



Ordinance 2018-05

**AN EMERGENCY ORDINANCE ESTABLISHING A PHASE II MUNICIPAL FIRE BAN AND PROVIDING PROVISIONS FOR THE INITIATION OF STAGE II FIRE RESTRICTIONS**

**WHEREAS**, pursuant to Colorado Revised Statutes 31-15-401(q)(l) and 31-15-601(j.5), the Town of Silverton, through the Board of Trustees has the authority to control and limit fires, including but not limited to the prohibition, banning, restriction of fires within the jurisdiction of the Town; and

**WHEREAS**, the USFS – San Juan National Forest and San Juan County have adopted Stage II Fire Restrictions pursuant to 16 United States Code (U.S.C.) 551 and 36 Code of Federal Regulations (C.F.R.) 261.50(a) and (b).

**WHEREAS**, the Town Board finds it prudent to adopt such emergency fire restrictions as are appropriate at any given time in surrounding San Juan County.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF SILVERTON, COLORADO as follows:**

1. The following provisions of the Municipal Code of the Town of Silverton, along with any other provisions which may pertain to lighting and/or keeping open fires within the jurisdictional limits of the Town are hereby suspended until such time as the Town Board moves to repeal the terms of this Ordinance in full or in part.
2. Until Such Suspensions have been lifted, the following restrictions pertaining to outdoor activities within the jurisdictional limits of the Town shall apply:
  - a. **Building, maintaining, attending an Open Flame**, 36 CFR 261.52(a), including camp fire, stove fire, charcoal grills and barbeques, coal and wood burning stoves and devices (stoves, grills, or lanterns) using liquid fuel such as white gas or kerosene. Except: devices (stoves, grills or lanterns) using pressurized gas canisters (isobutene or propane) that include shut-off valves or within a closed vehicle or building.
  - b. **Smoking**, 36 CFR 261.52(c). Except: Within an enclosed vehicle, trailer, or building.
  - c. **Welding** or operating acetylene or other torch with open flame. 36 CFR 261.52(i)
  - d. **Using an explosive**. 36 CFR 261.52(b). This includes but is not limited to fuses or blasting caps, fireworks, rockets, exploding targets, and tracers or incendiary ammunition.
  - e. **Operating or using any internal combustion engine**, or spark creating tools (e.g. grinders, chainsaw, generator, ATV) without a spark arresting device properly installed, maintained and in effective working order meeting USDA Forest Service or SAE approval.
  - f. **Operating a chainsaw** without an approved spark arresting device as described above, a chemical pressurized fire extinguisher (8oz capacity by weight or larger and kept with the

operator) and a round point shovel with an overall length of at least 35 inches readily available for use, or outside of the restricted hours of 5am-1pm. 36 CFR 261.52(h)  
g. **Discharging a firearm, air rifle, or gas gun.** 36 CFR 261.52(h)

3. Persons found to have violated the provisions of this Ordinance shall be subject to the following penalty assessment: mandatory court summons issued by the citing law officer with a fine of up to \$1000:
  - a. Unauthorized smoking
  - b. Unauthorized use of non-compliant motorized equipment
  - c. Unauthorized fire
  - d. Unauthorized use of fireworks
  
4. This Ordinance shall become effective immediately upon passage by the Board of Trustees and shall be published in full in the newspaper on or before June 7, 2018.

**THIS ORDINANCE was approved and adopted the 3rd day of June, 2018 by the Board of Trustees of the Town of Silverton, Colorado.**

ATTEST:

  
Michelle Hamilton, Town Clerk/Treasurer

  
Christine M. Tookey, Mayor

June 3, 2018  
Date