

Ordinance #17-02

**BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN
AN ORDINANCE ESTABLISHING THE GILPIN COUNTY OPEN BURNING PERMIT
SYSTEM FOR THE PURPOSE OF SAFELY DISPOSING OF SLASH**

- A. In the enactment of Senate Bill 11-110, the general assembly found that the reduction of hazardous fuels on state and private land is beneficial to the safety of the general public by reducing the threat of unwanted wildfire and by improving the health of Colorado's forests; and
- B. The general assembly further found that an element of hazardous fuels reduction is the disposal of slash created by hazardous fuels treatment; and
- C. Piling and burning slash is an effective means of slash disposal; and
- D. S.B. 11-110 delegates to county commissioners the power to adopt ordinances for the control of matters of local concern including the power to ban and regulate open burning of slash [C.R.S § 30-15-401(n.5)]; and
- E. S.B. 11-110 further mandates that the county adopt an open burn permitting system;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN AS FOLLOWS:

Section 1. Open Burn Permit Requirement

On and after the effective date of this Ordinance, open burning of slash piles shall be prohibited in the County of Gilpin unless the person(s) conducting such burning shall have first obtained an open burning permit issued in accordance with the requirements of this Ordinance.

Section 2. Responsible Agencies

- 2.1. The Gilpin County Sheriff's Office ("Sheriff") shall be responsible for implementation and administration of the open burn permit program established by this Ordinance, including the preparation of uniform open burn permit applications and permit forms addressing all requirements of this Ordinance. The Sheriff shall coordinate such preparation with all fire districts in Gilpin County.
- 2.2. Uniform permit applications and permit forms shall be provided to all fire districts operating within Gilpin County and such applications and permit forms shall be used exclusively in the review and approval of open burns. Applications will be reviewed, and permits issued by the district with jurisdiction over the burn site.
- 2.3. All applicants must obtain and "Open Burning Permit" from the Colorado Department of Public Health and Environment prior to applying for a County permit.

Section 3. Slash Burn Specifications

3.1. Slash Pile Construction

- 3.1.1. Woody materials to be burned shall include only clean, dry slash (limbs, branches, needles, leaves) less than 6 inches in diameter. Tree stumps, trunks or logs (greater than 6 inches) shall not be included in the slash pile and are not permitted to be burned.
- 3.1.2. No household trash, construction debris (building materials), lumber, tires, fence posts, creosote products or wood products containing hazardous chemicals, etc... shall be burned.
- 3.1.3. Piles shall be constructed so that the **maximum** size of the pile does not exceed eight (8) feet in diameter and eight (8) feet in height. Piles shall be constructed so that no pile is closer than ten (10) feet to any standing tree trunk and tree crowns do not hang over the piles. Piles shall be located no closer to each other than twenty (20) feet. Piles should be constructed in openings or clearings whenever possible.
- 3.1.4. Piles shall not be located over or near tree stumps or adjacent to any large down dead or green logs, as they will burn for an extended period of time and will require additional control.
- 3.1.5. Piles shall be constructed no closer than fifty (50) feet from any structure.
- 3.1.6. Piles shall not be placed near or under power lines or utility poles, drainages or waterways.
- 3.1.7. These pile construction requirements shall be strictly adhered to. Fire department personnel will inspect to confirm compliance with pile construction standards prior to authorizing any burn permit.
- 3.1.8. Burning in drums or barrels is never allowed. The Colorado Department of Public Health and Environment does not allow this due to incomplete combustion from lack of oxygen that creates excessive odors, toxic pollutants, and smoke.

3.2. Slash Pile Burn

- 3.2.1. Slash pile burns shall not occur during fire bans imposed by the Board of County Commissioners pursuant to C.R.S. § 30-15-401(1)(n.5).
- 3.2.2. Pile burning shall occur only when there is a **minimum** of 4 inches of snow cover. Burning slash during a snow event is encouraged as a means to manage smoke emissions.
- 3.2.3. Smoke shall be monitored when burning near roads. If driver visibility becomes less than 100 feet, slash pile fires shall be extinguished.
- 3.2.4. In the event temperatures and/or wind conditions develop that cause rapid melting of the snow cover, slash pile fires shall be extinguished.
- 3.2.5. No more piles shall be lighted than one person can manage safely at any one time. No more than two to three piles per person at one time is recommended.
- 3.2.6. Pile should be ignited between 10 a.m. and 2 p.m. MST. Piles must be fully extinguished before sunset (no visible smoke). No pile burning is permitted outside the above time frames.
- 3.2.7. Wind speeds at the time of ignition must be 10 miles per hour (m.p.h.) or less. If wind gusts exceed 10 m.p.h. for a period of 30 minutes or more, piles shall be extinguished with no

visible smoke.

- 3.2.8. Piles shall be visually checked the day following the burn; all visible smoke/associated heat shall be fully extinguished.
- 3.2.9. No burning is allowed on holidays or holiday weekends, unless pre-authorized by the fire protection district or Sheriff, as applicable.
- 3.2.10. Burns must be attended at all times.
- 3.2.11. At least one hand tool (shovel) shall be readily available on the burn site.
- 3.2.12. There must be a working telephone (fixed or cellular) readily available in case of emergency.
- 3.2.13. Signed (authorized) open fire permits shall be in possession of the permittee on site when burning and shall be presented upon request to law enforcement officers, fire chiefs or marshals.

Section 4. Notification

- 4.1. Permittees shall notify the Gilpin County Sheriff's Office communications center (dispatch) when the burn begins and when the burn ends each day. The communications center will notify the respective fire protection district via phone or page that the permitted burn is scheduled for that day.
- 4.2. When permittee is burning within the Timberline Fire Protection District ("TFPD"), in addition to contacting Gilpin County Sheriff's Office dispatch, permittee shall notify the TFPD administrator (303-582-5768) within 24 hours prior to and upon completion of the burn.
- 4.3. When permittee is burning within Coal Creek Canyon Fire Protection District ("CCCFPD"), in addition to contacting the Gilpin County Sheriff's Office dispatch, permittee shall notify the CCCFPD administrator (303-642-3121) within 24 hours prior to and upon completion of the burn.
- 4.4. The Sheriff shall maintain a list of persons and agencies requesting notification of scheduled burns. Upon notification that a scheduled burn has commenced, Gilpin County Sheriff's Office dispatch shall notify those on the list that a burn is in progress.

Section 5. Exemptions

- 5.1. Burns conducted by federal and state agencies on federal and state lands are exempt from permitting requirements.
- 5.2. Nothing in this Ordinance shall infringe upon or otherwise affect the ability of agricultural producers to conduct burning on their property.

Section 6. Education

Gilpin County shall prepare and make available educational information for the purpose of conveying the Colorado State Legislature's findings that the appropriate, safe, and effective use of fire as a forest management tool benefits the landowner, county, and the state, and that the use of fire as a tool for the disposal of unwanted slash is most appropriate when accomplished with consideration of measures that contain the fire within a desired location, minimize smoke emissions, mitigate negative impacts to residual live vegetation, and increase the consumption of the unwanted slash.

Section 7. Compatibility with Fire District Codes

- 7.1. This Ordinance shall regulate only the safe burning of slash piles. Other types of open burns shall be regulated by the fire district having jurisdiction over the burn site.
- 7.2. Gilpin County shall not approve any fire district codes that would impose additional conflicting, or more restrictive slash pile burn requirements than those set forth herein. In the event of any conflict with a fire district code, this Ordinance shall control.

Section 8. Penalties

- 8.1 Any person who fails to obtain a slash pile burning permit prior to conducting the open burning of a slash pile in the unincorporated area of the County of Gilpin shall be in violation of this Ordinance and upon conviction thereof shall be guilty of a class 2 petty offense, as provided in C.R.S. § 30-15-402 and shall be punished by fine as provided herein.
- 8.2 Any person who, after obtaining a permit, fails to comply with any slash burning requirement specified in section 3 or 4 of this Ordinance shall upon conviction thereof be guilty of a class 2 petty offense, as provided in C.R.S. § 30-15-402 and shall be punished by fine as provided herein.
- 8.3 Penalties for the foregoing violations of this Ordinance shall be imposed as follows:
 - 8.3.1 For violation of section 8.1 of this Ordinance, a penalty of \$1000.00 for the first offense and \$1000.00 for each subsequent offense.
 - 8.3.2 For violation of section 8.2 of this Ordinance, a penalty of \$500.00 for the first offense and \$1000.00 for each subsequent offense.
- 8.4 Enforcement of this Ordinance by any arresting law enforcement officer may be pursuant to the penalty assessment procedure provided in C.R.S. § 16-2-201.

Section 9. Emergency Clause

Regulating open burning will reduce the possibility of wild fires and the enactment of this Ordinance is essential to protection of the public health and safety of the residents of Gilpin County. This Ordinance shall therefore take effect on the date of adoption by the Board of County Commissioners.

Introduced and first read the 5th day of December, 2017, and ordered published in full in a newspaper of general circulation published in Gilpin County at least 10 days prior to final adoption.

NOTICE OF SECOND AND FINAL READING: The second and final reading of Ordinance #17-02 shall take place at Central City Hall, 141 Nevada Street, Central City, CO 80427 on January 9, 2018, at 10:15 a.m. MST by the Gilpin County Board of County Commissioners at a regularly scheduled meeting of the Board for the purposes of adoption of Ordinance #17-02.

Gail Watson
Gail Watson, Chair

Attest:

Sharon E. Cate
Sharon Cate, Deputy Clerk to the Board

ADOPTED ON SECOND AND FINAL READING THIS 09th day of January, 2018 by a vote of 3 to 0.

Gail Watson
Gail Watson, Chair

Attest:

Sharon E. Cate
Sharon Cate, Deputy Clerk to the Board

CERTIFICATION OF THE COUNTY CLERK

Colleen Stewart, Gilpin County Clerk, hereby certifies that the foregoing Ordinance was adopted by the Board of County Commissioners on the 09 day of January, 2018 at a regularly scheduled meeting of the Board of the County Commissioners, after a first reading on the 5th day of December, 2017, at a regularly scheduled meeting of the Board of County Commissioners in Central City, Colorado and that said Ordinance was published in full in the *Weekly Register Call* at least ten (10) days prior to final adoption.



Colleen Stewart
Colleen Stewart, Gilpin County Clerk

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

The foregoing Ordinance was acknowledged before me this 9 day of January, 2018 by Gail Watson, Chair, and Sharon Cate, Deputy Clerk, County of Gilpin.

My commission expires: 6/14/18
Witness my hand and official seal.

