

**ORDINANCE NO. 9**

**SERIES 2012**

**AN EMERGENCY ORDINANCE IMPLEMENTING STAGE  
2 FIRE RESTRICTIONS IN THE TOWN OF CRESTED  
BUTTE**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, Section 4.12 of the Town Charter authorizes the passage of an emergency ordinance for the preservation of public property, health, peace or safety; and

WHEREAS, due to the very dry weather conditions that have created a very high fire danger in Gunnison County, and throughout the State of Colorado, stage 2 fire restrictions are necessary and appropriate in order to preserve public property and the health, peace and safety of the residents of the Town of Crested Butte; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Implementing State 2 Fire Restrictions.** Stage 2 fire restrictions are immediately in place for the Town of Crested Butte, until further notice, prohibiting:

1. Open burning, the use of fireworks, open wood fires, charcoal grills, the burning of trash or debris, or agricultural burning.
2. Building, maintaining, attending or using a campfire of any kind.
3. Smoking unless in an enclosed vehicle, trailer, or building.
4. Fireworks, including all incendiary devices on public and private land.
5. Operating a chainsaw without an approved spark arrester and without a chemical pressurized fire extinguisher of not less than eight ounces capacity by weight, and one size 0 or larger pointed shovel with an overall length of at least 36 inches. The extinguisher shall be with the power saw operator. Operation of chainsaws is prohibited during Red Flag Warnings.
6. Operation of any internal combustion engine without an approved spark arrester.
7. Welding or operating an acetylene or other torch with an open flame except in an area that is barren or cleared of all flammable materials at least 10 feet on all sides from the equipment. Welding or operation of any type of torch is prohibited during Red Flag Warning days.
8. EXCEPT THAT the following activity is permitted: cooking on manufactured pressurized liquid fueled stoves or appliances with on/off switch or valve.

**Section 2. Penalties for Violation.** The penalties for a violation of these stage 2 fire restrictions shall be the same as those set forth in Section 1-4-20 of the Crested Butte Municipal Code.

**Section 3. Effective Upon Adoption; Emergency.** The Town Council hereby finds that it is critical that the Town implement stage 2 fire restrictions effective immediately. Section 4.12 of the Town Charter permits the Town Council's adoption of ordinance by emergency for the preservation of public property, health, peace or safety. Due to the dry weather conditions that have lead to a very high fire danger in and around the Town of Crested Butte, this ordinance is therefore an emergency and shall take effect immediately upon adoption.

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, READ AND ADOPTED THIS 3<sup>rd</sup> DAY OF JULY, 2012.**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_

Aaron J. Huckstep, Mayor

**ATTEST:**

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Eileen Hughes, Town Clerk

[SEAL]

