

ORDINANCE NO. 2019-004

AN ORDINANCE AMENDING SECTIONS 8.24.020 AND 8.26.040 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING FIREWORKS

WHEREAS, Town Council desires to protect the health, safety and welfare of its residents when there is a heightened concern related to high fire danger, particularly in times when there are drought conditions, lack of forecasted moisture, and high winds and temperatures predicted; and

WHEREAS, the sale, use, or possession of fireworks during a Stage 1 or 2 Fire Restrictions possess significant health, safety, and welfare concerns; and

WHEREAS, the Town's geographical considerations, open spaces, parks, and densely vegetative areas heighten concerns related to the sale, use or possession of fireworks during Stage 1 or 2 Fire Restrictions; and

WHEREAS, the risk of fire danger may increase based on human activities that are known to be high risk including the sale, use, or possession of fireworks in the Town; and

WHEREAS, it is the intention of Town Council to impose additional restrictions on the sale, use or possession of fireworks during Stage 1 or 2 Fire Restrictions.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 8.24.020 of the Castle Rock Municipal Code, entitled Unlawful to manufacture, sell, use or possess; exceptions, is amended to read as follows:

8.24.020 Unlawful to manufacture, sell and possess; exceptions

A. It is unlawful to manufacture, sell, use or possess fireworks within the municipal limits of the Town except in accordance with the provisions of the fireworks permitting regulations of the State.

B. It is unlawful to sell, or possess for sale, permissible fireworks within the municipal limits of the Town without obtaining a proper permit from the Town for such sale or possession for sale and complying with all of the provisions of this Chapter.

C. During Stage 1 or 2 Fire Restrictions, as declared by the Town Manager and Fire Chief, it is unlawful to sell, or possess for sale, permissible fireworks.

Section 2. Amendment. The definition of *Open fire or open burning* as set forth in Section 8.26.040 of the Castle Rock Municipal Code is amended to read as follows:

Open fire or open burning shall mean any outdoor fire, including, but not limited to, campfires, warming fires, the lighting of any fused explosives and fireworks of any kind or brand, the lighting of model rockets and the burning of fence lines or rows, fields, farm lands, range lands, wildlands, trash and debris. However, the following shall be excepted from the provisions of this Chapter:

Stage 1 fire restrictions shall mean:

1. No building, maintaining, attending or using an open fire, campfire or stove fire (a stove fire is defined as a campfire built inside an enclosed stove or grill, portable brazier or a pressurized liquid or gas stove, including a space- heating device) without a permit. The following actions are permitted: petroleum-fueled stoves, lanterns or heating devices, provided that such devices meet the fire underwriter's specifications for safety.
2. No smoking unless in an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material. Open discarding of smoking materials is a violation of the restrictions and the International Fire Code Section 310.7.
3. Prohibiting welding or operation of torches with open flame in outdoor areas, including public and greenbelts and trail systems without a permit.
4. Prohibiting the operation or use of any internal or external combustion engine without a spark-arresting device properly installed, maintained and in effective working order.
5. [No use or sale of fireworks.](#)

Allowable activities include:

1. Permitted fires. Persons with a permit specifically authorizing the prohibited act or omission. Permits can be obtained at the Fire Department.
2. Gas grills. Fires contained within liquid-fueled or gas-fueled stoves, fireplaces within buildings and fires in wood-burning stoves.
3. Explosive waste. Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district.
4. Suppression fires. Any federal, state or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

5. Small recreational fires. Except when fire restrictions have been elevated to Stage 2, the following shall be exempt from the prohibitions: small recreational fires at developed picnic or campground sites contained in permanent fire pits or fire grates, with flame lengths not in excess of four (4) feet or the residential use of charcoal grills, fires in chimineas or other portable fireplaces or patio fire pits, so long as said fires are supervised by a responsible party at least twenty-one (21) years of age. Small recreational fires shall in no event be construed to include fireworks as defined in Chapter 8.24.

6. Smoking. Smoking on private property.

Stage 2 restrictions shall mean the inclusion of all Stage 1 restrictions, and add the following conditions:

1. No open burning of any kind.
2. No use or sale of fireworks
3. No use of charcoal grills and fire chimineas, other portable fireplaces or patio fire pits.
4. No campfires, developed campgrounds or picnic areas.

Allowable Activities:

1. Cooking on gas- or liquid-fueled stoves or grills.
2. Persons with permits specifically authorizing the prohibited act or omission.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 4. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 19th day of February, 2019 by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

TABLED INDEFINITELY by a vote of 7-0

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Norris W. Croom III, Fire Chief

NOT APPROVED