



Memorandum

To: Town Council

From: Mike Vaughan, Fire Marshal

Date: December 5, 2017

Subject: Ordinance No. 19, Series of 2017

I. Background

At the August 1, 2017 Town Council meeting, direction was provided to staff regarding amending Town of Vail Code regarding open burning. The Ordinance No. 19, Series of 2017 is based upon direction provided to staff by Town Council.

Currently open burning is addressed in Title 5, Chapter 8 and Title 10 Chapter 1 (amendments to the International Fire Code) of the Vail Town Code. Within these two sections, there are currently conflicts regarding regulations related to open burning. The proposed Ordinance will repeal Title 5, Chapter 8 of the Vail Town Code and amend Title 10, Chapter 1 to clarify permissible and prohibited activities related to open fires.

II. Summary of Changes

- 1) Definitions updated to clarify difference between outdoor burning and the use of outdoor fireplaces
- 2) Expand prohibition of open burning to include outdoor fireplaces during Stage 2 and Stage 3 fire restrictions and Red Flag Fire Weather Warning days
- 3) Provides extinguishment authority in situations in which the smoke from an otherwise permissible open burning is creating a nuisance or health hazard
- 4) Provides specific guidance on use of outdoor fireplaces
- 5) Establishes a prohibition on the use of portable outdoor fireplaces in short term rental units

Note: The proposed regulations do not apply to outdoor fireplaces which burn propane or natural gas

III. Staff Recommendation

Adopt or amend on first reading Ordinance No. 19, series of 2017 repealing and Title 5, Chapter 8 of the Vail Town Code and amending Title 10, Chapter 1 of the Vail Town Code.