

ORDINANCE NO. 3 - 2022

AN ORDINANCE REGULATING OPEN AND INDOOR BURNING WITHIN THE CITY OF ALAMOSA

WHEREAS, Burning wood and vegetative products may produce an array of harmful chemicals. Carbon monoxide, hydrocarbons, formaldehyde, dioxin and hundreds of additional chemicals can be released when wood and other products are burned. Burning plastics, tires, chemically treated wood products and other man-made materials can also produce this type of air pollution and releases other toxic chemicals into the air. Tiny pieces of material, commonly called particulate matter, are created in the burning process and can be inhaled into our lungs; and

WHEREAS, These pollutants have been linked to several other health problems including nervous system damage, kidney and liver damage, and reproductive and developmental disorders; and

WHEREAS, burning within the City of Alamosa has traditionally not been tolerated as an acceptable means of waste or refuse disposal; and

WHEREAS, unregulated open burning within the City constitutes a threat to the health, safety, and welfare of the people living within the City; and

WHEREAS, unregulated open burning constitutes a threat of damage or harm to property; and

WHEREAS, even indoor burning of certain refuse materials constitutes a threat to the health, safety, and welfare of people living within the City;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado:

Section 1. Amendment of Section 7-2 of the Code of Ordinances of the City of Alamosa. Section 7-2 of the *Code of Ordinances of the City of Alamosa* is amended to read in its entirety as follows:

Sec. 7-2. Open Burning Prohibited.

(a) *Definitions.* For purposes of this Article, the following words shall have the following meanings:

(1) “Open burning” shall mean the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include smoking, as defined below.

(2) "Smoking" shall mean the combustion of any cigar, cigarette, pipe or similar article, using any form of tobacco or other combustible substance in any form, or the possession of any lighted cigar, cigarette, pipe or similar article, using any form of tobacco or other combustible substance in any form.

(b) *In General.* No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, including, but not limited to, leaves, stumps, yard waste, dry grass, rubbish, or trash except as specifically authorized by this ordinance or except as permitted, in writing, by the fire chief or the fire chief's designee. Burning waste, rubbish, or trash in burn barrels or incinerators is strictly prohibited.

(c) *Exceptions.* Provided that the burning complies with applicable state and federal statutes, regulations, or other law and that the size of the fire does not exceed one foot high by two feet wide and eight feet long, the following types of open burning shall be allowed:

(1) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(2) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire pit or outdoor fire place provided that:

(i) The fire is wholly contained within the fire pit or fire place;

(ii) The fire pit or fire place is covered by a screen if necessary to control the emission of ash and embers;

(iii) The fire does not constitute a nuisance;

(iv) The fire is not within 10 feet of combustible materials;

(v) The fire is not unattended;

(vi) There is not more than one fire pit or fire place located on the lot; and

(vii) The fire is not located on a lot containing more than two dwelling units or at a fraternity, sorority, or similar housing.

For purposes of this subsection, a dwelling unit is the abode of a person or persons acting as a single housekeeping unit.

(3) Burning for bona fide ceremonial or bona fide religious purposes, or for cremation.

(d) *Fire Chief's Discretion.* Even if the burning would otherwise be allowed under this Article, no open burning shall occur if prohibited by a burn ban instituted by the fire chief, or if, in the opinion of the fire chief, such burning represents a danger to the public health, safety, or welfare.

(e) Burning by any government subdivision or government agency for training or other purposes shall not be prohibited by any section of this Article.

(f) *Enforcement.* A separate offense shall be deemed committed on each day that a violation occurs or continues.

Section 2. Addition of new Section 7-3 to the *Code of Ordinances of the City of Alamosa*. A new Section 7-3 is added to the *Code of Ordinances of the City of Alamosa* to read as follows:

Sec. 7-3. Burning of Trash Prohibited. Open burning and any other form of burning (including indoor burning) of trash, rubbish, material that contains food wastes, plastic, coated or treated wood products, rubber, insulation, tires, insulated wire, motor oil, aerosol cans, hazardous or toxic materials, or other materials that will produce substantial amounts of smoke and particulates is prohibited.

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect ten days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 7. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 2nd day of February, 2022, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of March,

2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of March, 2022.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk