

O-2013-13

AN ORDINANCE

ADOPTING A NEW CHAPTER 9.39 OF THE LAKEWOOD MUNICIPAL CODE AUTHORIZING THE DECLARATION OF FIRE RESTRICTIONS AND FIRE BANS BY THE CITY MANAGER OR DESIGNEE; AND FURTHER DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 31-16-101 of the Colorado Revised Statutes and the Home Rule Authority conferred upon it as a Home Rule City of the State of Colorado, the City of Lakewood has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, Denver Water has moved directly to a Stage 2 drought and has stated that this may shape up to be the state's worst drought on record creating a more intense fire season;

WHEREAS, the National Interagency Fire Center predicts that the fire season will escalate by late May or early June;

WHEREAS, in order to preserve the public peace, health, safety, and welfare of the residents of the City of Lakewood, the City Council has determined the City Manager or designee should possess the authority to impose fire restrictions and fire bans on an expedited basis when conditions so warrant;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

Section 1. A new Chapter 9.39 of the Lakewood Municipal Code is adopted to read as follows:

Chapter 9.39 Fire Restrictions and Fire Bans.

9.39.010 Authority.

The City Manager or designee shall have the authority to declare fire restrictions or a fire ban, whenever the danger of grass or wildland fire is found to be high, based upon the national fire danger rating system and recommendations by Jefferson County Sheriff's Office Critical Incident Response Section, the Wheat Ridge Fire Protection District and the West Metro Fire Protection District (both entities hereinafter referred to as Fire District.) Any declaration of fire restrictions or a fire ban made pursuant to this ordinance shall specify the effective date of the restrictions or ban and the parameters of the restrictions or ban, as deemed necessary and appropriate.

9.39.020. Publication of Notice

In the event that the City Manager or designee declares fire restrictions or a fire ban pursuant to this ordinance, notice shall be published on the City of Lakewood website, and signs will be posted at applicable park entrances and any other such public venue as deemed necessary and effective.

9.39.030. Unlawful Conduct

A. It shall be unlawful for any person to start or maintain a fire that is in violation of fire restrictions or a fire ban declared pursuant to this Chapter.

B. It shall be unlawful to allow a fire to burn in a careless manner, to leave any fire unattended, or to fail to completely extinguish any fire.

C. It shall be unlawful to burn rubbish or debris.

D. It shall be unlawful to perform Open Burning without a permit from a Fire District.

E. It shall be unlawful to allow a fire to burn under an approved exemption permit issued from a Fire District without adequate measures to prevent uncontrolled fires. Possible preventive measures include, but are not limited to, the following items:

- I. Containers of adequate water or dry soil nearby.
- II. Shovels, fire extinguishers or other extinguishing agents readily available.
- III. Coordination with the local fire department or district to be on scene or standby during a fire burning activity.

9.39.040. Enforcement

The Lakewood Chief of Police or his designee, Lakewood Park Rangers, and authorized members of the West Metro Fire Protection District and Wheat Ridge Fire Protection District are empowered to enforce the provisions of this Chapter.

9.39.050. Type of fire ban or fire restriction that may be declared by the City Manager:

Stage I Possible Fire Restrictions:

- A. No open burning except with an appropriate Fire District permit
- B. No smoking, except as allowed in Chapter 9.38 of the Lakewood Municipal Code, and except within an enclosed vehicle or building, in a developed recreation site or while in an outdoor area less than 6 feet in diameter that is barren or cleared of all combustible material. (2009 IFC 310.8) No discarding of cigarettes or smoking materials except within approved containers
- C. No use of model rockets within City Parks

Stage I Allowable Activities under the Fire Restrictions:

- D. Use of liquid or gas fueled appliances
- E. Underwriters Laboratories (UL) approved wood pellet grills
- F. Charcoal barbecue grills when not closer than 30 feet from an undeveloped area (2009 IFC 308.1.6)
- G. Portable outdoor fireplaces when not closer than 30 feet from an undeveloped area (2009 IFC 307.4.3)
- H. Recreational fires in a park or recreational area contained in a designated fire ring or grill, when not closer than 30 feet from an undeveloped area (2009 IFC 307.4.2)
- I. In residential backyards recreational fires when not closer than 30 feet from an undeveloped area
- J. Permitted fires by persons with a permit specifically authorizing the prohibited act such as professional fireworks displays. Contact must be made with the permitting authority to verify the status of permits issued prior to the establishment of burn restrictions.
- K. Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use when the burning is supervised by the fire protection district
- L. Fire District training fires
- M. Open Burning by any federal, state, or local officer in the performance of official fire suppression functions

Stage II Fire Ban:

- A. All Stage I fire restrictions shall be observed.
- B. No recreational fires
- C. No welding or operating an acetylene or other torch with an open flame, *except* inside an enclosed structure or within an area that is barren or cleared of all combustible material at least 30 feet in all directions from the operating equipment (2009 IFC 308.1.6)
- D. No operation or using of a handheld internal combustion engine (e.g. chainsaw) within 30 feet of an undeveloped area without a United States Department of Agriculture (USDA) or Society of Automotive Engineers (SAE) approved spark arresting device properly installed and in proper working order. Additionally, the operator must have readily available an extinguishing source, water, pressurized water extinguisher, or proper chemical pressurized extinguisher large enough to handle possible fires. Additionally, the operator must possess at least one large-size pointed shovel with an overall length of at least 36 inches. All must be available for quick use.
- E. No use of an explosive initiation system requiring a burning fuse line

Stage II Allowable Activities under the Fire Ban:

- F. Use of liquid or gas fueled appliances
- G. Underwriters Laboratories (UL) listed wood pellet grills
- H. Permitted fires specifically authorizing the prohibited act such as professional fireworks displays may be allowed on a case by case basis
- I. Fire District training fires
- J. Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use when the burning is supervised by the fire protection district
- K. Open Burning by any federal, state, or local officer in the performance of official fire suppression functions
- L. Charcoal barbecue grills when not closer than 30 feet from an undeveloped area (2009 IFC 308.1.6)
- M. Portable outdoor fireplaces when not closer than 30 feet from an undeveloped area

9.39.060. Definitions

Liquid or Gas Fueled Appliances: Appliances such as fire pits, grills, camp stoves, and Tiki torches that burn liquid or gaseous fuels and can be shut off. This does not include any device that burns solid fuels such as wood or charcoal and must be extinguished.

Open Burning: Any outdoor fire larger than a recreational fire that is not contained within a portable outdoor fireplace that has a total fuel area of 3 feet or more in diameter and 2 feet or more in height. This includes, but is not limited to, bonfires, the lighting of any fused explosives, and the burning of fence lines or rows, grasslands, fields, farmlands, ditches, rangelands, and wildlands.

Portable Outdoor Fireplace: A commercially purchased portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top. These devices must be operated according to the manufacturer's instructions with all covers, screens, and grates in place.

Recreational Fire: Any outdoor fire burning material other than rubbish or debris where the fuel being burned is not contained in a portable outdoor fireplace or barbecue grill and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for

pleasure, religious, ceremonial, cooking, warmth or similar purposes. This includes campfires; "warming fires;" fires in 55-gallon drums; fixed, permanent outdoor fireplaces; and barbecue pit fires.

Training Fires: A training fire must be approved by a Fire District for the purposes of a bona fide training of employees in firefighting methods. Training fires must take place in a designated training center and not in City Parks or open space areas during fire restrictions.

Undeveloped Areas: Lands that are not groomed, manicured, or watered, where grasses, brush and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non-manicured City Parks, and other areas where the fire hazard presented by the vegetation is determined to be an undue wildland fire hazard.

Section 2. Emergency. This ordinance is necessary for the immediate preservation of the public peace, health and safety due to the Stage 2 drought declared by Denver Water and the prediction from the National Interagency Fire Center that the fire season will escalate by late May or early June. The standard 30-day effective date for ordinances would delay the City's ability to implement citywide restrictions.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 13th day of May, 2013; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of May, 2013; set for public hearing on the 24th day of June, 2013, read, finally passed and adopted by the City Council on the 24th day of June, 2013 and, signed and approved by the Mayor on the 25th day of June, 2013.

Bob Murphy, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Tim Cox, City Attorney