

## ORDINANCE NO. 18 - 03

AN EMERGENCY ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING CHAPTER 12 OF THE RIDGWAY MUNICIPAL CODE TO PROVIDE FOR ADDITIONAL BURING AND FIRE RESTRICTIONS DURING TIMES OF SIGNIFICANT DROUGHT AND OTHER PERIODS WHERE FIRE DANGER AND RISK TO THE PUBLIC ARE DETERMINED TO BE HIGH.

### RECITALS

The Town Council of the Town of Ridgway, Colorado, makes the following findings to support amendments of Chapter 12 of the Municipal Code:

**WHEREAS**, The Town of Ridgway (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the "Charter"); and

**WHEREAS**, The Town is governed by its Home Rule Charter ("Charter") as authorized by Article XX § 6 of the Colorado Constitution; and

**WHEREAS**, The Town Council has the authority, pursuant to Article III, Section 3-8 of the Charter, to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the affirmative vote of six members of the Town Council; and

**WHEREAS**, the Town Council has broad powers to regulate land use within the boundaries of the Town, particularly as those uses relate to property owned by, operated by or managed by the Town; and

**WHEREAS**, the Town and the surrounding area are experiencing an unprecedented drought, which has created extremely dangerous conditions for wildfire; and

**WHEREAS**, the conditions for fire danger are forecast to worsen, creating a situation where fires can easily be started by inadvertent activities, making certain activities unreasonably dangerous; and

**WHEREAS**, the Town Council finds that the risk to the health, safety and welfare of the citizens of the Town and surrounding areas from an accidental fire outweighs any impacts caused by the regulation of Town lands or imposition of fire restrictions as contemplated herein; and

**WHEREAS**, the Town Council finds that the resources of the Town, the State and the Federal governments have been severely impacted by the current fires and there are insufficient resources available to fight additional fires in the region; and

**WHEREAS,** Ouray County has taken action to impose Stage 2 fire restrictions, which prohibits burning and fire in a manner similar to that contemplated herein, and other surrounding counties and federal agencies such as the United States Forest Service and State of Colorado have also imposed similar and, in many cases, more restrictive restriction on public lands; and

**WHEREAS,** The Town Council finds that the conditions are extreme and unpredictable, making individual actions by Council on decisions related to fire restrictions and the uses and operation of the Town property impractical; and

**WHEREAS,** Without enacting this emergency ordinance the Town may not be in a position to be able to efficiently enforce its laws in the immediate future; and

**WHEREAS,** The Town Council of the Town of Ridgway desires to ensure the safety of the community and the safety of our public and private properties; and

**WHEREAS,** Chapter 12 of the Ridgway Municipal Code provides for Burning Restrictions within the Town of Ridgway; and

**WHEREAS,** The Town Council has determined it is necessary and appropriate to update the Town’s regulations to provide for additional burning and fire restrictions within the Town during times of significant drought or other periods where fire danger and risk to the public are determined to be high, in order to preserve the public health, safety and welfare of the Ridgway community.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO,** as follows:

**SECTION 1.**

Subsection 12-2-1(C) is added, as follows:

\* \* \*

(C) During times of Significant Drought, or other times where fire danger and risk to the public are determined to be high, and where similar burning and fire restrictions are also contemplated or employed by Ouray County, the Town Manager may promulgate emergency restrictions on burning and fires within the Town of Ridgway. Such emergency restrictions shall be subject to confirmation or amendment by the Town Council. Such restrictions may include but are not limited to the banning or restricting of:

- All campfires, fires in open pits or outdoor chimineas;
- All fires and burning of any kind or the burning of any material of any kind on public or private property within the Town, including all outdoor charcoal or wood grills, but shall not

prohibit the use of propane grills on private property where the propane grill has an “on/off” switch so that the fuel can be turned off;

- Fireworks or the use of explosives;
- Smoking on public property, except in an enclosed vehicle or building;
- Disposal of any cigarette anywhere outdoors;
- Operating any chainsaw, except with a fire extinguisher and shovel kept within immediate reach;
- Welding or use of torch with open flame, unless inside an enclosed structure and as an allowable use in the zoning district;
- Other activities determined to be of high risk in creating a wildfire and potential for loss of life or significant damage to personal property.

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## **SECTION 2.**

Effective Date and Duration. Pursuant to Article III, Section 3-8 of the Charter, this Ordinance shall be effective immediately upon adoption, as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein.

## **SECTION 3.**

Publication of Notice. Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

## **SECTION 4.**

Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

INTRODUCED, READ, HEARD and FINALLY ADOPTED before the Town Council of the Town of Ridgway, Colorado on the \_\_\_\_\_ day of June, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE  
MUNICIPALITY

By \_\_\_\_\_  
John Clark, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, MMC, Town Clerk

Approved As to Form:

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was published by title and posted thereafter, and adopted by the Ridgway Town Council on \_\_\_\_\_, 2018.

(SEAL)

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Pam Kraft, MMC, Town Clerk