

**ORDINANCE NO. 19
SERIES 2017**

**AN ORDINANCE REPEALING CHAPTER 8 OF TITLE 5 AND
AMENDING SECTION 10-1-4 OF THE VAIL TOWN CODE BY
AMENDING SECTIONS OF THE 2015 INTERNATIONAL FIRE CODE,
CONCERNING OPEN BURNING**

WHEREAS, pursuant to Ordinance No. 14, Series 2015, the Town adopted by reference the 2015 International Fire Code ("IFC");

WHEREAS, in Section 10-1-4 of the Vail Town Code, the Town enacted certain amendments to the IFC; and

WHEREAS, the Town Council now desires to further amend the IFC concerning open burning, and to repeal duplicative provisions contained in Chapter 8 of Title 5 of the Vail Town Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Chapter 8 of Title 5 of the Vail Town Code is hereby repealed in its entirety.

Section 2. The following provisions of Section 10-1-4 of the Vail Town Code are hereby amended to read as follows:

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Section 202 – Definitions: The definition of "Portable outdoor fireplace" in Section 202 is hereby deleted and replaced with the following:

"Portable outdoor fireplace: A portable outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material and equipped with a screen or other approved spark arrestor. A portable outdoor appliance may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney on top."

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Section 307.1.1 – Prohibited Open Burning: Section 307.1.1 is deleted and replaced with the following:

"The following activities are unlawful in the Town:

- A. Open burning;

- B. Bonfires;
- C. The burning of any materials when a National Weather Service Red Flag Warning is activated;
- D. The burning of any materials when Eagle County has enacted Stage 2 or Stage 3 fire restrictions; and

Exceptions:

- 1. Burning conducted for training purposes by the Vail Fire and Emergency Services;
- 2. When the burning is a smokeless flare or a safety flare used to indicate some danger to the public; and
- 3. Open burning conducted pursuant to a permit issued by the Fire Code Official upon written application, if the Fire Code Official determines that such burning will be done without hazard to the public health, safety or welfare."
- 4. Prescribed burning for purpose of reducing the impact of wildland fire when authorized by the Fire Code Official.

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Section 307.3 – Extinguishment Authority: Section 307.3 is deleted and replaced with the following:

"If any permitted open burning (including use of a portable outdoor fireplace) creates or otherwise adds to a hazardous situation or creates a nuisance or health risk due to smoke or other products of combustion, the fire shall be ordered to be extinguished by the Town fire department or police department."

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Section 307.4.3 – Portable Outdoor Fireplaces: Section 307.4.3 is hereby deleted and replaced with the following:

"Use of a portable outdoor fireplace shall be permitted subject to the following restrictions:

- 1. Portable outdoor fireplaces shall be equipped with properly fitting spark screens or arrestors;
- 2. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions;

3. Portable outdoor fireplaces shall contain a minimum clearance of fifteen (15) feet from a structure or combustible materials;

4. The smoke from a portable outdoor fireplace shall be maintained in such a manner to avoid causing a nuisance or hazardous condition;

5. The fire shall be constantly attended by an adult until the fire is extinguished; and

6. The user shall, at all times, have a minimum of one (1) portable fire extinguisher containing a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrels, garden hose, or water truck available for immediate utilization.

7. Use of a portable outdoor fireplace on a short-term rental property is prohibited."

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Section 307.5 – Attendance: Section 307.5 is hereby deleted and replaced with the following:

"Permitted open burning, including the use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization."

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 5. The amendment of any provision of the Vail Town Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 5th day of December, 2017 and a public hearing for second reading of this Ordinance is set for the 19th day of December, 2017, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 19th day of December, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk