

# TOWN OF DOLORES

## ORDINANCE NO. 536 Series 2018

### An Ordinance defining the process to imposition and removal of “Open Flame Fire Bans” within the Town limits of Dolores, Colorado.

**WHEREAS**, The Town of Dolores, Colorado is a Statutory Town incorporate in the State of Colorado and;

**WHEREAS**, The Colorado revised Statutes, Article 31-15-401 (111) (q) (1) (2), grants General Police Power Authority to the Board of Trustee’s to control open flame burning within the Town limits, and

**WHEREAS**, The Board of Trustee’s has finds the immediate preservation of the public health, safety, and welfare will be reduced with the imposition of open flame fire bans and

**WHEREAS**, the Board of Trustee’s finds that the process providing for the imposition and subsequent removal of an open flame fire ban is warranted.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN DOLORES BOARD OF TRUSTEES THAT:**

1. **Open Flame Ban Imposition or Removal**

a) An open flame fire ban may be imposed or removed by approval of a Resolution at a regular or special meeting on the Town of Dolores Board of Trustees

**OR**

b) An Emergency Declaration, providing for the Imposition or Removal of an Open Flame Fire Ban may be issued upon and after written concurrence of the Mayor, Town Manager and Town Marshal.

c) A Board of Trustees Resolution approving the imposition or removing a fire ban shall not constitute a repeal of this ordinance.

d) The issuance of an Emergency Declaration imposing or removing an open flame fire ban shall not affect the validity of ordinance.

2 **Definitions.**

a) An “open flame fire” is defined as any fire in an outdoor location where fuel is being burned except for the following:

b) Commercial enclosed incinerators.

c) Residential charcoal and gas barbeque grills.

d) Welding and/or operating an acetylene or similar torch with an open flame related to Oil and Gas production shall be allowed when conducted in a 20' radius safe zone free of vegetation and when complying the requirements of the Colorado Oil and Gas Conservation Rile 606A (o) regarding Fire Prevention and Production.

e) Welding and/or operating an acetylene or similar torch with an open flame, except as long as a fire watch individual is on site and readily available with proper hand tools and either a 2.5 pound pressurized fire extinguisher, one 5.0 pound ABC extinguisher or pressurized water supply, welding and/or operating an acetylene torch or similar touch with and open flame in a 20' radius safe zone free of vegetation not prohibited.

f) Burn barrels equipped with 1/4 inch screen shall be allowed when conducted in a 20' radius safe zone free of vegetation.

3. **Exceptions.**

Any Resolution or Emergency Declaration removing an open flame ban shall not apply to:

a) A "Red Flag Day" defined as a day when the United States Weather Service issues a Warning for any portion of the incorporated area in the Town of Dolores.

b) A High Wind Advisory "is defined as a day when the United States Weather Service issues a "High Wind Advisory" for any portion of the incorporate area within the Town of Dolores.

c) A "High Wind Warning" is defined as a day when the United States Weather Service issues a "High Wind Warning" for any portion of the incorporate area within the Town of Dolores.

4. **Repealer.**

All orders, bylaws, ordinances, and resolutions of the Town or, parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

5. **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 unenforceability 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.

**6. VIOLATION- PENALTY.**

a) Any person who violates any of the provisions of this ordinance of the Town shall be punished by a fine of not more than four hundred ninety-nine dollars.

b) Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance No. 536, Town of Dolores, Colorado is committed, continued or permitted by any such person, and shall be punished accordingly.

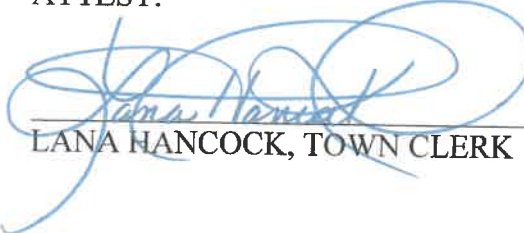
**7. Adoption.**

Upon Adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and Town Clerk.

**PASSED, ADOPTED, APPROVED AND EFFECTIVE AS EMERGENCY ORDINANCE  
Number 536 THIS 23<sup>rd</sup> DAY APRIL, 2018.**

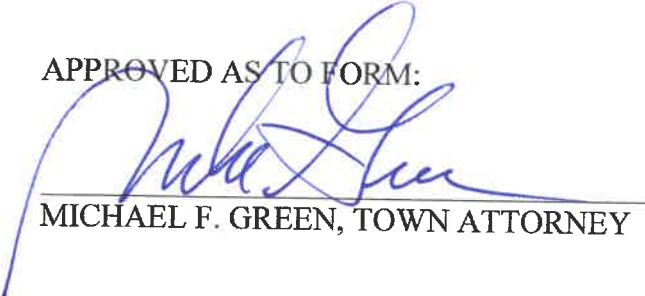
TOWN OF DOLORES

ATTEST:

  
LANA HANCOCK, TOWN CLERK

  
SANTIAGO LOPEZ, MAYOR

APPROVED AS TO FORM:

  
MICHAEL F. GREEN, TOWN ATTORNEY