

TRACKED CHANGES

ARTICLE II. OPEN FIRE AND BURNING RESTRICTIONS

Sec. 9-21. Application.

This Article shall apply to all open fires or open burnings when the restrictions authorized by this Article are in effect.

Sec. 9-22. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section.

Agricultural burning shall mean burning of cover vegetation for the purpose of preparing the soil for crop production; weed control; maintenance of water conveyance structures related to agricultural operations; and other agricultural cultivation purposes, including, but not limited to burning of fence lines or rows, fields, farmlands, and irrigation ditches.

Air curtain destructor (also known as air curtain burners or air curtain incinerators) shall mean an open burning device that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Devices of this type may be constructed above or below ground and with or without refractory walls and floor. (Air curtain devices are not conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular and fluidized bed combustors.)

Approved shall mean allowable per the City's adoption of the 2021 International Fire Code and § 20-1 of this Code, or by a burn permit issued as described in this Article.

Fire Code Official shall mean the Chief of the Poudre Fire Authority or ~~his or her~~ their designee.

Fireworks shall mean "fireworks" as defined in Section 2023302.1 of the 20062021 International Fire Code adopted and amended in this Chapter. Fireworks shall not include:

- (1) Toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap;
- (2) Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
- (3) Educational rockets and 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; or
- (4) Fireworks which are used in testing or research by a licensed explosives laboratory.

Incendiary devices shall mean any object which is combustible, flammable, explodes or is designed to or may cause fire. This includes sky lanterns, exploding ammunition, exploding targets, and tracer ammunition.

Open ~~fire or open~~ burning shall mean any outdoor fire that a person starts and uses intentionally for land management, including, but not limited to, the following:

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- (1) agricultural burning;
 - (2) fires used for grassland, rangeland, wildland or forest management, including vegetative, habitat or fuel management; and
 - (3) fires in air curtain destructors, pile burning and the burning of refuse or rubbish.

Open fire shall mean any outdoor fire started by a person for purposes other than land management, including, but not limited to, the following:

- (1) campfires, warming fires, and cooking fires;
- (2) solid fuel grills, food smokers, stoves, fireplaces, chimineas, fire pits or ovens;
- (3) welding, or operating acetylene or other torches with open flames;
- (4) smoking, and the open discarding of smoking materials;
- (5) the lighting of any fused explosives and fireworks of any kind or brand;
- (6) operating any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained, and in effective working order;
- (7) use of incendiary devices or other explosives and the burning of explosive waste; and
- (8) operating any pest control equipment that relies upon the ignition of flammable gases or liquids.

Fires in fireplaces and stoves that are contained inside buildings are not open fires.

~~, the lighting of model rockets, and the burning of fence lines or rows, grasslands, fields, farm lands, rangelands, wildlands, trash and debris. *Open burning* shall not include:~~

- ~~(1) fires in liquid fueled or gas fueled stoves, grills or fireplaces;~~
- ~~(2) fires in wood burning fireplaces that are contained within buildings;~~
- ~~(3) fires in charcoal grills at private one and two family residences;~~
- ~~(4) commercial, professional and municipal fireworks displays where specific written approval has been granted by the Fire Code Official; and~~
- ~~(5) prescribed or controlled burns for agricultural or irrigation purposes along ditches located within and completely surrounded by irrigated farmlands where such burning is necessary for crop survival and specific written approval has been granted by the Fire Code Official.~~

Public fireworks display shall mean any display of fireworks conducted by a qualified pyrotechnic operator in compliance with the International Fire Code, as amended, and conducted only after the approval by the Fire Code Official and in compliance with any conditions imposed by the Fire Code Official.

Solid fuel shall mean charcoal, wood, wood chips, wood pellets, paper and any other similar non-liquid or non-gas fuels.

Wood pellets shall mean compressed wood or sawdust pellets specifically manufactured to be used as fuel.

Sec. 9-23. Prohibited open fires and open burning.

The following types of open fires and open burning are prohibited in the City at all times:

- (1) Burning of refuse or rubbish except as permitted under Section 20-42(i).
- (2) Use of fireworks, except as allowed under Section 9-2.65.
- (3) Open burning as defined in Section 9-22, except with a permit issued by Larimer County and approved by the Fire Code Official or issued by the Fire Code Official.
- (4) Any open fire or open burning not conducted in compliance with all applicable requirements of the 2021 International Fire Code and § 20-1 of this Code.

Sec. 9-24. Declaration of Stage 1 fire restrictions.

(a) Stage 1 fire restrictions are the lowest level of fires restrictions within the City. The City Manager may declare Stage 1 Fire Restrictions in the City, after consultation with the Fire Code Official, if ~~he or she determines they determine~~ that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources, have created a potential threat of fire or public safety hazards within the City.

(b) The Stage 1 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

Sec. 9-~~25~~24. Stage 1 fire restrictions/prohibited and permitted acts.

~~(a) — The following activities are prohibited when Stage 1 fire restrictions are in place:~~

- ~~(1) — open burning of any kind without a permit from the Poudre Fire Authority;~~
- ~~(2) — open discarding of cigarettes and smoking materials;~~
- ~~(3) — welding or the operation of torches with open flame in outdoor areas, including public parks, greenbelts, open spaces and trail systems without a permit;~~
- ~~(4) — operating or using any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained and in effective working order; and~~
- ~~(5) — operating any pest control equipment which relies upon the ignition of flammable gases or liquids.~~

~~(b) — The following activities are permitted when Stage 1 fire restrictions are in place:~~

When Stage 1 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend, or use an open fire or conduct open burning on public, private, state or federal lands within the City, except for the following activities:

- (1) fires within liquid-fueled or gas-fueled appliances, including portable fireplaces, fire pits, grills, smokers, and camp stoves, portable heaters, and tiki torches; fireplaces within buildings; charcoal grill fires within developed residential or commercial areas; fires within wood-burning stoves and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;
- (2) fires specifically authorized by a permit issued by the Fire Code Official, including permitted professional fireworks displays; fires using clean, dry untreated wood, wood pellets, or charcoal within portable, solid-fuel burning fireplaces, fire pits, chimineas or other containers that are approved for such use and used for non-commercial or recreational purposes; and solid-fuel grills or food smokers (commercial or non-commercial);
- (3) smoking within an enclosed vehicle or building, a developed recreation site where smoking is permitted, or in an area at least three (3) feet in diameter cleared of all flammable materials;

~~(34)~~ fire department training fires;

~~(4) tiki torches; small recreational fires at developed picnic or campground sites contained in permanent fire pits or fire grates having a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height and which are supervised by a responsible person at least twenty-one (21) years of age;~~

(5) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions; ~~and~~

~~(6) wood, gas or liquid fueled commercial cooking or smoking appliances when used for commercial food preparation. welding or other torches with an open flame, so long as conducted in an area at least ten (10) feet in diameter cleared of all flammable materials, and while in possession of a chemical pressurized fire extinguisher; and~~

(7) fires specifically authorized by a permit issued by Larimer County and approved by the Fire Code Official, or issued by the Fire Code Official, including permitted agricultural burning and professional fireworks displays.

~~(c) — It shall be unlawful for any person to start, build, maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 1 fire restrictions in the City, including public, private, state and federal lands, while such restrictions are in effect.~~

Sec. 9-265. Declaration of Stage 2 fire restrictions.

(a) Stage 2 fire restrictions are the highest level of fire restrictions within the City. The City Manager may declare Stage 2 fire restrictions in the City, after consultation with the Fire Code Official, if ~~he or she determines~~ they determine that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources have created an imminent threat of fire or public safety hazards within the City.

(b) The Stage 2 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

Sec. 9-267. Stage 2 fire restrictions/prohibited and permitted acts.

~~(a) — The following activities are prohibited when Stage 2 fire restrictions are in place: When Stage 2 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend or use any open fire or conduct open burning of any kind on public, private, state or federal lands within the City, with or without a permit, including fires in outdoor, solid-fuel burning fireplaces, fire pits, chimineas or other solid-fuel burning containers (approved or unapproved), except for the following activities:~~

~~(1) all fires prohibited under Subsection 9-24(a);~~

~~(2) open burning of any kind;~~

~~(3) charcoal grill fires within developed residential or commercial areas;~~

~~(4) 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;~~

~~(5) use of or fires in chimneys, other portable fireplaces or patio fire pits (which are not liquid- or gas-fueled); and~~

~~(6) campfires at developed campgrounds or picnic areas.~~

~~(b) The following activities are permitted when Stage 2 fire restrictions are in place:~~

~~(1) fires within liquid-fueled or gas-fueled appliances, including portable fireplaces or fire pits, grills, smokers, and camp stoves, portable heaters, and tiki torches; and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;~~

~~(2) use of all fireplaces and wood-burning stoves within buildings; fires in wood pellet-fueled grills or smokers at private one- and two-family residences;~~

~~(3) smoking within an enclosed vehicle, trailer or building;~~

(4) welding or operating an acetylene torch within an enclosed building;

(35) fire department training fires;

(46) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions; and

(57) ~~solidwood~~, gas- or liquid-fueled commercial cooking or smoking appliances when used for commercial food preparation after review and approval of the Fire Code Official.

Sec. 9-28. Notice of fire restrictions.

Notice of Stage 1 or Stage 2 fire restrictions may be given by the best means available including press release, notification to public safety agencies, or such other means as the City Manager determines is appropriate under the circumstances.

Sec. 9-29. Temporary suspension of permitted open burns.

(a) The Fire Code Official has authority to issue burn permits for certain activities as described in Poudre Fire Authority policies, including, but not limited to, fireworks, flame effects and use of explosives. The Fire Code Official also has the authority to approve, deny or condition burn permits issued by Larimer County for activities within the City of Fort Collins. The Fire Code official may temporarily suspend the exercise of an issued burn permit within the City of Fort Collins, including agricultural burning, due to high fire danger concerns on a particular day in the absence of, or in addition to, the issuance of Stage 1 or Stage 2 fire restrictions.

(b) Conditions that may trigger a suspension of open burning permits for a given day in the absence of a Stage 1 or Stage 2 fire restrictions declaration include either one or both of the following:

(1) Predicted winds in excess of 10 mph;

(2) High fire danger as defined by Poudre Fire Authority policies and procedures.

(c) Burn permittees are required to contact Fort Collins 911 dispatchers the morning of a planned burn. Based on forecast conditions for one or more days, the Fire Code Official may notify Fort Collins 911 dispatchers to instruct any open burn permittees that they may not burn within Fort Collins City limits due to high fire danger concerns on that day.

(d) It shall be unlawful for any person with an open burning permit issued or approved by the Fire Code Official to start, build, maintain, attend or use an open fire or conduct open burning in the City, including public, private, state and federal lands, during a suspension of open burning permits.

(e) It shall be unlawful for any person to start, build, maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 2 fire restrictions in the City, including public, private, state and federal lands, while such restrictions are in effect.