

TOWN OF SAGUACHE, COLORADO
ORDINANCE NO. 2025-2
(SERIES 2025)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SAGUACHE
REPEALING AND REPLACING SECTION 10-3-120 OF THE TOWN OF SAGUACHE
MUNICIPAL CODE CONCERNING OPEN FIRES AND OPEN BURNING

WHEREAS, the Board of Trustees desires to amend the Town's open fire and burning regulations to maintain the safety and health concerns and considerations of the community;

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

Section 120 of Article 3 of Chapter 10 of the Town of Saguache Municipal Code is hereby repealed and replaced with the following provisions:

Sec. 10-3-120.1 Open burning definitions.

- (a) Open fires shall be defined as any outdoor fire or burn, including without limitation campfires, charcoal fires, any type of charcoal-fueled or bar-b-que grills, fires in wood- burning stoves, and the prescribed burning of fence lines or rows, ditches, fields, farmlands, rangelands, wildlands, slash piles, trash and debris.
- (b) Campfire and warming fires are fires within a ring or fire grate, no greater than three feet in diameter, and two feet of fuel in height.
- (c) Small open fires are open fires less than ten feet in diameter and no more than three feet of fuel in height.
- (d) Large open fires are open fires ten or more feet in diameter and/or greater than three feet of fuel in height.
- (e) Fire restrictions evaluation guidelines are a set of evaluation criteria currently in use by federal, state and local fire suppression and management agencies for monitoring fuel moistures, fire danger class, current impact on suppression resources, current fire cause types, fire weather forecasts and other indicators of predicted fire danger.
- (f) No burn days are days on which no open fires are allowed, including all exempted fires.

Sec. 10-3-120.2 General provisions.

- (a) No person shall openly burn in barrels or other facilities erected for burning, including open spaces, any household trash, plastics, Styrofoam, garbage, foodstuffs, flammable materials or liquids for the purpose of personal disposal within the limits of the Town.

(b) Any person who violates this Section shall be issued a summons as an offense by the Code Enforcement Officer or Sheriff's Department to appear in Municipal Court. The Code Enforcement Officer or Sheriff's Department shall also serve with the citation an order of the Board of Trustees to cease and desist.

(c) Any person found guilty of a violation of this Section shall be fined a minimum of \$50.00, and a maximum of \$2650.00.

Sec. 10-3-120.3 Fire Pits

Open fire pits are permitted within the Town for campfires, warming fires, or small open fires subject to the following restrictions:

(a) An open fire pit may not be more than three (3) feet in diameter as measured from the inside of the pit. A burn barrel may not be used as a fire pit under this Section;

(b) A pit, measured from the center point, must be located a minimum of fifteen (15) feet from the clearance of any structure or combustible material;

(c) The fire shall be solely contained within the pit.

(d) The fire may not exceed three (3) feet in diameter or three (3) feet of fuel in height:

(e) No leaves, yard waste, trash of any kind, or other material, with the exception of wood, may be burned in the fire;

(f) The fire must be constantly monitored and attended;

(g) Either a fully charged garden hose or a fire extinguisher (5# minimum size, ABC class) and shovel or like tool must be readily available and located in proximity to the fire;

(h) Fire must be fully extinguished prior to the removal of items listed in provision (g) above and monitored until fully extinguished;

(i) Fire must be extinguished upon the order of any member of the Saguache Fire Protection District, Town of Saguache Code Enforcement officer or the Saguache County Sheriff's Department.

Sec. 10-3-120.4 Portable Outdoor Fireplaces

Portable outdoor fireplaces that are open hearth or with chimney, non-combustible construction, and small fire pits with wire-mesh spark shield in place shall meet the requirements of Sec. 10-3-120, except the distance requirement from the clearance of any structure or combustible material shall be reduced to ten (10) feet.

Sec. 10-3-120.5 Cooking Food for Human Consumption

(a) Open fires for cooking food for human consumption are permitted within the Town but are prohibited on unsprinklered combustible balconies of large multifamily dwelling units or within ten (10) feet of combustible materials except as otherwise permitted in this Article.

(b) In duplexes, triplexes and other small multi-family dwelling units, small propane grills with no greater than a 2.5-pound cylinder are permitted on balconies.

Sec. 10-3-120.6. Inspection and supervision.

(a) All open fires must be diligently supervised, in person, by the appropriate number of persons given the extent and type of fire and the conditions at the time of the fire. No more than one open fire may be conducted by any person or group at any one time, unless otherwise approved and permitted by the fire department. Open fires shall never be left unattended.

(b) Small and Large open fires as defined in Sec. 10-3-120.1, must be inspected and approved by the fire department, Sheriff's Department and town code enforcement before burning may begin. The approval letter shall specify the location of the burn, the estimated size and duration of the burn, and the address and contact numbers of the person(s) responsible for the burn. Such fires may begin no earlier than sunrise, must be completely extinguished by the time identified on the approval letter, and shall be diligently supervised at all times throughout the burn, including 24-hour-day watch. The fire department, Sheriff's Office and/or code enforcement may impose such conditions as deemed necessary to ensure safety. Campfires and warming fires as defined in Sec. 10-3-120.1, do not require pre-approval.

(c) The ability to control and extinguish the fire must be within the capabilities of the person or persons attending the fire, given the size of area being burned, the personnel and equipment present and immediately available and the conditions on the day of the fire. The size of the fire shall be such that the attending person or persons can extinguish the fire immediately if necessary.

(d) Large open fires cannot come within 50 feet of any structure, including, without limitation, houses, fences and sheds.

(e) Prior to commencing a small or large open fire person(s) seeking to burn must provide notice of the intent to burn, and receive written approval from the Town of Saguache Code Enforcement officer, Saguache Fire Protection District and the Saguache County Sheriff's Department.

(f) Persons responsible for the open fire have the duty to contact the town of Saguache Code Enforcement officer, the Saguache Sheriff's Department and the Saguache Fire Protection District immediately prior to the fire to determine whether a particular day is a "no burn" day, regardless of whether such person previously notified the department of the intent to have small or large open fire.

(g) Any fire must be extinguished immediately upon the order of any member of the Saguache Fire Protection District, Saguache County Sheriff's Department or Town of Saguache Code enforcement officer or Town of Saguache Staff.

(h) Persons seeking to open burn assume all liability for any damages caused by any fire set under the any small or large open fire approval.

(i) Household waste and trash, construction debris, burn barrels, tires, plastic, treated wood, rubber products, insulated wire and hazardous or toxic material that can cause toxic or substantial smoke are prohibited. Burning any structure for demolition purposes is prohibited.

(j) Campfires and warming fires must be on private property or in an adequately constructed fire grate or fire ring and must not be allowed to jump out of such devices. No household waste or trash may be used as fuel in a campfire or warming fire and all fuel on the fire must remain fully within the ring or grate (no push logs allowed).

Sec. 10-3-120.7 Penalty.

Violations of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. Additionally, violations of this Article are hereby deemed and declared to be public nuisances and may be abated by injunction or such other remedy as provided by law or equity.

THE TOWN BOARD OF TRUSTEES FINDS THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY DUE TO THE INHERENT DANGER OF FIRE WITHIN THE TOWN BOUNDARIES AND SHALL TAKE EFFECT AND BE IN FORCE UPON THE 16th DAY OF JUNE, 2025.

DONE and **SIGNED** this ____ day of _____ 2025.

Elvie Samora, Mayor

ATTEST:

Iris Garcia, Town Clerk

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at a special regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the ____ day of _____, 2025, and published by title in the Saguache Prospector, a legal newspaper in the Town of Saguache on _____.

Iris Garcia, Town Clerk