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## **Chapter 8.02**

### **Hazardous Materials Incidents**

#### **8.02.010 Emergency response authority**

#### **8.02.010 Emergency response authority.**

The Castle Rock Fire Department, the Fire Chief, and his or her duly authorized representatives are hereby assigned as the designated emergency response authority for hazardous materials incidents within the Town of Castle Rock. The Fire Chief shall provide an emergency response to hazardous materials incidents by taking necessary initial action to minimize the effects of such an incident and provide continued supervision and authority over all further efforts to eliminate the threat of immediate and irreparable harm to the environment or public health and safety. (Ord. 92-16 §2, 1992)

## **Chapter 8.04**

### **Beetle-Infected Pine Trees**

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#### **8.04.010 Findings.**

The Town Council finds that many Ponderosa pine trees within the Town are subject to infestation by pine beetles. Emergency measures are in order to prevent further spread of pine tree beetles. (Ord. 5.22 §1, 1974)

#### **8.04.020 Duty of property owner.**

It shall be the duty of any property owner upon which infected pine trees exist to cause the infected pines to be removed and sprayed with Lindane or other forest-service-approved spray. The removal and spraying shall be accomplished within ten (10) days after notification by the Town Public Works Department that infected trees exist upon private property. The Public Works Department shall notify property owners of the existence of infected pine trees by mailing a written notice to said property owner at his or her usual address. (Ord. 5.22 §2, 1974)

#### **8.04.030 Notification of owner.**

The Public Works Department of the Town is charged with the location of infected Ponderosa pine trees and notification of the property owners where such trees exist. (Ord. 5.22 §3, 1974)

**8.04.040 Duty of Public Works Department to remove.**

In the event any owner fails or refuses to cut or spray beetle-infested pine trees from his or her property, it shall then be the duty of the Public Works Department to remove the trees, cause them to be sprayed in an approved manner, and bill the cost of the removal and spraying to the property owner. If any owner shall resist the entry of the members of the Public Works Department upon his or her property, the matter shall be reported to the mayor, who shall then consider the question of directing the Town Attorney to secure a court order for such entry. Upon direction of the mayor, the Town Attorney shall take such steps as are necessary to secure access to property where infected trees exist including, if necessary, the obtaining of appropriate court orders, for the entry and removal and spraying of infected trees. (Ord 5.22 §4, 1974)

**Chapter 8.08**

**Inflammable Liquids**

**(Reserved)**

**Chapter 8.12**

**Control and Removal of Rubbish and Weeds**

- 8.12.010 Growth of weeds and accumulation of weeds and rubbish; prohibited**
- 8.12.020 Duty of owner to cut**
- 8.12.030 Exemptions**
- 8.12.040 Failure to comply; notice**
- 8.12.050 Right of Town to enter property, cut weeds and remove rubbish and charge owner for same**
- 8.12.060 Notice**

**8.12.010 Growth of weeds and accumulation of weeds and rubbish; prohibited.**

It is unlawful for any person having or being entitled to the ownership or possession of any real property, or any part thereof, within the Town to permit, allow or maintain any growth of weeds to a height greater than twelve (12) inches or any accumulation, collection or presence of rubbish upon said real property, or upon the edges of any other public way abutting said real property. It is unlawful for any person having or being entitled to the ownership or possession of said real property, or any part thereof, to fail to cut or otherwise control and remove such weeds growing upon said real property or upon the sidewalks abutting said real property, or to remove any accumulation, collection or presence of rubbish from said real property and to fail to do so as often as necessary to assure compliance with this Chapter. Nothing in this Section is meant to preclude the use of grass clippings or other mulch and/or composting, provided that there is no odor objectionable to the senses of the average person or unsightly accumulation of the materials. (Ord. 85-31 §1(part), 1985)

**8.12.020 Duty of owner to cut.**

It is the duty of every owner of land within the Town to cut, or cause to be cut, all weeds growing thereon, in such a manner that all cut portions are reduced in length to six (6) inches or less, with the

following exception: that owners of parcels of ground within the corporate limits which contain more than five (5) acres in one (1) contiguous parcel shall be required to cut weeds only from those portions of said parcel which are within one hundred (100) feet of a structure or paved street. In the event that all weeds are not reduced to a length of six (6) inches or less, then it shall be required that all cut weeds be removed from the property to some place where refuse is ordinarily disposed. (Ord. 85-31 §1(part), 1985)

#### **8.12.030 Exemptions.**

The Town Council may, by resolution, exempt certain areas in the Town, either publicly or privately owned, from the prohibitions contained in Section 8.12.010, if the Town Council determines that such areas are: natural open space, natural park, conservation areas, erosion control areas, or irrigation ditch rights-of-way. In so exempting said areas, the Town Council may impose other criteria for maintenance of said areas in a manner protecting the public health, safety and welfare. (Ord. 85-31 §1(part), 1985)

#### **8.12.040 Failure to comply; notice.**

In the event that the provisions of the preceding sections thereof are violated, the Town Manager or his or her authorized representative shall cause to be served, either personally or by mail, notice to comply with the provisions of this Chapter. Written notice shall be given in person or mailed by certified or registered mail, return receipt requested, to the person in possession of any such premises or property as shown on the tax rolls of Douglas County and at the address of the owner as shown therein. Said notice shall direct the cutting or control of weeds, or the removal of an accumulation, collection or presence of rubbish, or both. Said notice shall identify the property and shall state that if such weeds are not cut or removed, or the accumulation, collection or presence of rubbish is not removed within the time stated in the notice, which will not be less than ten (10) days from the date in the notice, the Town has the right to enter the subject property to cut the weeds or remove the rubbish and may assess its costs of cutting the weeds or removal of the rubbish against the property, pursuant to the terms of this Chapter. If the above-named persons cannot be determined or cannot be located within a reasonable time, not to exceed three (3) working days, or if a notice which has been mailed is returned undelivered, the Town Manager or his or her authorized representative shall cause the property upon which the weeds or rubbish are located to be posted in a conspicuous place visible from an adjacent public right-of-way. Said posting sign shall remain in place for a minimum of one (1) calendar week, after which time service of notice shall be deemed complete. If, at the time a mailed notice is returned undelivered, the Town Manager or his or her authorized representative has caused the property to be posted in the manner herein described for a minimum of one (1) calendar week, service of notice shall be deemed complete. (Ord. 85-31 §1(part), 1985)

#### **8.12.050 Right of Town to enter property, cut weeds and remove rubbish and charge owner for same.**

If there exists any accumulation of rubbish and/or weeds upon any premises or property in the Town, the Town Manager or his or her authorized representative is authorized and empowered, after giving written notice as provided for in this Chapter, to cause the removal of any rubbish from any premises or property in such manner as the Town Manager or his or her authorized representative may determine. (Ord. 85-31 §1(part), 1985)

**8.12.060 Notice.**

Upon determination of the Town Manager from time to time, the Town Clerk shall cause to be published in a newspaper of general circulation in the Town, a notice which shall be substantially in the following form:

**TO ALL OWNERS, POSSESSORS OR OCCUPIERS OF LAND WITHIN THE TOWN OF CASTLE ROCK**

Notice is hereby given that all weeds within the Town of Castle Rock must be cut down, destroyed and removed on or before the time that the growth has reached twelve inches (12") in height. Failure to comply with this notice shall make the parties so failing personally liable for the costs of cutting, destroying and removing the same as in compliance with Chapter 8.12 of the Castle Rock Municipal Code. This notice is given in compliance with Chapter 8.12 of the Castle Rock Municipal Code, copies of which may be obtained from the Town Clerk, Town Hall, Castle Rock, Colorado, during business hours.

(Ord. 85-31 §1(part), 1985)

**Chapter 8.16**

**Solid Waste Disposal Site**

**Article I. General Use Regulations**

- 8.16.010 Contract for dump**
- 8.16.020 Resident use of dump**
- 8.16.030 Prohibited dumping**
- 8.16.040 Littering and dumping prohibited**
- 8.16.050 Accumulation on private property**
- 8.16.060 Contractual arrangement for nonresidents**

**Article II. Fees**

- 8.16.070 Compliance**
- 8.16.080 Fee schedule**
- 8.16.090 Duty to remove solid waste**
- 8.16.100 Enforcement**

**Article I. General Use Regulations**

**8.16.010 Contract for dump.**

The Town Council is empowered to enter into contracts with private persons to lease lands for a Town trash and solid waste dump. (Ord. 7.02 §1, 1968)

**8.16.020 Resident use of dump.**

Areas secured by the Town Council for a trash and solid waste dump shall be for the exclusive use of residents of the Town and for persons doing business in the Town for trash and waste originating in the Town. (Ord. 7.02 §2, 1968)

**8.16.030 Prohibited dumping.**

No person, resident or nonresident, shall haul any trash or solid waste into the Town for disposal in the Town or in the Town dump. Trash and waste generated through activities outside the Town may not be deposited in the Town trash and waste dump. (Ord. 7.02 §3, 1968)

**8.16.040 Littering and dumping prohibited.**

No person may dump, litter, deposit or dispose of trash upon public or private property within the Town except at the site of the Town trash and solid waste dump. (Ord. 7.02 §4, 1968)

**8.16.050 Accumulation on private property.**

No person shall permit an accumulation of trash or solid waste upon his or her own private residential or business property for more than one (1) week. Useful, but unsightly, materials may be stored only upon the rear areas of lots, or be concealed from public view. Nothing in this article shall be construed to require the concealment of stock in trade or merchandise held for sale at retail in otherwise properly zoned areas. (Ord. 7.02 §5, 1968)

**8.16.060 Contractual arrangement for nonresidents.**

The Town Council may, from time to time, issue permits to use the Town trash and waste dump, upon the payment of such fees as the Town Council shall require. The permits will issue over the signature of the Town Clerk and shall state upon their face the fee charged therefor and the expiration date of the permit. (Ord. 7.02 §7, 1968)

**Article II. Fees**

**8.16.070 Compliance.**

It shall be unlawful for any person to deposit, dump or leave any trash, paper, garbage or refuse of any kind at the Town's solid waste disposal site unless the deposit or dump is made at the times prescribed by the superintendent of public works, or other agents under proper authority from the Town, and posted at the site, and the proper fee as scheduled in Section 8.16.020 has been paid to the operator or employee located at the site. (Ord. 7.04 §1, 1977)

**8.16.080 Fee schedule.**

The following fee shall be paid by persons using the Town solid waste disposal site for the depositing, dumping or leaving of any refuse at the site:

- A. Automobiles: one dollar (\$1.00);

B. Three-fourths-ton and less size pickup truck, two-wheel trailer: one dollar and fifty cents (\$1.50);

C. All vehicles of greater size than described in subsections A and B shall pay a fee of two dollars (\$2.00) per cubic yard for material delivered to the solid waste disposal site, except trucks with compaction equipment shall be assessed fifty-five cents (\$.55) per compacted yard;

D. At the discretion of the employee at the solid waste disposal site, automobiles and pickup trucks with refuse bagged or boxed may be assessed twenty-five cents (\$.25) per bag or box, not to exceed the maximums indicated under subsections A and B of this Section. The intent of this provision is to recognize the very small load and to not encourage accumulation of refuse by individuals;

E. Additional assessments and fees shall be set and posted as deemed necessary by the superintendent of public works, or other agents under proper authority from the Town. (Ord. 7.04 §2, 1977)

**8.16.090 Duty to remove solid waste.**

No person shall dump, deposit or leave any ashes, wastepaper, trash, garbage, or any other solid waste or refuse of any kind within the limits of the Town or on any property owned by the Town, wherever situate, except at the solid waste disposal site designated by the Town Council, nor shall any person cause any such ashes, wastepaper, trash, garbage or solid waste or refuse of any kind or type to accumulate for any period of time in excess of fourteen (14) days without proper removal thereof to the site designated by the Town Council, or to any other properly designated solid waste disposal site within or without the state. (Ord. 7.04 §3, 1977)

**8.16.100 Enforcement.**

It shall be the duty of the Police Chief of the Town and his or her agents and officers to enforce this Chapter by issuing a written summons and complaint to the person believed responsible for a violation. (Ord. 7.04 §4, 1977)

**Chapter 8.20**

**Solid Waste Accumulations and Receptacles**

- 8.20.010 Definitions**
- 8.20.020 Contractor and property owner responsibility**
- 8.20.030 Right-of-way and front yard setback**
- 8.20.040 Exceptions**
- 8.20.050 Enforcement**
- 8.20.060 Violation; notice; removal**
- 8.20.070 Violation; license and permit withholding**
- 8.20.080 Violation; penalty**

**8.20.010 Definitions.**

As used in this Chapter:

A. *Construction* means any change or activity upon any property whereby the person doing such change or activity or the owner of the property is required to obtain a building permit from the local building authority, or any other activity upon the property whereby excavation is being conducted for purposes other than raising a lawn or garden.

B. *Dirt, debris, construction waste* means common earth, salvage material, refuse, trash or other waste materials associated with or resulting directly or indirectly from construction activity or process.

C. *Front yard setback* means the existing setback for any parcel of property as determined by the applicable zoning regulation covering such property, but in no event shall it be less than twenty (20) feet.

D. *General solid waste* means garbage, rubbish, litter, trash or other waste materials associated with or resulting directly or indirectly from general household use, business, commercial or industrial activity upon real property.

E. *Refuse container* means dumpsters, garbage cans, waste containers and other similar types of containers used for the deposit of refuse, garbage, litter, dirt, debris, construction waste, together with general solid waste, and the like. (Ord. 84-15 Art. I, 1984)

**8.20.020 Contractor and property owner responsibility.**

A. It is the direct responsibility of the owner of any property within the Town, together with any and all general and subcontractors working upon such property whereon any construction is taking place, to ensure that all dirt, debris and construction waste and any general solid waste shall not be removed, blown off, washed away or otherwise taken off of such property except in a lawful and proper manner where such dirt, debris and construction waste or general solid waste is taken to a proper waste depository or otherwise put to proper reuse.

B. It is the further responsibility of the owner of any property within the Town or any person lawfully in possession of any property within the Town or any contractor or subcontractor working upon any property whereon dirt, debris, construction waste, general solid waste and the like is being generated to provide upon such property the necessary refuse containers to place therein such refuse, etc. (Ord. 84-15 Art. II, 1984)

**8.20.030 Right-of-way and front yard setback.**

A. It is unlawful for any person to allow any dirt, debris and/or construction waste and/or any general solid waste to be dumped, deposited or otherwise placed within any public right-of-way, street, alley or easement within the Town. Included in this subsection is dirt, debris and construction waste falling out of a truck bed, being carried off of a construction site and deposited upon a public street or alley by truck, tractor or other vehicle tires, or being blown or washed off of a construction site due to the lack of proper maintenance of the material upon the site.

B. It is unlawful for any person to allow any refuse container of any type to be placed within any public right-of-way, street, alley or easement within the Town at any time, either permanently or temporarily, except as may be authorized in accordance with Section 8.20.040.

C. It is unlawful for any person to allow any refuse container of any type to be placed within the front yard setback of any lot or plot within the Town, as defined in this Chapter, except as may be authorized in accordance with Section 8.20.040, or except where such refuse container has been properly screened either artificially or through landscaping, and such screening has been properly approved after application and review thereof administratively by the Town. (Ord. 84-15 Art. III, 1984)

#### **8.20.040 Exceptions.**

A. Refuse containers properly utilized for the business, commercial, industrial or residential activity taking place upon the property wherein such containers are located, and which are contained wholly within an enclosed building thereon, are excepted from the provisions of this Chapter.

B. Refuse containers owned by the Town or permitted by the Town, and which are placed in otherwise unlawful locations for the use by the general public for depositing litter, are excepted from the provisions of this Chapter.

C. Every person has the right, notwithstanding any provision of this Chapter to the contrary, to properly place refuse containers at a point on his or her property, or the public right-of-way adjacent thereto, which is next to a public roadway or alley for the purpose of trash pick-up by a recognized trash hauler licensed by the Public Utilities Commission; provided, however, that no such refuse container shall be so placed for a period greater than twenty-four (24) hours, whether or not the refuse container contains waste or not. (Ord. 84-15 Art. IV, 1984)

#### **8.20.050 Enforcement.**

It is the responsibility of the officers of the Police Department of the Town, together with other employees and officials of the Town, to enforce this Chapter within the corporate limits of the Town, such enforcement to be accomplished by the issuance of a summons and complaint for appearance in the Municipal Court of the Town to any person found violating this Chapter. (Ord. 84-15 Art. VI, 1984)

#### **8.20.060 Violation; notice; removal.**

A. Inasmuch as the unlawful placement of refuse containers and/or unlawful depositing of waste as described in this Chapter can lead to a public health hazard or nuisance, the Town, through its agents and employees, upon finding a violation of this Chapter, may take such steps as deemed reasonably necessary to cause the violation to be immediately corrected by removing unlawfully deposited material or refuse containers from public rights-of-way, streets, alleys or easements and thereafter charging and billing the costs thereof to the affected property owner or responsible party as the same may be administratively determined.

B. Any party charged with costs under this Chapter has the right to appeal such charge, within fifteen (15) days following receipt of such charge, to the Town Manager.

C. Where possible, before taking measures to correct a violation, the Town shall attempt to notify a property owner, contractor or subcontractor in person, by mail or telephone, of the alleged violation under this Chapter and provide a reasonable time for the correction thereof. (Ord. 84-15 Art. V(A, B, D), 1984)

**8.20.070 Violation; license and permit withholding.**

Where it is administratively determined by the Town that a contractor or subcontractor is in violation of Section 8.20.060A, it is permissible to withhold from such contractor or subcontractor permits and other privileges until such violation is corrected or charges thereto are paid. (Ord. 84-15 Art. V(C), 1984)

**8.20.080 Violation; penalty.**

Any person convicted of violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine not to exceed three hundred dollars (\$300.00), as determined by the Municipal Court of the Town; provided that such court shall also assess to such violating party any costs incurred by the Town in accordance with the provisions of Section 8.20.060. (Ord. 84-15 Art. VII, 1984)

## Chapter 8.24

### Fireworks

- 8.24.010 Definitions**
- 8.24.020 Unlawful to manufacture, sell, use or possess; exceptions**
- 8.24.030 Permit; required**
- 8.24.040 Permit; application**
- 8.24.050 Permit; fees**
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- 8.24.070 Restrictions on sale; time**
- 8.24.080 Restrictions on sale; minors**
- 8.24.090 Restrictions on sale; periodic inspection**
- 8.24.100 Seizure**
- 8.24.110 Violation; penalty**

**8.24.010 Definitions.**

As used in this Chapter:

A. *Fireworks* means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks:

1. 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, sky rockets, Roman candles, day-Glo bombs and torches, or other fireworks of like construction and any

fireworks containing any explosive, flammable compound or any tablets or other device containing any explosive substance.

2. *Fireworks* do not include highway flares, railway fuses, ship distress signals, smoke candles and other emergency signal devices.

B. *Fireworks permitting regulations* means Chapter 1 of Article 28 of Title 12, C.R.S., as the same apply to licensing and permitting for sale, possession and use or display of fireworks and all other regulations contained therein.

C. *Permissible fireworks* means items designed primarily to produce visual or audible effects by combustion, including certain devices designed to produce audible or visual effects; except that no device or component shall, upon functioning, project or disburse any metal, glass or brittle plastic fragments. Neither shall any device or component explode, leave the ground or act like a Roman candle. *Permissible fireworks* includes toy caps which do not contain more than twenty-five hundredths (.25) of a grain of explosive compound per cap, sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices, novelty auto alarms and other novelty devices primarily manufactured for the use and sale to individuals at or about the time of the Fourth of July holiday period, which commonly produce a visual or auditory sensation by some sort of combustion or explosion. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §1, 1985)

**8.24.020 Unlawful to manufacture, sell, use or possess; exceptions.**

A. It is unlawful to manufacture, sell, use or possess fireworks within the municipal limits of the Town except in accordance with the provisions of the fireworks permitting regulations of the State.

B. It is unlawful to sell, or possess for sale, permissible fireworks within the municipal limits of the Town without obtaining a proper permit from the Town for such sale or possession for sale and complying with all of the provisions of this Chapter.

C. During Stage 2 Fire Restrictions, as declared by the Town Manager and Fire Chief, it is unlawful to sell, or possess for sale, permissible fireworks. (Ord. 2006-32 §1, 2006; 2002-28 §1, 2002; Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §2, 1985)

**8.24.030 Permit; required.**

Everyone who sells or possesses for sale permissible fireworks within the Town shall apply for and obtain a permit for the possession and sale of the same from the Town, which must be displayed on the premises at all times. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §3, 1985)

**8.24.040 Permit; application.**

Every person who desires to have a permit for the sale or possession for sale of permissible fireworks shall file an application with the Town including therein all necessary and required information regarding the permissible fireworks intended to be sold, the amount of merchandise to be on hand, the area or place for sale, all safety and fire protection devices to be utilized and such other information as required by the Town. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §4(A), 1985)

**8.24.050 Permit; fees.**

All applications for a permit for the sale or possession for sale of permissible fireworks shall be accompanied with the appropriate fees necessary for such permit and inspection thereof. There shall be a combined fee in the amount of two hundred fifty dollars (\$250.00) for the permit to sell or possess for sale permissible fireworks and for the inspection of temporary stands, booths or other merchant sales areas. (Ord. 98-20 §§1, 2, 1998; Ord. 91-14 §1, 1991; Ord. 85-23 §4(B), 1985)

**8.24.060 Permit; premises inspection.**

Prior to the issuance of any permit for the sale or possession for sale of permissible fireworks on any premises, such premises shall be inspected by the Fire Department for safety and compliance with the International Fire Code regulations regarding all safety and emergency requirements. All applicants for permits hereunder must comply with all requirements for safety and emergency as set forth in the International Fire Code and as required by the Fire Department. In addition, any and all temporary stands or booths must have adequate access to their premises, parking and a right to possession of the property whereon the temporary stand or booth is located. At the request of any member of the inspection team of the Fire Department, the applicant shall display each and every device which the applicant intends on selling or possessing for sale and shall immediately remove from the premises and not sell any and all devices which are deemed unsafe or improper by the Fire Department. (Ord. 2006-47 §2; Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §4(C), 1985)

**8.24.070 Restrictions on sale; time.**

The permit for the possession for sale or sale of permissible fireworks shall be valid from the date of the permit until midnight July 4, sales to be allowed during the hours between 8:00 a.m. until 10:00 p.m. Commencing June 28th, extended sale hours shall be permitted from 10:00 p.m. to 12:00 midnight on each evening thereafter until July 4th. No permit shall be issued earlier in the year than April 1, and no permit shall be valid for longer than four (4) months. The permittee shall remove all merchandise and equipment, trash and debris, and shall return the site to its original condition no later than July 14. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §5(A), 1985)

**8.24.080 Restrictions on sale; minors.**

A. It shall be unlawful for any person to sell any fireworks, including permissible fireworks, to any person under the age of sixteen (16) years.

B. It shall be unlawful for any person under the age of sixteen (16) years to purchase any fireworks, including permissible fireworks.

C. At all times that it is lawful for any person over the age of sixteen (16) years to possess and discharge permissible fireworks, it shall also be lawful for a person under the age of sixteen (16) years to possess and discharge permissible fireworks, if such person is under the supervision of an adult over the age of eighteen (18) years. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §5(B), 1985)

**8.24.090 Restrictions on sale; periodic inspection.**

The premises upon which any person who has obtained a permit hereunder for the sale of any permissible fireworks may be periodically inspected by the Fire Department during the course and term of such permit to ensure continued compliance with all health, safety and welfare regulations hereof and with the International Fire Code. (Ord. 2006-47 §2; Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §5(C), 1985)

**8.24.100 Seizure.**

The Town shall seize, take and remove, at the expense of the owner, all stocks of fireworks, including permissible fireworks, offered or exposed for sale, stored or held in violation of this Chapter. The Town also shall seize, take and remove, at the expense of the owner, all fireworks, including permissible fireworks, possessed or discharged in violation of this Chapter. (Ord. 98-20 §§1,2, 1998)

**8.24.110 Violation; penalty.**

Any person who violates any of the provisions of this Chapter shall be punished by a fine of no more than seven hundred fifty dollars (\$750.00) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. (Ord. 98-20 §§1, 2, 1998; Ord. 85-23 §6, 1985)

**Chapter 8.26**

**Open Fire and Open Burning Restrictions**

- 8.26.010 Purpose**
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- 8.26.040 Definitions**
- 8.26.050 Unlawful acts**
- 8.26.060 Administration and enforcement**
- 8.26.070 Penalty for violations**

**8.26.010 Purpose.**

The purpose of this Chapter is to preserve and protect the public health, safety and welfare of the citizens of the Town and surrounding areas by restricting open fires and open burning in the municipal limits of the Town in order to prevent forest and grass fires when a high danger of such fires exists as a result of atmospheric conditions, including lack of moisture and other local conditions in the Town. (Ord. 2008-31 §1, 2008)

**8.26.020 Application.**

This Chapter shall apply throughout the municipal limits of the Town. This Chapter shall apply to all open fires or open burnings, as defined in Section 8.26.040 below, when the restrictions authorized by this Chapter are in effect. (Ord. 2008-31 §1, 2008)

### **8.26.030 Authority.**

The restrictions imposed by this Chapter shall take effect upon the issuance of an administrative order executed by the Town Manager and Fire Chief and shall remain in effect until rescinded by similar order. The authority granted by this Chapter is ongoing, and administrative orders may be issued from time to time as conditions warrant. (Ord. 2008-31 §1, 2008)

### **8.26.040 Definitions.**

*Open fire or open burning* shall mean any outdoor fire, including but not limited to campfires, warming fires, the lighting of any fused explosives and fireworks of any kind or brand, the lighting of model rockets and the burning of fence lines or rows, fields, farm lands, range lands, wildlands, trash and debris. However, the following shall be excepted from the provisions of this Chapter:

*Stage 1 fire restrictions* shall mean:

1. No building, maintaining, attending or using a fire, campfire or stove fire (a *stove fire* is defined as a campfire built inside an enclosed stove or grill, portable brazier or a pressurized liquid or gas stove, including a space-heating device) without a permit. The following actions are permitted: petroleum-fueled stoves, lanterns or heating devices, provided that such devices meet the fire underwriter's specifications for safety.
2. No smoking unless in an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material. Open discarding of smoking materials is a violation of the restrictions and the International Fire Code Section 310.7.
3. Prohibiting welding or the operation of torches with open flame in outdoor areas, including public parks, greenbelts and trail systems without a permit.
4. Prohibiting the operation or use of any internal or external combustion engine without a spark-arresting device properly installed, maintained and in effective working order.

Allowable activities include:

1. Permitted fires. Persons with a permit specifically authorizing the prohibited act or omission. Permits can be obtained at the Fire Department.
2. Gas grills. Fires contained within liquid-fueled or gas-fueled stoves, fireplaces within buildings and fires in wood-burning stoves.
3. Explosive waste. Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district.
4. Suppression fires. Any federal, state or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. Small recreational fires. Except when fire restrictions have been elevated to Stage 2, the following shall be exempt from the prohibitions: small recreational fires at developed picnic or

campground sites contained in permanent fire pits or fire grates, with flame lengths not in excess of four (4) feet or the residential use of charcoal grills, fires in chimineas or other portable fireplaces or patio fire pits, so long as said fires are supervised by a responsible party at least twenty-one (21) years of age. Small recreational fires shall in no event be construed to include fireworks as defined in Chapter 8.24.

6. Smoking. Smoking on private property.

*Stage 2 restrictions* shall mean the inclusion of all Stage 1 restrictions, and add the following conditions:

1. No open burning of any kind.
2. No use and sale of fireworks.
3. No use of charcoal grills and fires in chimineas, other portable fireplaces or patio fire pits.
4. No campfires at developed campgrounds or picnic areas.

Allowable activities:

1. Cooking on gas- or liquid-fueled stoves or grills.
2. Persons with permits specifically authorizing the prohibited act or omission. (Ord. 2008-31 §1, 2008)

#### **8.26.050 Unlawful acts.**

Except as provided in Section 8.26.040 above, it shall be unlawful for any person to build, maintain, attend or use an open fire or conduct open burning in the municipal limits of the Town, including public, private, state and federal lands, when this prohibition is in effect. (Ord. 2008-31 §1, 2008)

#### **8.26.060 Administration and enforcement.**

The Fire Department shall be responsible for the administration and enforcement of this Chapter. All inquiries regarding the current status of fire restrictions in the Town should be directed to the Fire Chief's office. (Ord. 2008-31 §1, 2008)

#### **8.26.070 Penalty for violations.**

Any person who violates any of the provisions of this Chapter shall be punished by a fine of no more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. (Ord. 2008-31 §1, 2008)

## Chapter 8.28

### Solid Fuel-Burning Devices

- 8.28.010 Purpose and applicability
- 8.28.020 Definitions
- 8.28.030 Solid fuel-burning devices
- 8.28.040 Certified solid fuel-burning devices
- 8.28.050 Masonry fireplaces
- 8.28.060 Permit requirements
- 8.28.070 Penalty for violation

#### 8.28.010 Purpose and applicability.

These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents of the Town. These regulations are intended to achieve the following more specific purposes:

1. To protect the air quality in the Town;
2. To reverse the continuing trend toward increased air degradation in the Town;
3. To provide heat sources that are efficient and have a reduced polluting effect;
4. To generally protect the air for the purpose of the public's overall health, safety and welfare. (Ord. 98-44 §1, 1999)

#### 8.28.020 Definitions.

For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

A. *Certified solid fuel-burning device* means a solid fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Health to meet the Emissions Standards set forth in Section IV of Regulations No. 4 of Volume 1 of Colorado Air Quality Control Commission, hereinafter referred to as State Regulations.

B. *Colorado-approved pellet stove* means those pellet stoves approved by the Air Pollution Control Division of the Colorado Department of Health to meet the Emissions Standards as set forth in Section III of the Regulations No. 4 of Volume 1 of the Colorado Air Quality Control Commission, hereinafter referred to as State Regulations.

C. *Gas appliance* means a fully self-contained, U.L. listed or A.G.A. approved fireplace unit which does not require venting through a chimney and which does not permit the use of solid fuel.

D. *Gas log fireplace* means a fireplace equipped with a U.L. listed or A.G.A. approved artificial log unit which is approved for the burning of natural gas or liquid propane gas.

E. *Solid fuel-burning device* means any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel.

F. *Wood-burning fireplace* means an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney. (Ord. 98-44 §1(part), 1999; Ord. 89-16 §1(part), 1989)

**8.28.030 Solid fuel-burning devices.**

No person shall install a new solid fuel-burning device or wood-burning fireplace in any structure or building. This prohibition applies to existing dwellings and nonresidential structures or buildings as well as new construction. Any solid fuel-burning device which is exempt from State Regulations certification shall be prohibited. (Ord. 98-44 §1(part), 1999; Ord. 97-03 §1, 1997; Ord. 89-16 §1(part), 1989)

**8.28.040 Certified solid fuel-burning devices.**

The installation of certified solid fuel-burning devices shall be permitted when such device meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State Regulations or the device is a Colorado-approved pellet stove. (Ord. 98-44 §1(part), 1999)

**8.28.050 Masonry fireplaces.**

Every new masonry fireplace shall have permanently installed approved gas logs or an approved certified fireplace insert which meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State Regulations. (Ord. 98-44 §1(part), 1999; Ord. 97-03 §2, 1997)

**8.28.060 Permit requirements.**

A building permit shall be required for the installation of any gas log fireplace, gas log installation, woodstove or fireplace insert installation governed by this Chapter. (Ord. 98-44 §1(part), 1999; Ord. 89-16 §1(part), 1989)

**8.28.070 Penalty for violation.**

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person. (Ord. 98-44 §1(part), 1999; Ord. 97-03 §3, 1997; Ord. 89-16 §1(part), 1989)