

Town of Marble
Ordinance Number 2
Series of 2018

AN EMERGENCY ORDINANCE ADOPTING FIRE RESTRICTIONS

WHEREAS:

- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. The Town's Board of Trustees ("Board") has determined that, due to extremely dry weather conditions present in the Town and surrounding areas, the danger of forest or grass fires in the Town is high at this time;
- C. C.R.S. § 31-15-401(1)(q)(I) authorizes the Town to "control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited."
- D. C.R.S. § 12-28-107 authorizes the Town to regulate the use of fireworks; and
- E. Fire restrictions are currently necessary and appropriate throughout the Town to reduce the danger of wildfires;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

- 1. The following activities are prohibited throughout the Town:
 - i. Open fires, including agricultural burning, wood or charcoal fires, and the burning of trash or debris;
 - ii. Building, maintaining, attending or using a campfire outside of designated, developed campgrounds;
 - iii. Use of fireworks or explosives;
 - iv. Any activity described in Section 2, below, that is conducted outside of the limitations set forth therein.
- 2. Notwithstanding the foregoing, the following activities are permitted, but only in accordance with the described limitations:
 - i. Smoking outdoors, but only in an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren and has been cleared of all flammable material.
 - ii. Cooking on manufactured charcoal, liquid fuel and propane grills;

iii. Welding or operating acetylene torches with flame is allowed ONLY in cleared areas of at least 10 feet in diameter and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.

iv. Operating a chainsaw is allowed ONLY if the device includes a USDA Forest Service or SAE approved spark arrester, and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.


3. Violation of this ordinance shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

4. Emergency Certification. It is hereby found and declared by the Town of Marble that wildfires are likely to result in infliction of serious personal injury or death, and are likely to result in substantial injury or destruction of property within its jurisdiction, and it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

5. This Ordinance shall expire on September 30, 2018 unless sooner expressly repealed or amended by a subsequent Ordinance passed by the Board.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED IN FULL this 7th day of June, 2018, by a vote of 4 in favor and 0 opposed.

TOWN OF MARBLE:



Ryan Vinciguerra, Mayor

ATTEST:



Ron Leach, Clerk