

**TOWN OF RICO
ORDINANCE NO. 2022-03**

**AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO
ENACTING A FIRE BAN IN THE TOWN, TO BE EFFECTIVE EACH
YEAR SAN JUAN NATIONAL FOREST ENACTS FIRE RESTRICTIONS.**

WHEREAS, the Town of Rico, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter; and

WHEREAS, the Board of Trustees of the Town of Rico (“Board”) has the authority to enact emergency ordinances for preservation of public health, welfare, peace, safety, or property, for which only one reading shall be required and which shall take effect immediately on final passage; and

WHEREAS, the Board finds that wildfires, forest fires, and other uncontrolled fires represent a significant threat to public health and safety and to property in the Town of Rico; and

WHEREAS, the Board finds and determines that human-caused wildfires and forest fires exist in neighboring municipalities and counties, as well as in neighboring states, and that drought conditions exist throughout southwestern Colorado and are forecasted to persist for the next several months; and

WHEREAS the Board desires to enact a set of fire restrictions for the Town of Rico that will take effect this year and in all subsequent years whenever the San Juan National Forest enacts fire restrictions and that will no longer be in effect this year and in all subsequent years when the San Juan National Forest lifts its fire restrictions; and

WHEREAS, the Board determines and finds that the fire restrictions set forth in this emergency ordinance are necessary for the immediate preservation of public health and safety to reduce the fire risk in the Town to the greatest extent possible.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. The recitals above are hereby adopted as findings and incorporated herein.

Section 2. The Board hereby adopts the following fire restrictions, which will be in effect during the period specified below in Section 3.

Town of Rico Fire Restrictions

The following actions shall be prohibited within the Town limits of the Town of Rico, Colorado:

- i. Building, maintaining, attending, or using any open fire. An open fire is any fire in an outdoor location where the fire is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit. Fires in barrels and incinerators must use an ash-restricting screen.
- ii. Using or displaying fireworks of any kind.

The following shall not be subject to the Town Fire Restrictions and shall not be prohibited when the Fire Restrictions are in effect:

- i. Operating an open fire at permanent gas-fueled fireplace locations.
- ii. Any fires contained within liquid-fueled or gas-fueled stoves and fireplaces.
- iii. Operating a stove, lantern or other device fueled by liquid petroleum or bottled fuel equipped with a valve that allows the operator to turn the flame on and off.
- iv. Fireworks displays conducted and controlled by the Rico Fire Protection District.

Section 3. The Town of Rico Fire Restrictions shall be in effect each year when the San Juan National Forest enacts fire restrictions. The Town of Rico Fire Restrictions shall be lifted each year when the San Juan National Forest lifts or removes fire restrictions.

Section 4. All prior ordinances enacting fire bans or implementing fire restrictions in the Town of Rico, including but not limited to Ordinance Nos. 2021-03, 2020-02, 2013-01, and 2002-02, are hereby repealed and shall be of no force and effect.

Section 5. Notice of this Ordinance and the status of the Fire Restrictions shall be posted on the Town's website and shall remain posted on the home page of the Town's website during the effective period of the Fire Restrictions.

Section 6. Any person who knowingly causes or takes any actions in violation of the Fire Restrictions in this Ordinance shall be punished by a fine not to exceed \$1,000 for each day a violation exists, or by a term of imprisonment not to exceed one year.

Section 7. This Ordinance shall take effect immediately upon final adoption.

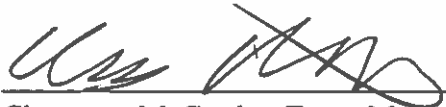
THIS ORDINANCE WAS INTRODUCED, READ, APPROVED, AND ADOPTED ON FIRST READING, AND ORDERED PUBLISHED FOR INFORMATIONAL PURPOSES THIS 18TH DAY OF MAY 2022.

TOWN OF RICO, COLORADO



Patrick Fallon, Mayor Pro Tem

ATTEST:



Chauncey McCarthy, Town Manager

Effective Date: May 18, 2022