

**PALMER LAKE, COLORADO  
ORDINANCE NO. 8 OF 2018**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING FIRE AND OPEN BURNING RESTRICTIONS WITHIN THE TOWN, SETTING AND IMPOSING THE PENALTY FOR VIOLATIONS THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED BY STATE LAW, INCLUDING, BUT NOT LIMITED TO, SECTIONS 31-15-401 AND 31-23-301 OF THE COLORADO REVISED STATUTES, TO EXERCISE ITS POLICE POWERS TO PROMOTE AND PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND ITS CITIZENS; AND

WHEREAS, CHAPTER 8.10 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS FORTH REQUIREMENTS FOR OBTAINING RECREATIONAL FIRE PERMITS BEFORE CONDUCTING ANY RECREATIONAL BURNS WITHIN THE TOWN; AND

WHEREAS, DUE TO ITS URBAN WILDLAND INTERFACE, PROXIMITY TO NATIONAL FOREST AREA USED FOR HIKING, CAMPING AND OTHER ACTIVITIES WHICH ARE OFTEN ACCOMPANIED BY CAMP AND OTHER FIRES AND OTHER CONCERNS MAKING THE TOWN VULNERABLE TO WILDFIRES AND OTHER DANGERS FROM UNATTENDED OR CARELESS BURNING, THE TOWN DESIRES TO AMEND CHAPTER 8.10 TO SET FORTH MINIMUM PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND

WHEREAS, THE TOWN BOARD FINDS THAT AN EMERGENCY EXISTS AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE.

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

**Section 1.** Chapter 8.10 entitled “Burn Permits” is repealed and readopted with a new title to read as follows in its entirety:

**CHAPTER 8.10  
FIRE RESTRICTIONS AND RECREATIONAL FIRE PERMITS**

Sections:

8.10.010	Definitions
8.10.020	Application of El Paso County Fire Restrictions and Town Imposed Fire Restrictions within Town
8.10.030	Prohibited Acts During Fire Restrictions
8.10.040	Open Burning Prohibited at all times.
8.10.050	Open Fire and Recreational Fire Rules
8.10.060	Penalty for Violations

**8.10.010: Definitions.**

“*El Paso County Fire Restrictions*”: Either Stage I Restrictions or Stage II Restrictions as imposed.

“*Open Burning*”: Vegetation management that involves the combustion of one or more piles of clean, dry natural vegetative material on an open premises, or on any public street, alley or other land adjacent to such premises.

“*Open Fire*”: For the purposes of this ordinance, open fires shall be defined as outdoor fire, including, but not limited to, *Open Burning* (vegetative management burning), recreational fires, campfires, warming fires, charcoal or gas-fueled grill type fires, fires in outdoor wood-

burning stoves, the use of explosives, outdoor welding or operating an acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, and the prescribed burning of fence lines or rows, fields, farmlands, rangelands, wild lands, trash, and debris.

**“Recreational Fire”:** For the purposes of this ordinance, a recreational fire is the outdoor burning of charcoal or clean firewood for pleasure, religious, ceremonial, warmth or similar purposes. Recreational fires shall be allowed in approved fire pits.

**“Fire Pit”:** For the purposes of this ordinance a Fire Pit is an approved container for the purpose of containing flame and sparks of an outdoor fire (recreational fire) to keep the fire from spreading beyond the container. Specific criteria are outline in the fire rules below.

**“Red Flag Warning”:** A forecast warning issued by the National Weather Service to inform area firefighting, land use management agencies, municipalities and the public that conditions are ideal for wildland fire ignition and propagation either currently or within 24 hours.

**“Stage I Restrictions”:** means the following activities are prohibited:

1. All Open Fire, except permitted recreational fires within approved permanently constructed fire pits and pads, charcoal and gas-fueled grill type fires in areas cleared of all flammable materials, as detailed in 8.10.050: Open Fire and Recreational Fire Rules
2. The sale or use of fireworks.
3. Outdoor smoking except within an enclosed vehicle or building or a developed non-combustible site for that purpose.

**“Stage II Restrictions”:** means the following activities are prohibited:

1. Any Open Fire as defined including Recreational Fires and charcoal grill type fires, as detailed in 8.10.050: Open Fire and Recreational Fire Rules.
2. The sale or use of fireworks.
3. Outdoor smoking except within an enclosed vehicle or building.

**Section 8.10.020: Application of El Paso County Fire Restrictions and Palmer Lake Imposed Fire Restrictions within Town.**

- A. Whenever the El Paso County Fire Marshall or his/her designee implements and advertises El Paso County Stage I Restrictions or Stage II Restrictions within the unincorporated areas of El Paso County, such restrictions shall also be automatically applicable within the boundaries of the Town of Palmer Lake and on Town owned property to include the Water System (which includes the hiking trail or road to the Water System) as described in Chapter 13.08 of this Code. At cessation of El Paso County Stage I Restrictions or Stage II Restrictions within the unincorporated areas of El Paso County, such restrictions shall also automatically cease to be applicable within the Town, unless and without limiting the ability of the Town to impose Town fire restrictions in accordance with Subsection (B). The Town shall coordinate notification of the public through a general press release to local television and radio, post on the Town Website, local social media outlets and on designated signs along highway 105.

Likewise, if a reduction in restrictions occurs the same notification process shall occur.

- B. In addition to the El Paso County Fire Restrictions Stage I or Stage II restrictions automatically imposed, in the event that the Mayor or the Town Board of the Town of Palmer Lake determines that the fire danger in the Town or on Town owned property, to include the Water System as described in Chapter 13.08 of this Code, is above normal, then the Mayor or his/her designee or the Town Board may declare that a fire danger exists and impose additional fire restrictions above and beyond those of El Paso County. Also if certain environmental conditions exist, such as a local Red Flag Warning, listed in Section 8.10.050: Open Fire and Recreational Fire Rules, certain fire restrictions will automatically be in place. The Town shall coordinate notification as above.
- C. Fire restrictions imposed hereunder shall remain in effect for the entirety of the time that such restrictions are posted in accordance with this Section.

**Section 8.10.030: Prohibited Acts During Fire Restrictions.**

- A. It shall be unlawful and a violation of this Chapter for any person to engage in any activity prohibited by any fire restriction imposed in compliance with Section 8.10.020, subsections A. or B. in the Town and on Town owned property to include the Water System as described in Chapter 13.08 of this Code, including on public, private, state, and applicable federal lands.
- B. The following **shall not** be in violation of this Section:
1. Commercial or community fireworks displays properly permitted.
  2. Fires arranged for, set and controlled by the Palmer Lake Fire Department for training purposes.
  3. Any federal, state, or local officer, or member of an organized rescue or firefighting force, in the performance of an official duty.
  4. Certain open or permitted Recreational Fires, as detailed in 8.10.050: Open Fire and Recreational Fire Rules, unless Town imposed restrictions adopted in accordance with Section 8.10.020(B) prohibit such fires.

**Section 8.10.040: All Open Burning Prohibited at all Times.**

It shall be unlawful and a violation of this Section for any person at any time to engage in **any** Open Burning for vegetation management as defined in Section 8.10.010 in the Town or on Town owned property, as described in Chapter 13.08 of this Code, **regardless of whether fire restrictions are in place under this Chapter.**

**Section 8.10.050: Open Fire and Recreational Fire Rules**

- A. Open Fires as Outdoor charcoal or gas-fueled grill type fires are allowed in an area cleared of all flammable materials. **Charcoal grill type fires are prohibited during Stage II fire restrictions.**
- B. Recreational fires are allowed in the Town, or on Town owned property, in approved fire-pits and with a recreational fire permit issued by the Town. **No recreational fire permits will be issued during Stage II fire restrictions or Red Flag Warnings.**
- C. The following are the Recreational Fire Pit rules for the Town of Palmer Lake:

1. Recreational Fires are only allowed in approved permanent Fire Pits. The Fire Pit will be a pre approved commercial unit or built according to plans pre approved by the Palmer Lake Fire Department.
2. The Fire Pit must have a base no larger than 36 inches in diameter and side walls no taller than 24 inches with no holes allowing sparks to escape.
3. The Fire Pit must have a covering spark arrester screen with holes no larger than ½ inch.
4. The Fire Pit must be located in a pre approved permanent spot on a non-combustible pad that extends 15 feet from the center of the pit in all directions.
5. The Fire Pit and pad must be approved and documented by Palmer Lake Fire Department with annual inspections prior to May 1<sup>st</sup>.
6. When a Fire Pit is in use, flames are not to exceed 2 feet in height.
7. Recreational Fires must be attended at all times by a responsible adult as long as there are flames or glowing coals present.
8. Only wood that is free of any treatment including insecticides, fungicides, paint, varnish, resin or glue may be burned in the Recreational Fire (with the short term exception of a commercial fire starter).
9. The Palmer Lake Fire Department may rescind Fire-Pit approval if the Fire-Pit is not used properly or falls into disrepair.
10. A no-cost Recreational Fire Permit must be obtained from the Town Hall during normal business hours for each Recreational Fire. The Recreational Fire Permit is only valid for one fire on a specific date. Additional Recreational Fire Permits will be required for fires on other dates.
11. The Palmer Lake Fire Department will evaluate and determine the granting of permits based on criteria associated with current El Paso County Stage restrictions, weather, dryness, wind, etc, and communicate that determination to Town Hall.
12. No permits will be issued during Stage II restrictions or Red Flag Warnings.
13. The Palmer Lake Fire Department may rescind Recreational Fire Permits if circumstances change.
14. The Palmer Lake Fire Department will maintain a Recreational Fire Permit and Fire-Pit record database.

**Section 8.10.060: Penalty for Violations.**

Any person found guilty of violating any provision of this Chapter shall be punished as follows:

1. For any violation involving fireworks, prohibited open burning or an open fire, a minimum fine amount of \$1000.00 and up to a maximum of one (1) year in jail.
2. For any violation involving prohibited smoking, a minimum fine amount of \$500.00 and

up to a maximum of one (1) year in jail.

**Section 2. Severability.** It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 3. Emergency Declared, Effective Date and Publication.** The Town Board finds that an emergency exists in that the public health safety and welfare requires the immediate effectiveness of this Ordinance. This ordinance shall become effective upon its adoption and the Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or by title only and posted in full on the Town official web site.

PASSED AND ADOPTED THIS ( )th DAY OF( ), 2018 BY A VOTE OF ( )FOR AND ( ) AGAINST.

<p>_____ ( ), MAYOR</p> <p>ATTEST:</p> <p>_____ ( ), TOWN CLERK</p>
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I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of ( ), 2018, and ordered published by title only in the \_\_\_\_\_ newspaper on \_\_\_\_\_, 2018 and in full on the Town official web site.

\_\_\_\_\_  
( ), Town Clerk