

## NOTICE OF PROPOSED ORDINANCE

Pursuant of Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described ordinance during its meeting on December 5, 2017 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

### Title of Proposed Ordinance:

An Ordinance Amending Chapter 8.26 of the Castle Rock Municipal Code Concerning Fire Restrictions

### Subject Matter Summary:

The proposed ordinance clarifies the restrictions on the sale and use of fireworks and the administration and enforcement of the ordinance by Town Fire and Police departments as well as Town management.

The entire text of the proposed ordinance is contained herein, and copies are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication date: November 30, 2017

**ORDINANCE NO. 2017-**

**AN ORDINANCE AMENDING CHAPTER 8.26 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING FIRE RESTRICTIONS**

**WHEREAS**, the Town of Castle Rock currently regulates the sale and use of consumer fireworks for the health and safety of the community;

**WHEREAS**, it has been determined that it is necessary to clarify certain restrictions regarding the use and sale of fireworks and open burning during when fire restrictions are in place, and to establish the administrative authority for enforcement during such fire restrictions..

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 8.26.040 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

*Open fire or open burning* shall mean 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, fields, farm lands, range lands, wildlands, trash and debris. However, the following shall be excepted from the provisions of this Chapter:

*Stage 1 fire restrictions* shall mean:

1. No building, maintaining, attending or using an open fire, campfire or stove fire (a *stove fire* is defined as a campfire built inside an enclosed stove or grill, portable brazier or a pressurized liquid or gas stove, including a space-heating device) without a permit. The following actions are permitted: petroleum-fueled stoves, lanterns or heating devices, provided that such devices meet the fire underwriter's specifications for safety.
2. No smoking unless in an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material. Open discarding of smoking materials is a violation of the restrictions and the International Fire Code Section 310.7.
3. Prohibiting welding or the operation of torches with open flame in outdoor areas, including public parks, greenbelts and trail systems without a permit.
4. Prohibiting the operation or use of any internal or external combustion engine without a spark-arresting device properly installed, maintained and in effective working order.

Allowable activities include:

1. Permitted fires. Persons with a permit specifically authorizing the prohibited act or omission. Permits can be obtained at the Fire Department.

2. Gas grills. Fires contained within liquid-fueled or gas-fueled stoves, fireplaces within buildings and fires in wood-burning stoves.
3. Explosive waste. 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.
4. Suppression fires. Any federal, state or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. Small recreational fires. Except when fire restrictions have been elevated to Stage 2, the following shall be exempt from the prohibitions: small recreational fires at developed picnic or campground sites contained in permanent fire pits or fire grates, with flame lengths not in excess of four (4) feet or the residential use of charcoal grills, fires in chimineas or other portable fireplaces or patio fire pits, so long as said fires are supervised by a responsible party at least twenty-one (21) years of age. Small recreational fires shall in no event be construed to include fireworks as defined in Chapter 8.24.
6. Smoking. Smoking on private property.

*Stage 2 restrictions* shall mean the inclusion of all Stage 1 restrictions, and add the following conditions:

1. No open burning of any kind.
2. No use or ~~and~~ sale of fireworks.
3. No use of charcoal grills and fires in chimineas, other portable fireplaces or patio fire pits.
4. No campfires at developed campgrounds or picnic areas.

Allowable activities:

1. Cooking on gas- or liquid-fueled stoves or grills.
2. Persons with permits specifically authorizing the prohibited act or omission.

**Section 2. Amendment.** Section 8.26.050 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

**8.26.050 Unlawful acts.**

Except as provided in Sections 8.26.040 and 15.18.030.T of the Castle Rock Municipal Code ~~above~~, it shall be unlawful for any person to build, maintain, attend or use an open fire or conduct open burning in the municipal limits of the Town, including public, private, state and federal lands, when this prohibition is in effect.

**Section 3. Amendment.** Section 8.26.060 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

**8.26.060 Administration and enforcement.**

The Fire Department, Police Department and Town Manager shall be responsible for the administration and enforcement of this Chapter. All inquiries regarding the current status of fire restrictions in the Town should be directed to the Fire Chief's office.

**Section 4. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 5. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 5th day of December, 2017 by a vote of \_\_\_ for and \_\_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_ day of \_\_\_\_\_, 2017, by the Town Council of the Town of Castle Rock by a vote of \_\_\_ for and \_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Arturo Morales, Fire Chief