

# AGENDA ITEM SUMMARY

City Council



---

## STAFF

Jim Byrne, Director of Emergency Management  
Ingrid Decker, Legal

---

## SUBJECT

**Second Reading of Ordinance No. 085, 2023, Repealing and Reenacting Article II of Chapter 9 of the City Code Regarding Open Fire and Burning Restrictions.**

---

## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 6, 2023, updates the City Code provisions regarding restrictions on open fires and burning in the City to update references to the International Fire Code, improve defined terms, better describe what activities are or are not permitted during declared Stage 1 and Stage 2 fire restrictions, and provide a mechanism for Poudre Fire Authority (PFA) to act quickly to postpone previously permitted burns when changes in weather conditions increase the fire danger.

---

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

## BACKGROUND / DISCUSSION

Article II of Chapter 9 of the City Code describes limitations on open fires and open burning within the City, including the authority of the City Manager to declare Stage 1 or Stage 2 fire restrictions when weather conditions warrant it.

On June 7, 2022, the City Council adopted Ordinance No. 060, 2022, adopting the 2021 International Fire Code (IFC). As a result, references to the IFC in Chapter 9 require updating. City staff had also, in the past, been asked to specifically address the use of pellet grills and pellet smokers in the open burning Code.

The City Attorney's Office reviewed Article II of Chapter 9 in collaboration with staff from Poudre Fire Authority, who recommended updating defined terms in the City Code to be more consistent with the IFC and with the definitions used by Larimer County in its open fire/open burning code, as Larimer County is the body that issues burn permits (with the approval of PFA) for open burning within the City, and PFA operates in both the City and the County.

PFA also requested a way to temporarily suspend previously issued permits for open burning in the City even if the City Manager has not yet declared Stage 1 or Stage 2 fire restrictions, when weather conditions indicate it would be too dangerous for the burn to proceed on a particular day.

If adopted, the revisions to Chapter 9, Article II would do the following:

- Add or improve definitions for “agricultural burning,” “air curtain destructor,” “approved,” “fireworks,” “incendiary devices,” “open burning,” “open fire,” “public fireworks display,” “solid fuel,” and “wood pellets.”
- List what types of open fires and open burning are always prohibited in the City under various provisions of the City Code.
- More clearly describes what activities are and are not allowed in the City during State 1 and Stage 2 fire restrictions.
- Add a provision describing how the City Manager gives notice to the public of declared fire restrictions, which was not previously defined, by the means the City Manager determines are most appropriate under the circumstances.
- Add a provision allowing PFA to temporarily suspend the exercise of an issued burn permit within the City, including agricultural burning, due to high fire danger concerns on a particular day, in the absence of, or in addition to, Stage 1 or Stage 2 fire restrictions. Burn permit holders are already required to contact City 911 dispatchers the morning of a planned burn. The updated code would all PFA to notify 911 dispatchers to instruct any open-burn permittees that they may not burn within the City limits due to high fire danger concerns on a particular day.

Because the proposed changes are extensive, the Ordinance would repeal and reenact all of Chapter 9, Article II. However, a version of the Code provisions showing proposed changes tracked against the current Code language is attached as attachment 2.

#### **CITY FINANCIAL IMPACTS**

---

Adoption of the Ordinance will not have a financial impact on the City.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

Not applicable.

#### **PUBLIC OUTREACH**

---

Not applicable.

#### **ATTACHMENTS**

---

First Reading attachments not included.

1. Ordinance for Consideration