

ORDINANCE

**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO,
AMENDING CHAPTER 6.34 OF THE MANITOU SPRINGS MUNICIPAL
CODE CONCERNING RESTRICTIONS ON OPEN FIRES AND OPEN
BURNING**

WHEREAS, to better protect life, limb and property from fire hazards, the City Council desires to update the City’s regulation of open fires and open burning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Chapter 6.34 of the Manitou Springs Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 6.34 – FIRE RESTRICTIONS AND FIRE BANS

Sections:

6.34.010 – Fire and Life Safety

To protect life and property as well as create a safer environment for the citizens, businesses, and visitors, it is necessary to impose restrictions and bans under specific conditions for open fires and open burning, including without limitation cooking fires, recreational fires, and certain activities that produce sparks and slag, such as grinding or welding, and explosive devices such as fireworks or those used in connection with construction activities.

6.34.020 – Definitions

Open Fires and Open Burning: Any outdoor fire, including, but not limited to cooking fires, recreational fires, campfires, warming fires, charcoal grill fires, fires in wood-burning stoves, portable fireplaces and pits, devices that produce sparks such as grinders and welding equipment, and fused explosives such as fireworks and construction devices.

Cooking Fire: A small fire kindled for the purpose of cooking or smoking food using only clean, dry untreated wood, charcoal, or wood pellets which are contained by fireplaces, fire pits (free standing and/or above ground), barbecues, smokers, or other systems approved by Manitou Springs Fire Department.

Recreational Fire: An outdoor fire burning natural materials, other than refuse or garbage, where the fire is not contained in an incinerator or outdoor fireplace and which is for pleasure, religious, ceremonial, warmth, or similar purposes.

Spark/Ember Arrestor: A device consisting of layers of metal mesh that is intended to catch and reduce hot embers from escaping from fires, while still allowing gases and smoke to exit.

6.34.030 – Regulations

Open fires and open burning within the city limits must conform to the following regulations:

- A. A safety area of 10 feet from the open fire shall be free of flammable vegetation or mowed to a very low height.
- B. The open fire shall be no less than 15 feet from other combustion sources, including but not limited to residences, barns, sheds, wooden fences, and similar structures.
- C. All fireplaces and pits shall be fitted with an appropriately sized and fitted Spark/Ember Arrestor.
- D. The total fuel area may not be greater than 3 feet in diameter and shall have a flame height of less than 2 feet.
- E. A means of extinguishing the fire shall be available and ready to deploy. These means shall include at a minimum:
 - 1. a portable fire extinguisher at least a 5lb type A rating;
 - 2. a water hose with sprayer attachment; or
 - 3. a 5-gallon bucket of water and shovel.
- F. All open fires shall be attended by a person at least 18 years of age who has a phone immediately available to call 911 and who is capable of using the means of extinguishing the fire.
- G. No refuse or yard debris may be burned.

6.34.040 – Red Flag Warnings

A Red Flag Warning is issued by the National Weather Service anytime warm temperatures, low humidity, and strong winds are expected to combine to produce an increased risk of fire danger. During times of Red Flag Warnings involving all or parts of the city, a Stage II Fire Ban will apply to such part of the city, as applicable, for the duration of Red Flag Warning. Any other applicable fire or open burning restriction shall remain in full force and effect.

6.34.050 – Fire Danger Declarations

When the Fire Chief determines that dangerous fire conditions exist, the Fire Chief shall declare the existence of such danger and announce the imposition of Stage I Fire Restrictions or a Stage II Fire Ban depending on the severity of the fire hazard. If the Fire Chief is unavailable, a designee of the Fire Department represented by successive chain of command shall make the determination and issue the appropriate declaration. Declarations of a fire restriction or fire ban shall be delivered in writing to the Mayor, City Councilors, City Administer, the Public Information Officer, and City Department heads. The City Administrator, Public Information Officer and Department Heads shall coordination distribution to all city employees and media sources as a Public Safety Announcement.

6.34.060 – Prohibited Activities: Stage I Fire Restrictions

Upon a declaration of a Stage I Fire Restriction, the following restrictions apply:

1. Open fires and open burning are prohibited, except for fires in permanently constructed fire rings within the city’s RV and camping parks; private residential charcoal grills and smokers, wood burning fireplaces (chiminea), or fire pits, provided they have proper fitting screen covers and they are separated by at least 15-feet from structures or other combustible material.
2. Outdoor smoking of any tobacco product or similar material in cigarettes, cigars, or pipes is prohibited, except that smoking is permitted within 15 feet of a city-approved disposal receptacle at city-approved locations. Discarding lighted cigarettes, cigars or pipe tobacco products outdoors, other than in a city-approved receptacle is also prohibited.

These restrictions do not apply to gas-fueled grills used out-of-doors, or to fires within liquid-fueled or gas-fueled stoves, provided they are at least 10 feet from combustible material (not including a private residential structure). Fireplaces and wood-burning stoves within private residences that are compliant with the city’s building and fire codes, are not subject to these restrictions.

6.34.070 – Prohibited Activities: Stage II Fire Ban

Upon declaration of a Stage II Fire Ban, the following restrictions apply:

1. All open fires and open burning are prohibited, including without limitation all cooking fires, recreational fires, campfires and warming fires, all solid fuel burning fireplaces (such as fire pits, fire tables, and chimineas) and cooking appliances (such as charcoal BBQ grills, pellet smokers and BBQ grills).
2. Outdoor smoking of any tobacco product or similar material in cigarettes, cigars, or pipes is prohibited, except that smoking is

permitted within 15 feet of a city-approved disposal receptacle at city-approved locations. Discarding of a lighted cigarette, cigar or pipe tobacco product outdoors, other than in a city-approved receptacle is also prohibited.

3. The sale and use of fireworks and the use of explosives (not limited to fireworks), fuses or blasting caps and rockets is prohibited.
4. The outdoor use or operation of any equipment that may emit sparks (such as a grinder or chain saw) or that involves an open flame (such as welding equipment) without a chemical pressurized fire extinguisher equal to or exceeding a rating of 2A 10BC readily available to the operator is prohibited.

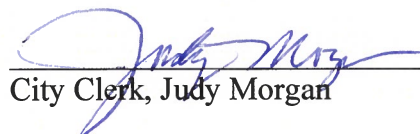
These restrictions do not apply to gas-fueled grills used out-of-doors, or to fires within liquid-fueled or gas-fueled stoves, provided they are at least 10 feet from combustible material (not including a private residential structure). Fireplaces and wood-burning stoves within private residences that are compliant with the city's building and fire codes, are not subject to these restrictions.

6.34.080 - Violation—Penalty.

Violation of any provision of this chapter is punishable in accordance with the provisions of Section 1.01.100 of this Code of Ordinances. The Municipal Judge is authorized to designate violations of this Chapter as offenses for which a penalty assessment may be issued and the Municipal Judge may establish a schedule of fines to be paid for violations of this Chapter.

- Section 2:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- Section 3:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.
- Section 4:** This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and ordered published this 3rd day of May 2022.

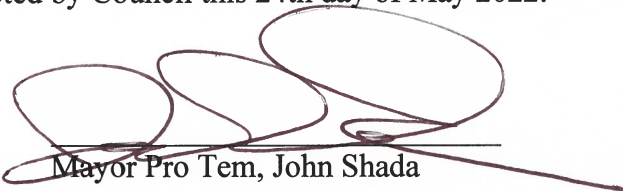


City Clerk, Judy Morgan

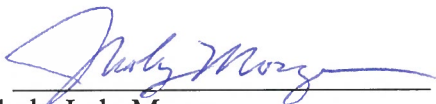
A Public Hearing on this ordinance will be held at the May 17, 2022, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: May 4, 2022.
City's Official Website and City Hall

The second reading and Public Hearing of Ordinance No. 1022 was continued to the May 24, 2022, meeting; and passed on second reading and adopted by Council this 24th day of May 2022.



Mayor Pro Tem, John Shada

Attest: 
City Clerk, Judy Morgan

Published: May 25, 2022 (by title or in full)
City's Official Website and City Hall