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Debra A Green  
Park County Clerk

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PARK COUNTY, COLORADO

Ordinance No. 19-01

**AN ORDINANCE OF PARK COUNTY, COLORADO, REGULATING OPEN FIRES, REQUIRING A PERMIT FOR OPEN FIRES AND OPEN BURNING, AND AUTHORIZING THE PARK COUNTY SHERIFF TO DECLARE BURN BANS.**

**WHEREAS**, the Park County Board of County Commissioners (hereinafter the "Board"), pursuant to section 30-11-107(1)(a) and section 30-15-401 et seq., C.R.S., has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, safety, and welfare of the citizens of Park County; and

**WHEREAS**, sections 30-15-401(1)(n.5) and 30-15-401(1)(n.7), C.R.S., authorizes the Park County Board of County Commissioners (hereinafter the "Board") to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wild fires within Park County where the danger of forest or grass fires is found to be high, and to ban the sale of fireworks; and

**WHEREAS**, open fires and open burning can be a prime cause of forest and grass fires in Park County; and

**WHEREAS**, weather conditions, including the lack of precipitation, have created a threat of fire in the forests and prairies of Park County, and created a state of emergency with respect to fire danger; included in this is Red Flag Warnings issued pursuant to Fire Weather Zones within the County; and

**WHEREAS**, the Board finds that competent evidence has been presented to the Board indicating that the danger of forest and grass fires in Park County is periodically high, and therefore, it becomes necessary from time to time, for the preservation of the public health, safety and welfare of the citizens of Park County, to require permits for open fires and open burning and to, when necessary, impose a restriction on all open fires and open burning within Park County.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Park, as follows:

**Section 1. Title.**

This ordinance shall be known and referred to as the "Park County Open Fire and Open Burning Restriction Ordinance," and may be cited and referenced as such.

**Section 2. Purpose.**

The purpose of this ordinance is to preserve and protect the public health, safety and welfare of the citizens of Park County, Colorado, by restricting open fires and open burning in Park County in order to prevent forest and prairie fires given the high danger of such fires as a result of atmospheric conditions, including lack of moisture, and other local conditions in Park County.

**Section 3. Authority.**

This ordinance is authorized by, inter alia, generally, part 1 of article 11 of title 30, and part 4 of article 15 of title 30, and specifically, part 4 of article 15 of title 30 at section 401(1)(n.5), and (n.7), C.R.S.

**Section 4. Application.**

This ordinance shall apply throughout unincorporated Park County, including public, private, applicable state and federal lands.

**Section 5. Definitions:**

- a. **Approved Portable Exterior Fireplace.** For the purposes of this ordinance, a "portable exterior fireplace" shall mean any approved device used for outdoor recreational fires that completely prevents the emission of sparks and/or embers.
- b. **Model Rockets.** For purposes of this ordinance, "model rockets" include toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.
- c. **Fireworks.** For purposes of this ordinance, "fireworks" shall be defined as set forth in section 24-33.5-2001(5)(a), C.R.S., and specifically shall include "permissible fireworks" as defined in section 24-33.5-2001(11)(a), C.R.S. Fireworks shall not include:
  - i. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one