

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 7, SERIES 2012

**AN EMERGENCY ORDINANCE RESTRICTING OPEN FIRES
AND OPEN BURNING IN THE TOWN OF TIMNATH**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH,
COLORADO:**

ARTICLE 1 – AUTHORITY

The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 and a Municipal Code, as may be amended from time to time ("Code"). Pursuant to the Charter, the Code, and the authority given home rule cities, the Town may adopt and amend Ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The Town Council is sensitive to the fact that weather conditions, lack of precipitation, and heavy fuel loading frequently create a threat of fire in the Town and in the neighboring prairies and forests of Larimer County.
- B. The Town Council recognizes that open fires and open burning can be a prime cause of grass and prairie fires in the Town and neighboring communities.
- C. The Town Council wishes to preserve and protect the public health, safety and welfare of the residents of the Town and surrounding areas by restricting open fires and open burning in the municipal limits of the Town in order to prevent forest and grass fires when a high danger of such fires exists as a result of atmospheric and natural fuel conditions, including lack of moisture and other local conditions in the Town.

ARTICLE 3 – SAFETY CLAUSE

The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, 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.

ARTICLE 4 – ADOPTION

✓
Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

A new Article VI to Chapter 7 of the Code is adopted as follows:

ARTICLE VI

Open Fire and Burning Restrictions

Sec. 7-6-1. Application.

This Article shall apply to all open fires or open burnings when the restrictions authorized by this Article are in effect.

Sec. 7-6-2. Definitions.

Department of Fire Prevention for the Town means the Poudre Fire Authority.

Fire Code Official for the Town means the Chief of the Poudre Fire Authority or his designee.

Fireworks means "fireworks" as defined in Section 7.4.1 of the Code.

Open fire or open burning means any outdoor fire, including, but not limited to, campfires, warming fires, the lighting of any fused explosives and fireworks of any kind or brand, the lighting of model rockets, and the burning of fence lines or rows, grass lands, fields, farm lands, range lands, wild lands, trash and debris.

Stage 1 fire restrictions means the following activities are prohibited:

- (1) Open burning of any kind without a permit from the Poudre Fire Authority;
- (2) Use and sale of fireworks;
- (3) Open discarding of cigarettes and smoking materials;
- (4) Welding or the operation of torches with open flame in outdoor areas, including public parks, greenbelts, open spaces and trail systems without a permit;

(5) Operating or using any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained and in effective working order; and

(6) Operating any pest control equipment which relies upon the ignition of flammable gases or liquids.

Allowable activities include:

(1) Fires within liquid-fueled or gas-fueled appliances including fire pits, grills, and camp stoves; fireplaces within buildings; charcoal grill fires within developed residential or commercial areas; fires within wood burning stoves;

(2) Permitted fires by persons with a permit specifically authorizing the prohibited act or omission, including permitted professional fireworks displays;

(3) Fire department training fires;

(4) Tiki torches; small recreational fires at developed picnic or campground sites contained in permanent fire pits or fire grates having a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height and which are supervised by a responsible person at least 21 years of age;

(5) Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district; and

(6) Open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions.

Stage 2 fire restrictions means the following activities are prohibited:

(1) All Stage 1 fire prohibitions;

(2) Open burning of any kind;

(3) Use and sale of fireworks;

(4) Use of or fires in chimineas, other portable fireplaces or patio fire pits (which are not liquid or gas fueled); and

(5) Campfires at developed campgrounds or picnic areas.

Allowable activities include:

(1) Fires within liquid-fueled or gas-fueled appliances including fire pits, grills, and camp stoves;

(2) Charcoal grill fires within developed residential or commercial areas;

(3) Use of all fireplaces and wood burning stoves within buildings;

(4) Fire department training fires;

(5) Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district; and

(6) Open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions.

Sec. 7-6-3. Stage 1 - Unlawful acts.

It shall be unlawful for any person to start, build maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 1 fire restrictions in the Town, including public, private, state and federal lands while such restrictions are in effect.

Sec. 7-6-4. Stage 2 - Unlawful acts.

It shall be unlawful for any person to start, build maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 2 fire restrictions in the Town, including public, private, state and federal lands while such restrictions are in effect.

Sec. 7-6-5. Authority.

The restrictions imposed by this Article are authorized and shall take effect immediately upon the issuance of an administrative order executed by the Town Manager or his designee, and shall remain in effect until rescinded by similar order. All such orders shall be issued only after consultation with the Fire Code Official for the Town, when practicable,

taking into account weather, fire and local conditions, suppression resources and fire restrictions in neighboring communities. The authority granted by this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

Sec. 7-6-6. Enforcement.

The provisions of this Article shall be enforced by the Town Police Department and the Department of Fire Prevention for the Town.

Sec. 7-6-7 Violations; penalties

A violation of any provision of this Article shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus court and administrative costs, as applicable. Each violation shall be deemed a separate offense for purposes of assessing a fine.

ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

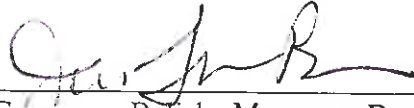
ARTICLE 6 – EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following publication after first reading if no changes are made or twenty (20) days following publication after a second reading if changes are made upon a second reading.

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INTRODUCED, READ AND ORDERED PUBLISHED ON JULY 17TH, 2012.

TOWN OF TIMNATH



Jill Grossman-Belisle, Mayor, or Designee

ATTEST:



Milissa Peters, Town Clerk



ADMINISTRATIVE ORDER

TOWN OF TIMNATH

Series of 2012

Order No. 1

STAGE 1 FIRE RESTRICTIONS

Town of Timnath Ordinance No. 7, Series 2012, authorizes the Town Manager or a designee to issue fire restrictions during periods of high fire danger.

Weather conditions, lack of precipitation, and heavy fuel loading have created a threat of fire in the Town and the neighboring prairies and forests of Larimer County.

Open fires and open burning can be a prime cause of grass and prairie fires in the Town and neighboring communities.

It is necessary in order to preserve and protect the public health, safety, and welfare of residents of the Town and surrounding areas to restrict open fires and open burning in the municipal limits of the Town.

These fire restrictions are a proactive approach to eliminate fire sources that are not naturally occurring.

ORDER

After consultation with the Fire Code Official for the Town, taking into account weather, fire and local conditions, suppression resources, and fire restrictions in neighboring communities, **Stage 2 Fire Restrictions** are effective immediately and shall remain in effect until modified or rescinded.

By Order of _____, Town Manager, on this ___ day of _____, 20__.

Town Manager or Designee

ATTEST:

Town Clerk