

ORDINANCE NO. 367

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA, COLORADO AMENDING SECTION 4-5-21 OF THE TOWN CODE OF SIMLA RELATING TO AUTHORIZING CHIEF OF POLICE FIRE BAN RESTRICTIONS

WHEREAS, the Board desires to amend the Town Code of Simla to authorize the chief of police of the Town of Simla (the "Town") to issue a fire ban or restriction, prohibiting all open fire and open burning within the Town's jurisdiction.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Simla as follows:

Section 1. Section 4-5-21 of the Town Code of Simla is hereby amended to be read as follows:

Section 4-5-21: Open Fire and Open Burning Restrictions:

For purposes of this Section, the following terms shall have the following meanings:

Open fire or *open burning* shall be defined as any outdoor fire, including without limitation campfires, warming fires, charcoal grill fires, fires in wood-burning stoves, the use of explosives, outdoor welding or hot work, fireworks of all kinds or brands, and the prescribed burning of fence lines or rows, fields, farm lands, rangelands, wildlands, trash, and debris. Open fires shall not include:

- A. Fires in camp stoves or grills, fueled by bottled gas or pressurized liquid, and specifically designed for cooking or heating purposes;
- B. Fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion; and
- C. Fires in commercially operated wood and/or charcoal fired grills designed for cooking.

Stage I Restrictions shall have the same meaning as set forth in Elbert County Ordinance No. 06-01, as the same may be amended from time to time.

Stage II Restrictions shall have the same meaning as set forth in Elbert County Ordinance No. 06-01, as the same may be amended from time to time.

Stage III Restrictions shall have the same meaning as set forth in Elbert County Ordinance No. 06-01, as the same may be amended from time to time.

- A. *Authorization to impose temporary restrictions.* The Board of Trustees is authorized to adopt by resolution a temporary restriction on open fires and/or open

burning within the corporate limits of the Town, based on a finding of necessity that the danger caused by open fires and open burning based on then-current atmospheric conditions, including a lack of moisture, and other local conditions requires the imposition of such a restriction.

B. *Scope and Duration of Restrictions.* The Board of Trustees is authorized to impose restrictions that include all or a portion of Stage I, Stage II, or Stage III Restrictions as defined herein. The resolution imposing such restrictions shall be of a limited duration based on the nature and scope of the current conditions. Any such duration may be extended or modified by resolution of the Board of Trustees based on continuing adverse fire conditions.

C. *Authorization to Impose Fire Ban.* In consideration of the public health, safety and welfare, the chief of police may issue a fire ban or restriction prohibiting all open fire and open burning within the Town's jurisdiction. The duration of the fire ban or restriction shall be continued or stayed by the Board of Trustees at the Board's next scheduled Regular Meeting. Such ban or restriction shall be distributed to the public via the Town's website. When the conditions dictate that the public health, safety and welfare is no longer in danger, and upon the Board's instruction, the chief of police shall lift such fire ban or restriction. The termination of any fire ban or restriction shall be distributed to the public via the Town's website.

D. *Unlawful Acts.* It shall be unlawful for any person to build, maintain, attend, or use an open fire or conduct open burning in the Town, including public, private, state, and federal lands, in violation of a duly adopted resolution imposing temporary restrictions in accordance with this Section. It shall also be unlawful for any person to fail to comply with any fire ban or restriction issued by the chief of police in accordance with this Section.

E. *Penalty for Violation.* Any person convicted of violating any provision of this Section shall, upon conviction, be punished by a fine of not more than the amount set forth in Section 1-4-1 of this Code for each separate offense and may be enjoined from any further or continued violation. The Town also may seek an injunction, abatement, restitution, or any other remedy to prevent, enjoin, abate, or remove the violation. Each day a violation of this Section continues shall constitute a separate offense. Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

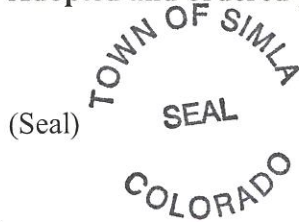
F. *Additional Remedies.* The remedies provided in this Section shall be cumulative and in addition to any other federal, state, or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including without limitation prosecution under C.R.S. § 18-13-109, or any other applicable statute, ordinance, rule, order, or regulation.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall become effective immediately.

Adopted and ordered published this 11th day of August, 2026.



Attest:

Megan Taunton
Megan Taunton, Town Clerk


Ryan Fulmer
Mayor

