



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: February 11, 2025
SUBJECT: Ordinance Updating the Application of Burn Restrictions

BACKGROUND

Section 10-5-210 of the Town Code addresses open fires and open burning restrictions. The Code makes specific reference to Elbert County Ordinance No. 06-01, and its three-stage restrictions as a template for the Town of Elizabeth. County Ordinance No. 06-01 was previously amended and updated, leaving gaps in the effectiveness of Section 10-5-210 of the Town Code.

The proposed amendment to Section 10-5-210 is designed to automatically update and remain current with Elbert County Fire Restrictions, as well as re-affirm the ability of the Elizabeth Board of Trustees to implement its own temporary restrictions.

ANALYSIS

The proposed amendment is designed to update and reflect the current health, safety, and welfare needs of the community by maintaining continuity of open fire and open burning restrictions within the Town of Elizabeth.

STAFF RECOMMENDATION

The Town Attorney and Town Staff recommend the proposed amendment to Section 10-5-210 of the Elizabeth Town Code.

BUDGET CONSIDERATIONS

N/A

ATTACHMENTS

An Ordinance Amending Section 10-5-21 of the Town of Elizabeth Municipal Code Updating the Application of County-Wide Burn Restrictions.

ORDINANCE 25-04

AN ORDINANCE AMENDING SECTION 10-5-210 OF THE TOWN OF ELIZABETH MUNICIPAL CODE UPDATING THE APPLICATION OF COUNTY-WIDE BURN RESTRICTIONS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 10-5-210 of the Elizabeth Municipal Code is hereby amended to read as follows:

Sec. 10-5-210. Open fire and open burning restrictions.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Elbert County Fire Restrictions shall have those meanings as promulgated by Elbert County, as the same may be amended from time to time.

Open fire or *open burning* shall be defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, fires in wood-burning stoves, the use of explosives, outdoor welding or hot work, fireworks of all kinds or brands, and the prescribed burning of fence lines or rows, fields, farm lands, rangelands, wildlands, trash and debris. Open fires shall not include:

- a. Fires in camp stoves or grills, fueled by bottled gas or pressurized liquid, and specifically designed for cooking or heating purposes;
- b. Fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion; and
- c. Fires in commercially operated wood and/or charcoal fired grills designed for cooking.

Town Fire Restrictions shall have those meanings as promulgated by the Board of Trustees, as the same may be amended from time to time.

(b) Authorization to impose temporary restrictions. The Board of Trustees is authorized to adopt by resolution temporary Town Fire Restrictions on open fires and/or open burning within the corporate limits of the Town, based on a finding of necessity that the danger caused by open fires and open burning based on then-current atmospheric conditions, including a lack of moisture, and other local conditions requires the imposition of such a restriction.

(c) Scope and duration of restrictions. The resolution imposing such Town Fire Restrictions shall be for a limited duration based on the nature and scope of the current conditions and may include adoption by reference of any Elbert County Fire

Restrictions. Any such duration may be extended or modified by resolution of the Board of Trustees based on continuing adverse fire conditions.

(d) Unlawful acts. It shall be unlawful for any person to build, maintain, attend, or use an open fire or conduct open burning in the Town, including public, private, State, and federal lands, in violation of a duly adopted resolution imposing temporary restrictions in accordance with this Section.

(e) Penalty for violation. Any person convicted of violating any provision of this Section shall, upon conviction, be punished by a fine of not more than the amount set forth in Section 1-4-20 of this Code for each separate offense and may be enjoined from any further or continued violation. The Town also may seek an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. Each day a violation of this Section continues shall constitute a separate offense. Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(f) Additional remedies. The remedies provided in this Section shall be cumulative and in addition to any other federal, State, or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including but not limited to prosecution under Section 18-13-109, C.R.S., or any other applicable statute, ordinance, rule, order, or regulation.

Section 2. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2025.

Passed by a vote of _____ for and _____ against and ordered published.

Angela Ternus, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk