

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 03

4
5 Series, 2020

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8 AN ORDINANCE OF THE CITY OF LITTLETON,
9 COLORADO, ADDING CHAPTER 4 OF TITLE 5 OF THE
10 LITTLETON MUNICIPAL CODE ENTITLED FIRE BAN
11 ADOPTION
12

13
14 WHEREAS, the City of Littleton has the authority under C.R.S. §31-16-101, and
15 otherwise under its authority as a home rule city to establish laws, regulations, and procedures that
16 provide for the safeguarding of life and property from fire and explosions arising from conditions
17 hazardous to life or property; and

18
19 WHEREAS, the Littleton City Council has adopted the International Fire Code to
20 protect public safety; and

21
22 WHEREAS, the City Council finds that from time to time there exist serious or
23 even extreme fire dangers due to atmospheric conditions or other local conditions, and that fires
24 during these times represent a great risk to property and to life; and

25
26 WHEREAS, the City Council acknowledges that County officials have the
27 authority under C.R.S. §30-15-401(1)(n.5) to ban open fires in unincorporated areas of the County
28 under certain conditions; and

29
30 WHEREAS, the City Council acknowledges that fire department officials from
31 South Metro Fire Rescue (SMFR) that serve Littleton also have the expertise to determine when a
32 Stage 1 fire restrictions or a Stage 2 fire ban is necessary to protect public safety; and

33
34 WHEREAS, the City Council has determined that the City Manager should have
35 the authority to declare that fire restrictions or a fire ban is in effect within the City, and to take all
36 other reasonable and necessary actions to implement and enforce the restrictions or the ban; and

37
38 WHEREAS, the City Council finds that adoption of procedures relating to the
39 declaration and enforcement of fire restrictions or a fire ban within the City is necessary to protect
40 the health, safety, and welfare of the public.

41
42 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
43 THE CITY OF LITTLETON, COLORADO, THAT:

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45 Section 1: Chapter 4 of Title 5, Fire Ban Adoption, is hereby **added** to the Littleton
46 City Code to read as follows:

47
48 **5-4-1: Legislative declaration, purpose, and scope.**

49 (a) Legislative declaration. The City Council finds that establishing laws, regulations, and
50 procedures that safeguard life and property from fire and explosion dangers arising from hazardous
51 conditions is necessary to protect the health, safety, and welfare of the public. The City Council
52 also finds that County and SMFR officials have the necessary expertise to determine when Stage
53 1 fire restrictions or a Stage 2 fire ban is necessary to protect the public's health, safety, and welfare.

54 (b) Purpose. The purpose of this ordinance is to provide for the regulation of open fires or
55 burning, or recreational fires, when atmospheric or other local conditions increase the danger of
56 wild or other uncontrolled fires.

57 (c) Scope. This Chapter does not apply to:

58 (1) A fire specifically authorized by permit issued by the fire code official having
59 jurisdiction over the fire location including, but not limited to: a fire permitted as part of a
60 professional fireworks display, permitted as part of the use of a pyrotechnics device or of
61 pyrotechnics, or a permitted bonfire; or

62 (2) An open fire or open burning activity by any federal, state, or local fire
63 protection employee as part of an authorized training exercise or otherwise in the
64 performance of an official fire suppression function.

65 **5-4-2: Definitions.**

66 Except as set forth herein, or except where the context clearly indicates otherwise, words, terms,
67 and phrases used in this article shall have the meanings ascribed to them in the International Fire
68 Code as adopted by the City.

69 SMFR: The South Metro Fire Rescue.

70 COUNTY: Arapahoe County, Douglas County or Jefferson County.

71 HOT WORK: Operations including, but not limited to, cutting, welding, thermit welding, brazing,
72 soldering, grinding, thermal spraying, thawing pipe, installation of torch-applied roof systems, or
73 any other similar activity. It also includes the operation of an electric or gas-fueled portable
74 powered welder or cutting appliance that produces heat, flame, sparks, or molten metal slag.

75 LIQUID- OR GAS-FUELED APPLIANCE: Any equipment or device that burns liquid or gaseous
76 fuel that can be shut off by means of a switch or other mechanical means and that is designed or
77 intended for use outdoors to produce heat for pleasure, religious, ceremonial, cooking, warmth, or
78 similar purposes. This includes, but is not limited to, a liquid- or gas-fueled camp stove, fire pit,
79 or grill.

80 CITY MANAGER: The Littleton City Manager or his or her designee.

81 OPEN FIRE OR OPEN BURNING: Has the meaning set forth in the International Fire Code. It
82 also includes a fire or combustion of materials created as a result of hot work, or a fire in a tethered
83 or untethered sky lantern. For purposes of enforcement of this Article, and notwithstanding any

84 other provision of this Code, any fire that is not a recreational fire shall be deemed to be an open
85 fire.

86 **PORTABLE OUTDOOR FIREPLACE:** A portable, outdoor solid-fuel-burning fireplace that may
87 be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor
88 fireplace may be open in design or may be equipped with a small hearth opening and a short
89 chimney or chimney opening in the top. This type of fireplace is sometimes known as a chiminea.

90 **RECREATIONAL FIRE:** An outdoor fire burning materials other than rubbish where the fuel
91 being burned is not contained in an incinerator and that has a total fuel area of 3 feet (914 mm) or
92 less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking,
93 warmth, or similar purposes. For purposes of this article, a recreational fire includes, but is not
94 limited to, a fire in a charcoal barbeque grill, a barbeque pit, a fire pit, or a fixed, permanent outdoor
95 fireplace that is fueled by charcoal, wood, or other solid fuel, a fire in a barrel or drum, a fire in a
96 portable outdoor fireplace, or a fire in a tiki torch, or in a similar device, object, or piece of
97 equipment. It also includes any fire created as a result of the use of liquid- or gas-fueled appliance.

98 **STAGE 1 FIRE RESTRICTION OR RESTRICTIONS:** A limitation or limitations on building,
99 maintaining, or attending to a recreational fire, an open fire, or on acts related to, or that may
100 create, open burning, and as further described in section 5-4-5 of this Title.

101 **STAGE 2 FIRE BAN:** A limitation or limitations on building, maintaining, or attending to a
102 recreational fire, an open fire, or on acts related to, or that may create, open burning, and as further
103 described in section 5-4-6 of this Title.

104 **UNDEVELOPED AREA:** Publicly or privately-owned land that is not landscaped, groomed,
105 manicured through frequent and regular mowing, or watered by means other than natural
106 precipitation, or any area where vegetation has been allowed to grow in a natural environment or
107 manner such that it may reasonably be deemed an undue wild fire hazard.

108 **5-4-3: Authority.**

109 The City Manager may declare and implement Stage 1 fire restrictions or a Stage 2 fire bans based
110 upon and following the declaration of fire restrictions or a fire ban by the County or by
111 recommendation of the SMFR.

112 **5-4-4: Declaration and notice.**

113 (a) Issuance of the declaration. Within a reasonable time after the County declares fire
114 restrictions or a fire ban to be in effect in unincorporated areas of the County, or the SMFR
115 recommends the imposition of fire restrictions or a fire ban, the City Manager may declare Stage
116 1 fire restrictions or a Stage 2 fire ban to be in effect within or upon any area within the City by
117 publishing notice of the restrictions or ban on the City's website. Subject to available resources,
118 the City Manager may cause the declaration to be published on other social media sites of the City
119 Manager's choosing, or by other means deemed reasonably necessary to implement or publicize
120 the restrictions or ban.

121 (b) Contents of the declaration. The declaration of the existence of Stage 1 fire restrictions
122 or a Stage 2 fire ban must specify the date the restrictions or ban begins and the geographic
123 parameters of the restrictions or ban. The declaration must specify whether Stage 1 fire restrictions
124 or a Stage 2 fire ban is in place, and the general nature of the activities prohibited and allowed
125 under the restrictions or ban. In addition, the declaration must reference this article of the Code.

126 (c) Other information. The declaration may specify measures citizens may take to reduce
127 the possibility of, or to prevent, uncontrolled fires, and to extinguish fires that do occur. The notice
128 may remind the public that the possession, manufacture, storage, sale, handling, and use of
129 fireworks, and the discharge of firearms, are prohibited throughout Littleton.

130 (d) Withdrawal of the declaration. The declaration may be withdrawn by the City Manager
131 after a County declaration has been lifted, after the SMFR has withdrawn its fire restrictions or
132 ban recommendation, or otherwise upon a finding by the City Manager that there exists competent
133 evidence to lift the restrictions or ban, and by the publication of the withdrawal of the declaration
134 on the City's website. The notice must specify the date the declaration is withdrawn. The notice
135 may specify the reason or reasons the declaration is withdrawn. Subject to available resources, the
136 City Manager may also publish the withdrawal of the declaration on other social media sites or by
137 other means deemed reasonable by the City Manager.

138 **5-4-5: Stage 1 fire restrictions - unlawful acts.**

139 (a) Fire restrictions generally. Notwithstanding any other provision of this Code, it shall be
140 unlawful for a person to build, maintain, attend to, or use a recreational fire or an open fire within
141 the City after a Stage 1 fire restrictions declaration has been issued by the City Manager.

142 Exceptions: The following acts or activities are allowed during a declared Stage 1 fire
143 restrictions period:

- 144 1. Fires contained within liquid fueled or gas stoves, fireplaces and wood burning
145 stoves/fireplaces within habitable buildings.
- 146 2. Propane/LP/Natural Gas fueled barbecue grills used for cooking or warming
147 food, which do not produce or emit sparks or embers when used.
- 148 3. Propane/LP/Natural Gas fueled fire pits that do not produce or emit sparks or
149 embers when used.
- 150 4. Public fireworks displays permitted by appropriate fire district/public safety
151 personnel and supported by adequate equipment assigned to be on the scene of
152 such site, at the discretion of the fire district/public safety authority.
- 153 5. Charcoal fueled grills and pits used for cooking or warming food, which do not
154 produce or emit sparks or embers when used.
- 155 6. Fire set by any federal, state, or local officer, or member of a fire protection
156 district in the performance of an official duty.
- 157 7. Residential use of charcoal grills, Tiki torches, chimineas or other portable
158 fireplaces or patio fire pits where allowed by code. Fires must be supervised by
159 a responsible person of at least 18 years of age.

- 160 8. Small recreational fires at developed picnic or campground sites contained in
161 fixed permanent metal/steel fire pits (rock fire rings are considered temporary
162 and not permanent) with flame lengths not in excess of four feet.

163 **5-4-6: Stage 2 fire ban - unlawful acts.**

164 (a) Fire ban generally. Notwithstanding any other provision of this Code, it shall be
165 unlawful for a person to build, maintain, attend to, or use a recreational fire or an open fire within
166 the City after a Stage 2 fire ban declaration has been issued by the City Manager.

167 Exceptions: The following acts or activities are allowed during a declared Stage 2 fire ban
168 period:

- 169 1. Fires contained within liquid fueled or gas stoves, fireplaces and wood burning
170 stoves/fireplaces within habitable buildings.
171 2. Propane/LP/Natural Gas fueled barbecue grills used for cooking or warming food,
172 which do not produce or emit sparks or embers when used.
173 3. Charcoal fueled grills and pits used for cooking or warming food, which do not produce
174 or emit sparks or embers when used.
175 4. Propane/LP/Natural Gas fueled fire pits that do not produce or emit sparks or embers
176 when used.
177 5. Fire set by any federal, state, or local officer, or member of a fire protection district in
178 the performance of an official duty.
179 6. Public fireworks displays supervised by appropriate firefighting/public safety
180 personnel and supported by adequate equipment assigned to be on the scene of such
181 permitted

182 **5-4-7: Initiation of prosecution.**

183 (a) Initiation of prosecution. When a peace officer finds any person has acted in violation
184 of this article, he or she may issue a summons and complaint to that person, firm, or corporation.

185 (b) Unattended or abandoned locations. For unattended or abandoned locations, a copy of
186 a summons and complaint shall be posted on the premises in a conspicuous place at or near the
187 entrance to such premises, and the summons and complaint shall be mailed by certified mail, with
188 return receipt requested or a certificate of mailing, to the last known address of the owner,
189 occupant, or both.

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191 **5-4-8: Penalty.**

192 Any violation of this Article shall be punished by a fine or imprisonment not to exceed the limits
193 established in section 1-4-1 of this Code.

194

195 **Section 2:** Severability. If any part, section, subsection, sentence, clause or

196 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
197 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
198 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
199 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
200 phrases may be declared invalid.

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202 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
203 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
204 clauses of such ordinance nor revive any ordinance thereby.

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207 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
208 of the City of Littleton on the 21st day of January, 2020, passed on first reading by a vote of 7
209 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
210 Municipal Courthouse and on the City of Littleton Website.

211 PUBLIC HEARING on the Ordinance to take place on the 18th day of February,
212 2020, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
213 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

214 PASSED on second and final reading, following public hearing, by a vote of _____FOR
215 and _____ AGAINST on the 18th day of February, 2020 and ordered published by posting at
216 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

217 ATTEST:

218 _____
219 Colleen L. Norton
220 INTERIM CITY CLERK

Jerry Valdes
MAYOR

221
222
223 APPROVED AS TO FORM:

224 _____
225
226
227 Reid Betzing
228 CITY ATTORNEY

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