

ORDINANCE NO. 578

AN ORDINANCE PROHIBITING OPEN BURNING WITHIN THE  
CITY OF LAS ANIMAS.

WHEREAS, the Municipal Code of the City of Las Animas permits for open burning within the City of Las Animas under limited circumstances as authorized by permit; and

WHEREAS, the City Council of the City of Las Animas deems that open burning within the City of Las Animas is detrimental to the health, safety and welfare of the citizens of the City of Las Animas; and

WHEREAS, the City Council of the City of Las Animas deems it imperative that open burning cease, except under certain very controlled circumstances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS,  
COLORADO:

**SECTION 1.** That Sections 17-23, 17-24, 17-25, 17-27, and 17-28, of the Municipal Code of the City of Las Animas are hereby repealed in their entirety.

**SECTION 2.** That a new Section 17-23 is hereby enacted as follows:

Prohibition: Open burning of any material, of any kind or nature, is hereby expressly prohibited within the City limits, exhibit as allowed pursuant to Section 17-24 or Section 17-25.

**SECTION 3.** That a new Section 17-24 is hereby enacted as follows:

In-Home Fireplaces, Stoves and Barbecues: No application of Section 17-23 shall prohibit persons from utilizing home coal burning stoves or wood burning stoves used for heating purposes within the home, for purposes of utilizing heat derived from potbellied stoves and/or fireplaces contained within the structural unit or for purposes of cooking food stuffs for human consumption. No application of Section 17-23 shall prohibit persons from utilizing barbecues, both on a permanent and on a temporary structure, nor shall anything be construed as to preclude the use of outside ovens, grills, cooking devices, roasting pits, and other matters generally used in the preparation of food stuffs for human consumption.

**SECTION 4.** A new Section 17-25 is hereby enacted as follows:

Controlled Burning: The local fire department, under the supervision of the Fire Chief or his assignee, may conduct controlled burning of vacant lots and other premises, so as to remove combustible dead vegetation, and other combustible materials, so as to ensure the safety of the community. Controlled burning is authorized only if under the supervision of the fire department, and only to the extent that the controlled burning eradicates an otherwise dangerous circumstance. A permit must be obtained as set forth in Section 17-27.

**SECTION 5.** A new Section 17-27 is hereby enacted as follows:

In the event that the Police Chief allows for controlled burning, a permit must be obtained and approved with the following criteria:

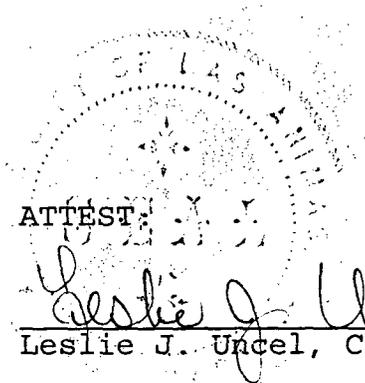
- a. The Police Chief must approve the same in writing.
- b. The permit must set the specific dates and times in which the burn shall occur.
- c. The burn must be attended at all times and the person attending the burn must submit his name and address to be set forth on the permit.
- d. In the event that a building is within 100 feet of the proposed burn, then evidence must be submitted indicating a garden hose and water tap is available so as to allow for access to the burn.
- e. No burn may be allowed if the wind gust for that particular day exceed 10 mph.

**SECTION 6.** A new Section 17-28 is hereby enacted as follows:

If any persons violate the terms and provisions of Section 17-23 above, then said person and/or owner of the real property upon which said burn is located, shall be responsible for the repayment to the City of Las Animas, or to any of its assignees who may conduct fire fighting activities, the actual expenses incurred by the fire department in responding to, extinguishing, and controlling the unauthorized fire. Nothing contained in this section shall apply to Section 17-24 above or to a controlled burn in as allowed by Section 17-25.

ADOPTED on first reading this 11th day of June, 1996.

PASSED on second reading this 9th day of July, 1996.



ATTEST

Leslie J. Uncel  
Leslie J. Uncel, City Clerk

CITY OF LAS ANIMAS  
William F. Howland  
William F. Howland, Mayor

vc

C-LINE #620583  
CLEAR TOPPER

