

**TOWN OF FRISCO  
COUNTY OF SUMMIT  
STATE OF COLORADO  
EMERGENCY ORDINANCE 21-09**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING OFFENSES, BY REPEALING AND REENACTING SECTION 127-11, CONCERNING OPEN FIRES AND FIREWORKS, TO ALIGN THE PROVISIONS OF THE TOWN'S STAGED OPEN FIRE AND FIREWORKS BANS WITH THE PROVISIONS OF THE STAGED OPEN FIRE AND FIREWORKS BANS THAT MAY BE ESTABLISHED WITHIN SUMMIT COUNTY FROM TIME TO TIME; DECLARING AN EMERGENCY; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Town Council finds that from time to time, as a result of periodic drought conditions, there exists within central Colorado extreme fire danger and the imminent threat of widespread or severe damage, injury, or loss of life or property resulting from fire which requires coordinated action to avert danger or damage and to protect the health, safety and welfare of the citizens of the Town of Frisco; and

WHEREAS, the Sheriff of Summit County, Colorado, is designated as the fire warden of Summit County under the provisions of Section 30-10-512, C.R.S.; and

WHEREAS, Summit County has previously adopted, and recently amended, regulations concerning open fires and fireworks under which certain criteria are used to assess the risk of fires and to set various stages of fire restrictions based upon the level of risk; and

WHEREAS, Frisco has previously adopted regulations concerning open fires and fireworks under which there are various stages of fire restrictions; and

WHEREAS, Frisco desires that its laws concerning open fires and fireworks, and the various stages of fire restrictions, be consistent with the laws that exist within the unincorporated areas of the Summit County; and

WHEREAS, the Town Council of the Town of Frisco determines that in order to avoid inconsistency of the laws between the jurisdictions in Summit County as they relate to open fires and fireworks and staged restrictions, and to thereby encourage compliance with these vital laws, it is necessary to amend its existing code provisions on an emergency basis because such staged restrictions are necessary for the immediate preservation of the property, health, safety and welfare of the citizens of the Town of Frisco.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, THAT:

SECTION 1. Section 127-11 of the Code of Ordinances of the Town of Frisco, concerning open fires and fireworks, is hereby repealed and reenacted to read as follows:

**§127-11. Open Fires and Fireworks.**

- A. If the Town Manager finds, based on competent evidence and after consultation with the Sheriff of Summit County, that there exists a significant threat of wildfires due to recent or anticipated weather conditions and/or forest conditions in Summit County, or that Summit County has established Stage 1 fire restrictions in the unincorporated areas of the county, then he or she may cause to be posted, on the Town's website and at each location designated by resolution of

the Town Council in January of each year for the posting of notices of Town Council meetings, a notice that states as follows:

#### **PUBLIC NOTICE**

#### **TOWN OF FRISCO STAGE 1 OPEN FIRE AND FIREWORKS BAN IN EFFECT PURSUANT TO SECTION 127-11 OF THE CODE OF THE TOWN OF FRISCO**

- B. If the Town Manager finds, based on competent evidence and after consultation with the Sheriff of Summit County, that there exists a significant and imminent threat of wildfires due to recent or anticipated weather conditions and/or forest conditions in Summit County, or that Summit County has established Stage 2 fire restrictions in the unincorporated areas of the county, then he or she may cause to be posted, on the Town's website and at each location designated by resolution of the Town Council in January of each year for the posting of notices of Town Council meetings, a notice that states as follows:

#### **PUBLIC NOTICE**

#### **TOWN OF FRISCO STAGE 2 OPEN FIRE AND FIREWORKS BAN IN EFFECT PURSUANT TO SECTION 127-11 OF THE CODE OF THE TOWN OF FRISCO**

- C. At any time during which a Stage 1 notice is posted in accordance with subsection A above, it shall be unlawful to set, maintain, or allow the setting or maintenance of an open fire within the Town of Frisco, or to use any of the following items or devices or to conduct or engage in any of the following activities, except as may be expressly authorized in subsection C.8 below:
1. Open Fires: Open Fires, except those that have been permitted in compliance with subsection 8 below. For purposes of these Stage 1 Fire Restrictions, Open Fires shall be defined as any outdoor fire, including but not limited to campfire, warming fires, bonfires, or the prescribed burning of fencerows, fields, wildlands, trash and debris;
  2. Smoking: Smoking, except in an enclosed vehicle or building, designated outdoor areas wheresmoking is permitted, or while stopped in an area that is at least three feet in diameter and is barren or cleared of all flammable material;
  3. Fireworks: The use and/or sale of recreational fireworks;
  4. Explosives: The use of tracer ammunition, including recreational use of any projectile containing explosive material, incendiary material, or other chemical substance. The use of recreational explosives, including explosive targets;
  5. Disposal: The disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match;
  6. Chainsaws: The operation of a chainsaw is prohibited without a USDA or Society of Automotive Engineers (SAE) approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) kept with the operator, and one round point shovel with an overall length of at least 35 inches readilyavailable for use; and
  7. Commercial and Industrial Operations: Blasting, grinding, welding, or operating acetylene or other torch with open flame without being in a cleared area of at least 10 feet in diameter and keeping a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) with the operator;

8. Permitted Activities: In order to reduce the danger of wildfires while allowing certain limited fires and otherwise prohibited activities to continue during Stage 1 Fire Restrictions, the following open fires and activities that are otherwise prohibited are permitted so long as they are conducted in strict compliance with this section:
- i. Solid-Fuel Burning Fires (Wood or Charcoal) - Igniting, building, and maintaining fires on private property must be permitted by the local fire protection district and meet the following requirements:
    - a. The fire is contained to:
      - I. A permanent outdoor fireplace or fire ring with a screen to reduce the spread of embers; or
      - II. A portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer's instructions with a screen to reduce the spread of embers. For purposes of these restrictions, a portable outdoor fireplace means a portable, outdoor, solid-fuel-burning (wood or charcoal) fireplace that is constructed of steel, concrete, clay or other noncombustible material; or
      - III. A commercially designed chiminea with a screen to reduce the spread of embers;
    - b. The area directly underneath the fire is barren;
    - c. The fire is at least fifteen (15) feet from any flammable material and/or structure;
    - d. The size of the fire is no larger than (3) feet wide and (2) feet tall; and
    - e. Safety measures are in place as required by subsection f below.
    - f. The occurrence of any permissible fire, as detailed above in this section, must also include the following safety measures:
      - I. The fire must be constantly attended by a responsible adult;
      - II. The fire must be extinguished and cool to the touch prior to being left unattended; and
      - III. The supervising adult must have available for immediate utilization a minimum of:
        - 1. One (1) portable fire extinguisher with a minimum 2A10BC rating; **OR**
        - 2. A minimum five (5) gallon water container; **OR**
        - 3. A charged garden hose.
  - ii. Liquid or Gas-Fueled Devices: heating devices, stoves, grills, lanterns, fire pits, fireplaces or firetables that include shut-off valves are permitted allowed when used in an area at least three or more feet from flammable materials such as grasses or pine needles;

- iii. Fires Contained Inside Permanent Structures: Any fire contained within a fireplace, stove, woodburning stove, or pellet stove designed for and located within a fully enclosed permanent structure;
  - iv. Developed Recreational Site: Any fire within a campground or picnic area (developed recreation site) contained to a permanent metal or concrete fire pit or grate that the USDA Forest Service has installed and maintained;
  - v. Grills, Stoves and Smokers: Use of gas, charcoal and/or wood pellet grills, smokers and barbecues, coal and wood burning stoves and shepherd's stoves;
  - vi. Agricultural and Large Pile Burns: with the appropriate permits from the local fire protection district and the Colorado Department of Public Health and Environment;
  - vii. Slash Burns: with the appropriate permit from the local fire protection district;
  - viii. Administrative Fires: Fires administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty;
  - ix. Hot Air Balloons: Inflation or propulsion of a hot air balloon; and
  - x. Off-Highway Vehicles: Use of an "off-highway vehicle" in compliance with C.R.S. 33-14.5-101 *et. seq.* and any other applicable law.
- D. At any time during which a Stage 2 notice is posted in accordance with subsection B above, it shall be unlawful to set, maintain, or allow the setting or maintenance of an open fire within the Town of Frisco, or to use any of the following items or devices or to conduct or engage in any of the following activities, except as may be expressly authorized in subsection D.17 below:
- 1. Open Fires: Open Fires, except those in compliance with subsection D.18 below. For purposes of these Stage 2 Restrictions, Open Fires shall be defined as any outdoor fire, including but not limited to campfire, warming fires, bonfires, or the prescribed burning of fence rows, fields, wildlands, trash and debris;
  - 2. Solid-Fuel Burning Fires (Wood or Charcoal): Igniting, building, and maintaining fires on private property regardless of whether permitted by the fire protection district;
  - 3. Smoking: Smoking, except in an enclosed vehicle or building, designated outdoor areas where smoking is permitted, or while stopped in an area that is at least three feet in diameter and is barren or cleared of all flammable material;
  - 4. Fireworks: The use and/or sale of recreational fireworks;
  - 5. Explosives: The use of tracer ammunition, including recreational use of any projectile containing explosive material, incendiary material, or other chemical substance. The use of recreational explosives, including explosive targets;
  - 6. Disposal: Disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match;
  - 7. Chainsaws: Operation of a chainsaw is prohibited without a USDA or Society of Automotive Engineers (SAE) approved spark arrester properly installed and in effective working order, a

chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use;

8. Commercial and Industrial Operations: Blasting, grinding, welding, or operating acetylene or other torch with open flame;
  9. Developed Recreational Sites: Fires within a campgrounds or picnic area (developed recreation site) defined as a fire contained in a permanent metal or concrete fire pit or grate that the USDA Forest Services has installed and maintained;
  10. Undeveloped Recreational Sites: Fires within dispersed camping areas or other forested areas;
  11. Grills, Stoves, and Smokers: Use of charcoal and/or wood pellet grills, smokers and barbecues, coal and wood burning stoves and shepherd's stoves;
  12. Hot Air Balloons: Inflation or propulsion of a hot air balloon;
  13. Agricultural and Large Pile Burns: are prohibited even with the appropriate permits from the local fire protection district and the Colorado Department of Public Health and Environment;
  14. Slash Burns: are prohibited even with the appropriate permit from the local fire protection district;
  15. Combustion Engines: Operating or using any internal or external combustion engine without an effective and properly installed USDA or Society of Automotive Engineers (SAE) approved spark arrestor; and
  16. Off-Highway Vehicles: Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within ten (10) feet of the vehicle;
  17. Sale of Firewood and Charcoal: The sale of firewood or charcoal unless a sign is placed at all locations of such inventory that advises that a Stage 2 Fire Ban is in effect, and all outdoor fires are prohibited by law.
  18. Permitted Activities: In order to reduce the danger of wildfire while allowing certain limited fires and otherwise prohibited activities to continue during Stage 2 Fire Restrictions, the following activities that are otherwise prohibited above are permitted so long as they are conducted in strict compliance with the provisions of this subsection.
    - i. Liquid or Gas-fueled Devices: heating devices, stoves, grills, lanterns, fire pits, fireplaces or firetables that include shut-off valves are permitted when used in an area at least three or more feet from flammable materials such as grasses or pine needles; and
    - ii. Fires Contained Inside Permanent Structures: Any fire contained within a fireplace, stove, woodburning stove, or pellet stove designed for and located within a fully enclosed permanent structure.
- E. For purposes of this Section, "Fireworks" shall mean any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonations, including, without limitation, the following articles and devices

commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, rockets, Roman candles, sparklers, fountains, Day-Glo bombs, cigarette loads and torches, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. "Fireworks" shall not include any toy caps that do not contain more than twenty-five hundredths of a grain of explosive compound per cap; trick matches, trick noisemakers, toy smoke devices and novelty auto alarms; or highway flares, railway fuses, ship distress signals, smoke candles and other emergency signal devices.

SECTION 2. Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the Town Council of the Town of Frisco that such invalid or unenforceable provisions are severable.

SECTION 3. The Town Council of the Town of Frisco finds and concludes that this Ordinance is necessary for the immediate preservation of the health, safety, and welfare of the citizens of the Town of Frisco in times of fire danger, and to protect the citizens of the Town of Frisco during such times and, therefore, this Ordinance shall be effective immediately upon its approval by the Town Council.

INTRODUCED, PASSED AND FINALLY ADOPTED ON FIRST READING, AND PUBLICATION AND POSTING IN ACCORDANCE WITH SECTION 3-10(C) OF THE TOWN CHARTER ORDERED THE 22<sup>ND</sup> DAY OF JUNE, 2021.

TOWN OF FRISCO:

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Hunter Mortensen, Mayor

ATTEST:

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Deborah Wohlmuth, Town Clerk