTHORNE, COLORADO



Ann Marie Sandquist, Mayor

ATTEST:

By: Michele Miller
Michele Miller, Town Clerk

Approved on the first reading:	<u>6-12</u>	<u> </u>	2019
Published by title only:	<u>6-21</u>	<u> </u>	2019
Approved on the second reading:	<u>6-26</u>	<u> </u>	2019
Published by title only:	<u>7-5</u>	<u> </u>	2019