ORDINANCE NO. 2012-002

AN ORDINANCE AMENDING ORDINANCE NO. 2003-2 PROHIBITING OPEN BURNING WITHIN THE TOWN OF CRESTONE, COLORADO

WHEREAS, Ordinance No. 2003-2 imposed a ban upon any and all open fires or flames on property within the Town of Crestone, Colorado, whether the same be a controlled or uncontrolled burning of trash, debris, flammable liquids, or any other substance directly or indirectly and further provided that such ban may be rescinded during specific periods of time by the Fire Marshall with concurrence of the Mayor as fire conditions may necessitate; and

WHEREAS, such Ordinance lacked specificity as to types of activities subject to the ban; and

WHEREAS, such Ordinance also lacked clarity as to which activities would be allowed or disallowed in the event of a conflict between town, county or state agency fire bans; and

WHEREAS, the current existence of unusually hot, dry and windy conditions throughout the state has created numerous destructive wildfires throughout the state;

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Crestone that Ordinance No. 2003-2 is amended to read as follows:

2. Prohibited Activities:

(i) The following activities are deemed to be "open fires" for the purposes of this Ordinance and are subject to ban:

a. Building, maintaining, attending or using an open fire to burn trash, debris, fence rows, or vegetation, any campfire, warming fire, or charcoal grill. (Propane grill fires are allowed).
b. Lighting of fireworks of any kind, explosives, blasting caps, or any incendiary which may result in the ignition of flammable material.
c. Smoking, except in an enclosed vehicle or building.
d. Welding or operating acetylene or other torch with open flame.
e. Disposing of any burning material or material hot enough to cause the ignition of weeds or grass such as cigarette or cigar butts or hot coals, except in a fireproof receptacle designed for such disposal.
f. The use of chainsaws and other internal combustion engines unless equipped with a spark arrestor, and accompanied onsite by a chemical pressurized fire extinguisher of not less than 8 ounces weight capacity, and a size 0 or larger round pointed shovel with an overall length of at least 36 inches.

3. The following person(s) shall be exempt from the provisions of this Ordinance:

~~**(i) Persons with a valid permit or authorization from the Saguache County Sheriff specifically authorizing the otherwise prohibited act.**~~

(ii) Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

4. **When there is a conflict or ambiguity between town, county and state restrictions, the more restrictive burn ban provisions will, in the absence of express town declaration to the contrary, be deemed to apply and are incorporated by reference into the provisions of this ordinance.**

5. Any person or persons who violate the provisions of this Ordinance is guilty of an offense, which is punishable by a fine, not to exceed $1,000.00 or imprisonment, not to exceed one year or by both such fine and imprisonment.

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY DUE TO THE CURRENT LACK OF SPECIFICITY IN ORDINANCE NO. 2003-2 AS TO PROHIBITED ACTIVITIES AND AMBIGUITY OF RESOLUTION OF CONFLICTING PROVISIONS WITH COUNTY AND STATE PROVISIONS GOVERNING THE SAME SUBJECT MATTER AND SHALL BECOME EFFECTIVE AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

INTRODUCED, read in full, adopted, approved and signed this 9th day of July, 2012.

Kairina Danforth, Mayor

Attest:

Akia Tanara, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish, Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 9th day of July, 2012, and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on August 1, 2012.

Akia Tanara, Town Clerk