

Town of Marble
Ordinance Number 5
Series of 2018

AN EMERGENCY ORDINANCE ADOPTING STAGE 2 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;
- E. The Town previously adopted Ordinance 2018-2 adopting certain fire restrictions; and
- F. Additional restrictions are now 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. Ordinance 2018-2 is repealed and replaced by this Ordinance 2018-4.
- 2. The following activities are prohibited throughout the Town:
 - i. Building, maintaining, attending or using a fire, campfire, or stove fire. This includes charcoal grills and barbecues, coal and wood burning stoves and shepherd's stoves and includes use in developed camping and picnic grounds.
 - a. EXCEPT: Devices using pressurized liquid or gas (stoves, grills or lanterns) that include shut-off valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.
 - ii. Welding or operating acetylene or other torch with open flame.
 - iii. Operating or using any internal combustion engine (e.g. chainsaw, generator, A TV) without a spark arresting device properly installed, maintained and in effective working order meeting either: (a) Department of Agriculture, Forest Service Standard 5100-1a; or; (b) Appropriate Society of automotive Engineers (SAE) recommended practice J335(b) and J350(a).

- iv. Operating a chainsaw without an approved spark arresting device as described in Prohibition #4, a chemical pressurized fire extinguisher (8 oz. capacity by weight or larger and kept with the operator) and a round point shovel with an overall length of at least 35 inches readily available for use.
- v. Using an explosive. This includes but is not limited to fuses or blasting caps, fireworks, rockets, exploding targets, and tracers or incendiary ammunition.
- vi. Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle.
- vii. Smoking.
 - a. EXCEPT: Within enclosed vehicle, trailer or building.
- viii. Any activity described in Section 2, below, that is conducted outside of the limitations set forth therein.

3. Notwithstanding the foregoing, the following activities are permitted, but only in accordance with the described limitations:

- i. Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty is exempt from Prohibitions i-vi.
- ii. Residents, owners or lessees within the restricted area are exempt from Prohibition i, provided such fires are within a permanent dwelling and there is a spark arrestor in working order on the chimney.

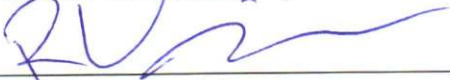
4. Violation of this ordinance shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

5. 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.

6. 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 5th day of July, 2018, by a vote of 4 in favor and 0 opposed.

TOWN OF MARBLE:



 Ryan Vinciguerra, Mayor

ATTEST:



 Ron Leash, Clerk