

TOWN OF HOT SULPHUR SPRINGS, COLORADO
ORDINANCE NO. 2010 6 1 376

AN ORDINANCE AMENDING TITLE 5 OF THE TOWN CODE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO AND BY ADDING A NEW CHAPTER 3 PROHIBITING CERTAIN TYPES OF OPEN BURNING, TO PERMIT, REGULATE AND CONTROL CERTAIN TYPES OF LIMITED OPEN BURNING SUBJECT TO RESTRICTION, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Hot Sulphur Springs to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the Town and inhabitants thereof; and

WHEREAS, it is the present consensus of the community's combined fire authorities that adopting open burning controls, limiting the size and purpose of outdoor fires in the Town, as a preliminary stage of local fire regulation and to control noxious odor and air pollution, is in the best interests of the safety and well being of the residents of the Town; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:

Section 1: Title 5 of the Hot Sulphur Springs Municipal Code is hereby amended by the addition of a new Chapter 3 entitled "Open Burning Regulations" to read as follows with
CHAPTER 3
OPEN BURNING

5-3-1: PURPOSE.

The purpose of this Chapter is to prohibit certain types of burning within the Town and to regulate and control certain limited types of open burning within the Town.

5-3-2: PROHIBITED OPEN BURNING.

The following types of open burning are expressly prohibited within the Town. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under Section 5-3-3.

- A. The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.
- B. The open burning of trees, logs, tree trimmings, branches, brush and similar types of materials unless burned in a bonfire regulated and permitted under Section 5-3-3.

- C. The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner, or their agents or employees, or by any other person or entity.
- D. The open burning of rubbish, refuse, trash, waste paper, garbage, or other types of waste materials.
- E. The open burning of any materials by a general contractor, sub-contractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/flame shall be permitted for such melting, thawing or warming purposes.
- F. The open burning of all other materials not permitted under Section 4 of the within Ordinance.

5-3-3: PERMITTED OPEN BURNING; RESTRICTIONS; PERMITS; FEES.

The following types of limited open burning shall be permitted within the Town subject to the restrictions set forth herein.

- A. Open burning within an outside grill or barbeque for the expressly limited purpose of food preparation.
- B. Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than three (3) feet in diameter and shall be at least twenty (20) feet from all property lines and structures. Bonfires shall be permitted under the direct and constant supervision and control of a person at least eighteen (18) years of age.
- C. Attended outdoor fires where the fuel being burned is contained in an incinerator, outdoor fireplace, barbeque grill, barbeque pit, or permanent fire pit or grate located on developed picnic grounds or campgrounds, with adequate fire suppression equipment present, and a total fuel area not in excess of 3 feet (914 mm) in diameter and 2 feet (610mm) in height;
- D. The open burning of structures and/or materials by the a fire department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving, and/or fire prevention.
- E. Open burning permitted under this Section shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premise.
- F. All open burning permitted under this Section shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.

5-3-4: OTHER LAW.

Notwithstanding anything set forth in this Chapter, all open burning permitted under the terms

would supplement the open fire controls initiated hereby.

5-3-5:

PENAL TIES.

Any person found guilty of violating this Chapter shall, (1) upon the first conviction, be subject to the payment of a fine of not less than \$50.00, (2) upon the conviction of a second offense be fined a sum not less than \$250.00, and (3) upon the third and subsequent offenses shall be fined an amount not less than \$500.00 nor more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. The minimum monetary fines stated in this subsection may not be suspended by the municipal court.

Section 2. Repealer. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution or revive any ordinance or resolution.

Section 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

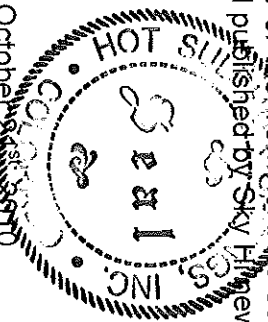
INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 15th DAY OF JULY, 2010 BY A VOTE OF 6 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: 
Hershah Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of July 15th, 2010, and ordered published by Skyline newspaper on October 21st, 2010.

SEAL



ATTEST:
By: 
Sandy White, Town Clerk

Publication Date: October 21st, 2010 (30 days after publication)
Effective Date: November 21st, 2010 (30 days after publication)

Ad Name: 56933960D
Customer: HOT SULPHUR SPRINGS, TOWN OF
Your account number is: 1095219

PROOF OF PUBLICATION

MIDDLE PARK TIMES

I, Matt Sandberg, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.


That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 10/21/2010 and that the last publication of said notice was dated 10/22/2010 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 10/25/2010.

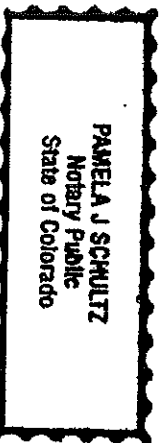


Matt Sandberg
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 10/25/2010.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2011



TOWN OF HOT SULPHUR SPRINGS, COLORADO ORDINANCE NO. 2010 6 1 376

AN ORDINANCE AMENDING TITLE 5 OF THE TOWN CODE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO AND BY ADDING A NEW CHAPTER PROHIBITING CERTAIN TYPES OF OPEN BURNING, TO PERMIT, REGULATE AND CONTROL CERTAIN TYPES OF LIMITED OPEN BURNING SUBJECT TO RESTRICTION, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN

WHEREAS, Section 37-1-5.103, C.R.S., authorizes the Board of Trustees of the Town of Hot Sulphur Springs to enact and publish ordinances which are necessary and proper to provide for the safety, promote the health, promote the prosperity and improve the morals, order, comfort and convenience of the Town and inhabitants thereof; and

WHEREAS, it is the present consensus of the community's combined fire authorities that adopting open burning ordinances, including the use and purpose of outdoor fires in the Town, as a preliminary stage of local fire prevention, is in the best interests of the safety and well-being of the residents of the Town; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:

Section 1. Title 5 of the Hot Sulphur Springs Municipal Code is hereby amended by the addition of a new Chapter 5 entitled Open Burning Regulations to read as follows with

CHAPTER 3 OPEN BURNING

5-3-1-PURPOSE

The purpose of this Chapter is to prohibit certain types of burning within the Town and to regulate and control certain limited types of open burning within the Town.

5-3-2-PROHIBITED OPEN BURNING.

The following types of open burning are expressly prohibited within the Town. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under Section 5-3-5:

- A. The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.
- B. The open burning of trees, logs, tree trimmings, branches, brush and similar types of materials unless burned in a bonfire regulated and permitted under Section 5-3-6.
- C. The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner, or their agents or employees, or by any other person or entity.
- D. The open burning of rubbish, refuse, trash, waste paper, garbage, or other types of waste materials.
- E. The open burning of any material by a general contractor, sub-contractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/kiln shall be permitted for such melting, thawing or warming purposes.
- F. The open burning of all other materials not permitted under Section 4 of the within Ordinance.

5-3-3-PERMITTED OPEN BURNING; RESTRICTIONS; PERMITS; FEES.

The following types of limited open burning shall be permitted within the Town subject to the restrictions set forth herein:

- A. Open burning within an outside grill or barbecue for the expressly limited purpose of food preparation.
- B. Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than 7 feet high and shall be located on a cleared area of land. Such bonfires shall be permitted under the direct and constant supervision and control of a person at least eighteen (18) years of age.
- C. Attended outdoor fires where the fuel being burned is contained in an incinerator, outdoor fireplace, barbecue grill, barbecue pit, or permanent fire pit or grate located on developed picnic grounds or fee-based recreation areas. The fire shall be contained in a metal fire pit or grate that is at least 18 inches in diameter and 2 feet (60cm) in height.
- D. The open burning of structures and/or materials by the fire department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, the saving, and/or fire prevention.

E. Open burning permitted under this Section shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premises.

F. All open burning permitted under this Section shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.

5-3-4-OTHER LAW.

Notwithstanding anything set forth in this Chapter, all open burning permitted under the terms and provisions of this Chapter shall also be conducted and performed in compliance with all federal and state laws, statutes, rules and regulations applicable thereto. Nothing contained herein shall prevent the implementation of additional fire restrictions under local, state, and federal fire protection plans and intergovernmental agreements which would supplement the open fire controls initiated hereby.

5-3-5-PENALTIES.

Any person found guilty of violating this Chapter shall: (1) upon the first conviction, be subject to the payment of a fine of not less than \$50.00; (2) upon the conviction of a second offense, be fined a sum not less than \$250.00, and (3) upon the third and subsequent offenses shall be fined an amount not less than \$500.00 nor more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. The minimum monetary fines stated in this subsection may not be suspended by the municipal court.

Section 2. Repealer. All ordinances, resolutions or parts thereof in conflict with this Ordinance or hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution or revive any ordinance or resolution.

Section 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 15th DAY OF JULY, 2010 BY A VOTE OF 6 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: Herشل Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of July 15th, 2010, and ordered published by Sky Hi newspaper on October 7th, 2010.

ATTEST:

By: Sandy Wittig Town Clerk

Publication Date: October 14th, 2010
November 14th, 2010 (30 days after publication)
Effective Date: November 14th, 2010
Published in the Middle Park Times October 21, 2010. (56933960)