

ORDINANCE NO. 5-2022

AN ORDINANCE REGULATING OPEN BURNING

WHEREAS, Section 31-15-103, C.R.S. authorizes the Board of Trustees (the “Town Board”) of the Town of Eckley, Colorado (the “Town”) 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 the inhabitants thereof; and

WHEREAS high temperatures and dry conditions have created uniquely high fire risk conditions throughout Colorado, include the Town of Eckley; and

WHEREAS the purpose of this Ordinance is to preserve and protect the public health, safety and welfare of the citizens of the Town of Eckley, by restricting open burning in order to prevent prairie fires given the high danger of such fires as a result of atmospheric conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY:

Section 1: Definitions.

For the purposes of this Ordinance, the following terms, phrases, and words shall have the following meanings:

(A) Garbage: The burning of discarded waste material that includes but not limited to household garbage, plastic products, chemicals, Styrofoam, fiberglass, rubber, construction materials, recycling wire (burned to access metal), tires, clothing, furniture, and mattresses is prohibited.

(B) Paper, magazines, newspaper and other paper products, yard waste, tree limbs and pine needles is allowed

Open Burn/Open Burning: The intentional outdoor burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open Burning does not include a recreational fire for pleasure, religious, ceremonial, cooking, warmth, or similar purposes where the total fuel area is three (3) feet or less in diameter and two (2) feet or less in height.

Section 2: Restrictions on Open Burning.

(A) Open Burning of Garbage within the Town limits is prohibited.

(B) No person shall initiate any Open Burning within the Town limits when atmospheric conditions or local circumstances make such fire hazardous. The Town will use National Weather Service for specific weather conditions. Open burning within the Town limits shall be specifically prohibited while a fire weather watch, red flag warning, high wind watch or high wind warning is in effect in the fire weather zone of the designated burn as determined by the National Weather Service.

Section 3: Open Burning Requirements

(A) Open Burning is permitted only if the Open Burn is attended at all times by an adult 18 years of older; an adequate water supply, other fire suppression equipment or mitigation source is available nearby; and it is positioned away from structures or combustible materials.

(B) The Town of Eckley Fire Department must be notified of all Open Burning within the Town limits a minimum of eight (8) hours prior the fire being started.

Section 4: Violation; penalty.

Any person who violates any of the provisions of this Ordinance commits an offence. Any person convicted of a violation of any section of this Ordinance shall be punished by a fine of three hundred dollars (\$300.00) for the first violation, a fine of six hundred dollars (\$600.00) for the second violation, a fine of nine hundred dollars (\$900.00) for the third violation; and a fine of one thousand dollars (\$1,000) for each subsequent violation.

Section 5: Severability.

If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of, and shall be severable from, the remaining portions of this Ordinance. The Town Board hereby declares that it would have adopted this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts may be declared unconstitutional or invalid.

Section 6: Repeal of Conflicting Provisions.

All former Town ordinances, resolutions, rules or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of _____, 2022.

TOWN OF ECKLEY

BY: _____
Bud Hagemeyer, Mayor

ATTEST:

Aileene Vance, Town Clerk-Treasurer