

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 9
(SERIES 2018)**

**AN ORDINANCE AUTHORIZING DECLARATION OF FIRE
RESTRICTIONS WITHIN THE TOWN LIMITS OF GYPSUM AND
AMENDING CHAPTER 15.04, SECTION 15.04.010 OF THE GYPSUM
MUNICIPAL CODE**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, the members of the Town Council have been duly elected, chosen and qualified and have the authority under Article XX, Colo. Const. to protect the health, life, property, peace, safety and welfare of the Gypsum community; and

WHEREAS, pursuant to Article XX, Colo. Const. the Town Council of Gypsum has the power to adopt an Ordinance providing a procedure to ban open fires and activities that may start fires to a degree and in a manner that is deemed necessary to reduce the danger of wildfires; and

WHEREAS, the Town has adopted, pursuant to Chapter 15.04, Section 15.04.010 of the Gypsum Municipal Code, the international Fire Code (“IFC”) and the Fire Code Standards, 2015 Edition, as published by the International Code Institute, and amendments thereto, the Urban Wildland Interface per the local jurisdiction, and the current Edition of National Fire Protection Association Standards for reference, which among other things regulates open burning, recreational fires, open flames, smoking, use of explosives and fireworks, welding and other hot work, and other activities that could pose a risk of fire; and

WHEREAS, the Town Council desires to put in place a process for the Town Manager, in consultation with the Fire Chiefs of the Gypsum Fire Protection District and the Greater Eagle Fire Protection District and the Eagle County Sheriff, to have the authority to put into place fire restrictions as necessary based on evaluation of the fire danger within Town limits; and

WHEREAS, the adoption of this Ordinance is necessary for the protection of the public health, safety, welfare and property within the Town;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Adoption of Fire Restrictions. Chapter 15.04, Section 15.04.013 of the Gypsum Municipal Code regarding amendments of the International Fire Code is amended by the addition of a new subsection (f) (1), and the existing subsections (f) (1) through (f) (6) are renumbered (f)(2) through (f)(7):

(1) Add Section 104.5.1 “Fire restrictions - declaration, amendment, rescission, or reinstatement.” The following section shall be added:

Notwithstanding any provision of this code, in order to reduce the danger of uncontrolled fires starting or spreading within the Town, the Town Manager may, based on an evaluation of the fire danger and after consultation with the Fire Chiefs of the Gypsum Fire Protection District and the Greater Eagle Fire Protection District and the Eagle County Sheriff, declare, amend, rescind, or reinstate fire restrictions within the Town. Fire restrictions may restrict, condition, or prohibit any activities determined to pose the risk of starting or aiding the spread of uncontrolled fire. Fire restrictions shall be imposed by an order signed by the Town Manager stating its effective date, which may be immediately upon signature, its duration, which may be until repealed, and all restricted, conditioned, or prohibited activities. The Town Manager’s order shall immediately be published on the Town’s website and posted at the Town Hall. The Town Manager’s order shall be promptly scheduled for consideration at a regular meeting of the Town Council, at which time the Council shall by resolution either confirm, modify, or rescind the Town Manager’s order.

Section 2. Public Inspection. Copies of this ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 3. Public Hearing. A public hearing on this Ordinance shall be held on the 25th day of September, 2018, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 4. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 25th day of September, 2018, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 5. Severability. If any portion of this Ordinance, or the International Codes amended hereby, is found to be void or ineffective, it shall be deemed severed

from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 11th DAY OF SEPTEMBER, 2018.

TOWN OF GYPSUM

By: _____
Stephen M. Carver, Mayor

Attest:

Danette Schlegel, Town Clerk

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 20____, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

TOWN OF GYPSUM

By: _____
Stephen M. Carver, Mayor

Attest:

Danette Schlegel, Town Clerk

(S E A L)