

**TOWN OF PARACHUTE, COLORADO**  
**ORDINANCE NO. 748-2018**

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**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO AMENDING THE PARACHUTE MUNICIPAL CODE BY THE ADOPTION OF A NEW CHAPTER 11.16 REGARDING FIRE RESTRICTIONS.**

**WHEREAS**, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

**WHEREAS**, in the arid West, fire danger is of grave concern with potential for devastating impact to the life, health, and safety of the Town;

**WHEREAS** the Town Board of Trustees, therefore, finds and declares that it is in the best interest of the public safety to adopt a new Chapter 11.16 of the Parachute Municipal Code to impose fire restrictions; and

**WHEREAS**, the Board of Trustees wishes to declare the subject matter of this ordinance to be an emergency and immediately necessary for the preservation of public peace, health, or safety due to the present, substantial risk of fire in the Town.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Parachute Municipal Code is hereby amended by the addition of a new Chapter 11.16 as follows:

**CHAPTER 11.16 - FIRE RESTRICTIONS**

**11.16.010 Purpose.**

This Chapter seeks to preserve the quality of life, health, safety and welfare of the Town by empowering the Town Board of Trustees, in consultation with the Grand Valley Fire Protection District and the Chief of Police, to ban open-burning fires and the use, sale and possession of all fireworks from Memorial Day to Labor Day each year. Due to the extremely volatile weather conditions that can occur in the Town and surrounding area, the use, sale and possession of fireworks and the open burning of fires may create a severe threat of wildfires resulting in a hazard to the citizens and property within the Town and the surrounding area. Allowing for the prohibition of such activities will enable the Town Board of Trustees to reduce the risk of wildfires and help ensure the public peace, health

and safety of the citizens.

**11.16.020 Authority and applicability.**

The Town, as a home rule municipality organized under Article XX of the Colorado Constitution, has the authority to adopt this Chapter both under the Colorado Constitution and under the express statutory language of Sections 12-28-107 and 31-15-401, C.R.S.

**11.16.030 Definitions.**

For purposes of this Chapter, the following words shall have the meanings ascribed hereafter:

*Fireworks* means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, C.F.R., Parts 173.88 and 173.100, and including, but not limited to, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used; blank cartridges; firecrackers; torpedoes; skyrockets; rockets; Roman candles; cylindrical fountains; cone fountains; wheels; ground spinners; illuminating torches and colored fire in any form; Day-Glo bombs and torches; sparklers; snakes; and any other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or devices containing any explosive substance. Fireworks does not include: toy caps which contain less than twenty-six hundredths (.26) of a grain of explosive compound per cap; highway flares, railroad fuses, ship distress signals, smoke candles and other emergency signal devices.

*Open-burning fires* means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with the safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*Recreational burning* means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**11.16.040 Open burning prohibited.**

(a) Open burning of fires, including the sale, possession or use of fireworks, is prohibited in the Town from Memorial Day to Labor Day each year.

(b) Notwithstanding the prohibition of Paragraph (a) of this Section, the following shall be allowed within the Town:

(1) Recreational burning, as defined in this Article. Recreational burning on all Town owned or maintained property is prohibited except in designated areas and within operational fire rings specifically provided for such purposes; or

(2) Burning done pursuant to the possession of a permit issued by the Grand Valley Fire Protection District. Permits may be applied for through the Grand Valley Fire Protection District, which shall analyze the application based upon the activity requested, the timeframe for the activity and the fire conditions at that time. Permits shall be granted in accordance with the appropriate sections of the International Fire Code and must be kept on the premises designated therein, along with approved on-site fire-extinguishing equipment, available for inspection by fire officials.

(c) Upon determining that the threat of wildfires for the Town and surrounding area has abated, and after consultation with the Grand Valley Fire Protection District, the Town Manager may by executive order release the prohibition on open burning. Notice of a release shall be provided to the Town Board of Trustees at its next meeting following the issuance of the executive order. Notice shall be provided to the community through posting in at least three (3) conspicuous public places within the Town.

(d) During periods of extreme fire danger, further restrictions, including prohibiting certain types of recreational burning, or an extension of the prohibition on open burning past Labor Day may be imposed by executive order of the Town Manager, following consultation with the Grand Valley Fire Protection District. Notice of further restrictions shall be provided to the Town Board of Trustees at its next meeting following the executive order. Notice shall be provided to the community through posting in at least three (3) conspicuous public places within the Town.

(e) Temporary and emergency fire restrictions that are issued by Garfield County and applicable to all of Garfield County shall apply to the Town of Parachute and violations will be subject to the provisions of Section 11.16.050

#### **11.16.015 Enforcement.**

Any violation of the provisions of this Chapter is classified as a Class A municipal offense. In addition to criminal penalties outlined in this Chapter, the Police Department, Town code enforcement officers and Fire Chief of the Grand Valley Fire Protection District or his or her designated representative may seize any fireworks or extinguish any open-burning fires prohibited under this Article.

Section 3. All other ordinances and regulations in conflict with the foregoing are repealed to the extent of the conflict only.

Section 4. This Ordinance is adopted as an emergency ordinance to be effective immediately.

**INTRODUCED, READ, PASSED, FINALLY ADOPTED AS AN EMERGENCY, AND ORDERED PUBLISHED AS SOON AS REASONABLY POSSIBLE** by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21 day of JUNE 2018 and approved by the Mayor on the 21 day of JUNE 2018.

**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**



Roy McClung  
Roy McClung, Mayor

ATTEST:

Lucy Cordova  
Lucy Cordova, Town Clerk

**PUBLIC NOTICE**

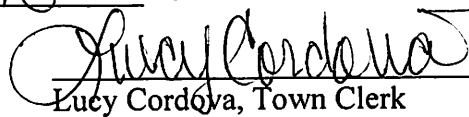
Public notice is hereby given that an Ordinance entitled:

**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO AMENDING THE PARACHUTE MUNICIPAL CODE BY THE ADOPTION OF A NEW CHAPTER 11.16 REGARDING FIRE RESTRICTIONS.**

was introduced and adopted as an emergency ordinance of the Board of Trustees on June 21, 2018; and that a copy of said Ordinance is posted at Town Hall.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 21 day of June 2018.

  
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Lucy Cordova, Town Clerk