

TOWN OF BUENA VISTA, COLORADO

**ORDINANCE NO. 10
(SERIES OF 2017)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING CERTAIN SECTIONS OF ARTICLE VIII OF CHAPTER 7
OF THE BUENA VISTA MUNICIPAL CODE REGARDING OPEN
BURNING.**

WHEREAS, the Town currently does not have thorough open burning regulations including permitting of certain types of fires;

WHEREAS, the Town recognizes the Town and the surrounding area is susceptible to wildfires which during period of drought can cause extensive damage to property and persons; and

WHEREAS, the Town desires to adopt regulations regarding open burnings to protect and preserve the health, safety and welfare of the Town and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Article VIII of Chapter 7 is hereby amended and renamed “Article VIII - Open Burning.”

Section 2. Section 7-182 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

Open burning means the burning of any material or substance, including rubbish, wastepaper, wood, vegetative material or any other flammable material, in the ambient air on any open premises, or on any public street, alley, or other land adjacent to such premises, or in a receptacle where emissions are released directly into the air without passing through a chimney or stack.

Section 3. Section 7-183 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

It shall be unlawful for any person to conduct any open burning on any premises, public street, alley, or other land except as permitted by this Article.

Section 4. Section 7-184 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 7-184. – Fire Pits

Open fire pits are permitted within the Town subject to the following restrictions:

- a. An open fire pit may not be more than three (3) feet in diameter as measured from the inside of the pit. A burn barrel may not be used as a fire pit under this Section.
- b. A pit, measured from the center point, must be located a minimum of fifteen (15) feet from the clearance of any structure or combustible material.
- c. The fire shall be solely contained within the pit.
- d. The fire may not exceed three (3) feet in diameter or three (3) feet in height.
- e. No leaves, yard waste, trash of any kind, or other material, with the exception of wood, may be burned in the fire.
- f. The fire must be constantly monitored and attended.
- g. Either a fully charged garden hose or a fire extinguisher (5# minimum size, ABC class) and shovel or like tool must be readily available and located in proximity to the fire.
- h. Fire must be fully extinguished.
- i. Fire must be extinguished upon the order of any member of the Buena Vista Fire Department or the Buena Vista Police Department.

Section 2. Section 7-185 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 7-185. - Portable Outdoor Fireplaces

Portable outdoor fireplaces that are open hearth or with chimney, non-combustible construction, and small fire pits with wire-mesh spark shield in place shall meet the requirements of Sec. 7-184, except the distance requirement from the clearance of any structure or combustible material shall be reduced to fifteen (15) feet.

Section 3. Article VIII of Chapter 7 of the Buena Vista Municipal Code is hereby amended by the addition of the following new subsections:

Sec. 7-186. – Bonfires

Bonfires shall be conducted only with approval and issuance of a permit by the Buena Vista Fire Department. The Fire Department may impose such conditions as deemed necessary to ensure safety and compliance with Colorado Air Quality Control Commission’s Regulations.

Sec. 7-187. – Cooking Food for Human Consumption

Fires for cooking food for human consumption are permitted with the Town subject to the following restrictions:

- a. Grills used for cooking are prohibited on unsprinklered combustible balconies or within ten (10) feet of combustible materials except as otherwise permitted in this Article.
- b. In duplexes, triplexes and other multi-family dwelling units, small propane grills with no greater than a 2.5 pound cylinder are permitted on balconies.

Sec. 7-188. - Open Burning

Open burning not otherwise permitted under this Article is only permitted with a burn permit issued by the Buena Vista Fire Department subject to the following restrictions:

- a. Yard waste, including tree limbs no larger than six (6) inches, brush, leaf litter loosely stacked may be burned. No tree stumps are permitted.
- b. Household waste and trash, construction debris, burn barrels, tires, plastic, treated wood, rubber products, insulated wire and hazardous or toxic material that can cause toxic or substantial smoke are prohibited.
- c. Burning any structure for demolition purposes is prohibited.
- d. Permittee must contact Chaffee County Sheriff Communication dispatch to provide notification of the permitted burn and follow requirements set by Chaffee County Sheriff Department.
- e. Fire must be extinguished immediately upon the order of the Buena Vista Fire Department or Buena Vista Police Department.
- f. Permittees assume all liability for any damages caused by any fire set under the permit.
- g. Methods to extinguish the fire must be readily available and located in close proximity to the fire.
- h. Fire must be fully extinguished.
- i. The Fire Department may impose such conditions as deemed necessary to ensure safety and compliance with Colorado Air Quality Control Commission's Regulations.

Sec. 7-189. - Penalties.


Violations of this Article shall be punishable in accordance with the provisions of Section 1-72 of this Code. Additionally, violations of this Article are hereby deemed and declared to be public nuisances and may be abated by injunction or such other remedy as provided by law or equity.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 9th day of May, 2017.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.



ATTEST:


Janell Sciacca, Town Clerk

TOWN OF BUENA VISTA, COLORADO

By: 
Joel Benson, Mayor