ORDINANCE NO. 2026-006

AN ORDINANCE OF THE TOWN OF CRESTONE, COLORADO, ADDING ARTICLE 15 TO CHAPTER 13 OF THE CRESTONE MUNICIPAL CODE TO ESTABLISH STAGE I FIRE RESTRICTIONS AS A STANDING YEAR-ROUND REQUIREMENT, TO PROVIDE FOR THE IMPOSITION AND REMOVAL OF STAGE II FIRE RESTRICTIONS BY RESOLUTION, AND TO REPEAL ORDINANCE NO. 2003-2 AND ORDINANCE NO. 2018-004

WHEREAS, C.R.S. 31-15-401(1)(q) authorizes the Board of Trustees of the Town of Crestone (the "Board") to regulate and prohibit fires within the Town and to designate places where fires are permitted, restricted, or prohibited; and

WHEREAS, the Town's fire restrictions are currently spread across several ordinances and resolutions, including Ordinance No. 2003-2, which prohibited open burning subject to rescission by resolution; Ordinance No. 2018-004, which imposed a Stage II fire ban until lifted by resolution; Resolution No. 2020-003, which reaffirmed Ordinance No. 2018-004; Resolution No. 2025-008, which imposed a Stage I fire ban; and Resolution No. 2026-005, which imposed a Stage II fire ban; and

WHEREAS, Resolution No. 2020-003 recognized that the 2018 fire ban had never been formally lifted by resolution, and the layering of these measures has made it difficult for residents, staff, and law enforcement to know which restrictions are in effect at any given time; and

WHEREAS, the Town is located in the wildland-urban interface, experiences dry and windy conditions throughout the year, and is served by a single primary route of evacuation, and the Board finds that Stage I fire restrictions are warranted at all times of the year; and

WHEREAS, the Board finds that Stage II fire restrictions should be imposed and lifted by resolution as fire conditions require, and that lifting Stage II should return the Town to Stage I without further action; and

WHEREAS, the Board finds that consolidating the Town's fire restrictions into a single article of the Municipal Code is necessary for the preservation of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE, COLORADO:

Section 1. Addition of Article 15 to Chapter 13.

Chapter 13 of the Crestone Municipal Code is hereby amended by the addition of a new Article 15, "Fire Restrictions," to read as follows:

ARTICLE 15
Fire Restrictions

Sec. 13-15-10. Purpose.

The purpose of this Article is to reduce the risk of wildfire within the Town by establishing Stage I fire restrictions as the standing condition at all times of the year, and by providing a clear procedure for imposing and lifting the more restrictive Stage II fire restrictions as conditions require.

Sec. 13-15-20. Definitions.

For purposes of this Article, the following words shall have the meanings set forth below:

Approved device means a gas or propane grill, stove, heater, or lantern with a shut-off valve; a charcoal grill with a lid; or a commercially manufactured fire pit, chiminea, or similar device that is fully enclosed or properly screened and designed to prevent the escape of sparks and embers.

Open fire means any outdoor fire, including a campfire, bonfire, warming fire, cooking fire, or fire in an open fire pit or ring, other than a fire contained within an approved device.

Open burning means the outdoor burning of any material, including trash, rubbish, debris, yard waste, slash, weeds, grass, and the burning of ditches or fields, whether controlled or uncontrolled.

Pressurized device means a device fueled by liquid petroleum, propane, or natural gas that has an on and off valve and can be turned off instantly.

Sec. 13-15-30. Stage I fire restrictions; in effect at all times.

Stage I fire restrictions are in effect within the Town at all times and do not require a resolution or declaration. While Stage I is in effect, it is unlawful for any person to:

(1) Build, maintain, attend, or use an open fire;

(2) Conduct open burning;

(3) Use or discharge fireworks of any kind, except a public display approved in advance by the Board under Article 11 of this Chapter and by the fire protection district serving the Town;

(4) Discard any lit or burning material, including cigarettes, cigars, matches, hot coals, or ashes, except into a fireproof receptacle designed for that purpose;

(5) Smoke outdoors, except within an enclosed vehicle or building or in an area at least three (3) feet in diameter that is cleared of all flammable vegetation and material; or

(6) Operate a welding or cutting torch, grinder, or other spark-producing equipment outdoors, except in an area at least ten (10) feet in diameter that is cleared of all flammable vegetation and material, with a working fire extinguisher or charged water supply immediately available.

Fires within an approved device and fires within an indoor fireplace or wood stove are permitted during Stage I.

Sec. 13-15-40. Stage II fire restrictions.

(a) Stage II fire restrictions may be imposed by resolution of the Board when the Board finds that fire danger within or near the Town warrants additional restrictions. Stage II remains in effect until rescinded by resolution of the Board.

(b) While Stage II is in effect, all Stage I restrictions continue to apply, and it is also unlawful for any person to:

(1) Build, maintain, attend, or use any outdoor fire of any kind, including a fire in a charcoal grill or in any approved device other than a pressurized device;

(2) Sell fireworks of any kind;

(3) Smoke outdoors, except within an enclosed vehicle or building; or

(4) Operate a chainsaw or other internal combustion engine outdoors without a working spark arrestor, or operate a welding or cutting torch, grinder, or other spark-producing equipment outdoors, except with the prior written approval of the Town Administrator.

(c) When a resolution imposing Stage II is rescinded, Stage I under Section 13-15-30 remains in effect without further action of the Board.

Sec. 13-15-50. Emergency imposition of Stage II.

When the Board cannot meet in time to respond to rapidly changing fire conditions, or when Saguache County has imposed Stage II fire restrictions in the surrounding unincorporated area, the Mayor, or the Mayor Pro Tem in the Mayor's absence, may impose Stage II fire restrictions by written declaration filed with the Town Clerk. A declaration takes effect upon posting under Section 13-15-70 and expires at the adjournment of the next meeting of the Board unless ratified by resolution at that meeting.

Sec. 13-15-60. Exemptions.

The restrictions of this Article do not apply to:

(1) Firefighters and other emergency personnel acting in the performance of their duties;

(2) Town employees and utility personnel performing emergency repairs, who shall have fire suppression equipment immediately available;

(3) A prescribed or controlled burn conducted or approved in writing by the fire protection district serving the Town and approved in writing by the Town Administrator, provided that no such burn may occur while Stage II is in effect; or

(4) Fires within an indoor fireplace, wood stove, or other heating appliance inside a building.

Sec. 13-15-70. Notice.

The Town Clerk shall give notice of the imposition or rescission of Stage II by posting in the Town's designated public posting places, on the Town website, and through the Town's notification system, and shall notify the Saguache County Sheriff's Office and the fire protection district serving the Town. The fire restriction stage in effect shall be stated in each notice. Failure to give any notice under this Section does not affect the validity or enforcement of a restriction.

Sec. 13-15-80. Violations; penalty.

Any person who violates any provision of this Article, or any resolution or declaration adopted under this Article, shall be subject to the general penalty provisions in Section 1-4-10. Each day on which a violation occurs or continues is a separate offense. This Article may be enforced by any peace officer and by the Town's code compliance officer.

Sec. 13-15-90. Other laws.

Nothing in this Article authorizes any act prohibited by county, state, or federal law or by any restriction in effect on county, state, or federal lands.

Section 2. Repeal of Prior Ordinances.

Ordinance No. 2003-2, prohibiting open burning within the Town, and Ordinance No. 2018-004, imposing a Stage II fire ban, are hereby repealed in their entirety, and their subject matter is replaced by Chapter 13, Article 15 as adopted by this Ordinance.

Section 3. Effect on Prior Resolutions.

Upon the effective date of this Ordinance, Resolution No. 2020-003 and the Stage I fire ban imposed by Resolution No. 2025-008 are superseded by Section 13-15-30 and are of no further effect. Any resolution imposing Stage II fire restrictions that is in effect on the effective date of this Ordinance shall continue in effect as a resolution adopted under Section 13-15-40 until rescinded by the Board.

Section 4. Fireworks Regulations.

Article 11 of Chapter 13 remains in effect. Where Article 11 and Article 15 conflict, the more restrictive provision shall apply.

Section 5. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This Ordinance shall take effect thirty (30) days after publication as provided by C.R.S. 31-16-105.

INTRODUCED, READ BY TITLE, PASSED AND ADOPTED on first reading this 1 day of November, 2026, by a vote of 4 ayes and 0 nays.

ATTEST:

(SEAL)

Arielle Blackwell, Town Clerk

TOWN OF CRESTONE

Benjamin Byer, Mayor

CLERK'S CERTIFICATE OF ADOPTION, POSTING, AND PUBLICATION

I, Arielle Blackwell, Town Clerk of the Town of Crestone, Colorado, certify that:

1. The foregoing Ordinance No. 2026-006 was introduced, read by title, passed, and adopted on first reading by the Board of Trustees at a meeting held on Nov 9, 2026, by a vote of 4 ayes and 0 nays.

2. The Ordinance was posted in full in the Town's designated public posting places on 11/13/26, 2026.

3. The Ordinance was published by title only in Sangre de Cristo Crescent, a newspaper of general circulation in the Town, on _____, 2026, and takes effect on _____, 2026.

IN WITNESS WHEREOF, I have set my hand and the seal of the Town of Crestone this 13 day of November, 2026.

(SEAL)

Arielle Blackwell

Arielle Blackwell, Town Clerk