

## ORDINANCE NO. 297

### AN ORDINANCE FOR THE ADMINISTRATION AND ABATEMENT OF NUISANCES WITHIN THE CORPORATE LIMITS OF THE TOWN OF DEER TRAIL, SPECIFYING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF DEER TRAIL, COLORADO, THAT:

#### **Section 1.**     **Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated:

*Abandon(ed)* means to deposit, leave, drop off or otherwise dispose of any living domestic animal without providing immediate humane care on any public or private property.

*Abandoned vehicle* means any automobile, truck, tractor, bus, motorcycle or self-propelled vehicle or trailer that has been left with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving. It is prima facie evidence of the necessary intent that notice has been posted upon the vehicle, or the owner thereof has otherwise been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three (3) days after such notice has been posted or received, and all of the following apply:

- a. The motor vehicle has been left for more than thirty (30) consecutive days unattended and unmoved;
- b. The motor vehicle meets the definition of inoperable vehicle as defined in this Ordinance; and
- c. License plates or other identifying marks have been removed from the motor vehicle.

*Animal* means any living vertebrate creature, domestic or wild, including dogs but excluding estrayed animals as defined in C.R.S. § 35-44-101(1), as amended.

*Board* means the Board of County Commissioners of Arapahoe County.

*Conviction* means a finding of guilt by a court or acknowledgement of guilt by payment of fine pursuant to the penalty assessment procedure.

*County* means the County of Arapahoe, State of Colorado.

*Damage* means loss or harm resulting from injury to person or property.

*Dog* refers to any animal of the canine species, regardless of sex, including dogs of wild extraction, and a dog that is of any hereditary part related to wild canines, such as but not limited to the wolf family (*Canis lupus*) and the coyote family (*Canis latrans*).

*Dog owner* is a person, or any parent, guardian or legal custodian of any unemancipated child under eighteen (18) years of age, who owns, co-owns, possesses, controls, maintains, keeps or harbors a dog or knowingly permits or intends to permit a dog to remain for seven (7) consecutive days on or about property or premises owned, controlled, or occupied by him or her; a kennel is not a dog owner within the purview of this definition.

*Fireworks* means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100, and including, but not limited to, the following articles and devices commonly known and used as fireworks: (1) toy cannons or toy canes in which explosives are used; (2) blank cartridges; (3) firecrackers; (4) torpedoes; (5) skyrockets; (6) rockets; (7) Roman candles; (8) cylindrical fountains; (9) cone fountains; (10) wheels; (11) ground spinners; (12) illuminating torches and colored fire in any form; (13) dayglo bombs and torches; (14) sparklers; (15) snakes; and (16) any other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or devices containing any explosive substance.

*Fireworks* does not include: (1) toy caps which contain less than twenty-six hundredths (.26) of a grain of explosive compound per cap; (2) highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices; and (3) educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.

*Fowl* means a bird of any kind including, without limitation, poultry.

*Harbor or keep* means to feed and care for any dog upon the premises or to permit any dog to be fed and cared for on the premises. The occupant of any premises on which a dog is kept or to which a dog customarily returns daily for food, shelter and/or care is presumed to be harboring a dog within the meaning of this Ordinance, and said person shall be subject to the applicable provisions of this Ordinance. No person is deemed to harbor or keep any animal that has been reported to Animal Control and is actively assisting in efforts to impound or confine said animal.

*Inoperable vehicle* means any automobile, truck, tractor, bus, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate or safety sticker upon such vehicle;
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

*Keeper* means any person who keeps or harbors a dog or cat for less than seven (7) days.

*Litter* means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

*Livestock* means cattle, sheep, goats, bison, swine, mules, poultry, horses, domesticated elk, or fallow deer, and all other domesticated animals raised or kept for profit.

*Mistreatment* means and includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

*Neglect* means and includes failure to provide food, water, protection from the elements, opportunity for exercise, socialization or other care normal, usual and proper for an animal's health and well-being.

*Noxious weed* means a weed in the list of noxious weeds as described in Section 4 of this Ordinance.

*Open-burning* means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with the safety or occupational uses typically considered open flames, recreational fires, or use of portable outdoor fireplaces. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*Portable outdoor fireplace* means a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

*Premises* means property owned, leased or expressly permitted to be used by an owner; or any confined area or locality like a residence, business, room, shop, building or motor vehicle in which the animal's presence is authorized by the owner of the premises. The term premises includes the open space bed of a truck.

*Provocation* means harassment, teasing, threatening, striking or attacking an animal or its owner in the animal's presence by either a person or another animal.

*Recreational fire* means an outdoor fire burning materials other than rubbish where the fuel being burned is contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill, or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

*Rubbish* means any type of debris, trash, waste or rejected matter.

*Trash* means any worn-out, broken up or used refuse, rubbish, toppings, twigs, leaves of trees or worthless matter or material.

*Unrestricted space* for purposes of the livestock exception means land area not occupied by paving, structures, or other improvements.

## **Section 2. Nuisances - generally.**

A. Common law nuisances. Any nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the Town, and any person, corporation or association causing or permitting any such nuisance shall be in violation of this Ordinance.

B. Author of nuisances. Any state of things prohibited by this Ordinance shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

C. Prohibition of nuisances. No person being the owner, agent or occupant, or having under their control any building, lot or premises or unimproved real estate within the limits of the Town, shall maintain or allow any nuisance to be or remain therein.

D. Ascertaining nuisances. Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town, dangerous to the health of any of

the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

E. Constitution of separate offense. In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for each day the nuisance continues after notice given to abate the same.

F. Filing complaint. In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Ordinance.

G. Abatement of nuisance.

1. Should any such nuisance, within or upon any public or private premises or as aforesaid, not be abated forthwith after the notice the Town may abate the same, without delay, and shall have the authority to call for the necessary assistance therefor.

2. In all cases where a nuisance shall be found in any building or upon any ground or other premises within the jurisdiction of the Town, forty eight (48) hours' notice shall be given, in writing, to the owner of said premises or the occupant or person in possession, charge or control of such building or other premises where he or she is known and can be found to remove such nuisance.

3. In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the Town may abate the same forthwith without such notice being given.

4. In abating any nuisance specified in this Ordinance, the Town shall have the authority to engage the necessary assistance and incur the necessary expense therefor.

5. The expense incurred by the Town in abating any nuisance may be recovered by proper action from the author thereof.

H. Enforcement of this Ordinance shall follow these guidelines:

1. First contact. Courtesy notice to the property owner and or occupant identifying the nuisance condition and requesting removal or abatement of the nuisance. The property owner will be given not more than thirty (30) days to remove or abate the nuisance.

2. Notice of violation. If compliance is not completed by the property owner within the time period allotted, the Town may send a notice of violation to the property owner requiring removal or abatement of the nuisance and identifying penalties for noncompliance as set forth in Ordinance 278.

3. For any notice required by this Ordinance, the owner or occupant of a property may register annually with the Town Clerk to receive such notice or citation via email in place of notice by standard or certified U.S. mail. By registering for email service, the property owner or occupant is agreeing to email service as the only form of notice, is agreeing that email notice is full and timely notice, and is waiving all other types of service. Notice or service will be deemed complete when the Town attempts to send an email to the address provided with a notice attached. A reply does not need to be received to establish the Town's proof of service, and it is the owner or occupant's responsibility to provide a valid, working email address, and to update the email address on file with the Town as needed.

1. Email address registration must be done annually. All emails will be removed from the Town's system on March 15 of every year. The owner is responsible for registering on an annual basis, removing themselves from the list, and updating the email address throughout the year if necessary.

2. The owner and or occupant of a property, if separate, must register separately. The owner must provide proof of ownership through assessor's records, current utility billing, or driver's license. The occupant must provide proof of occupancy through utility billing, current and signed lease, or a driver's license.

I. Interference with officials prohibited. It shall be unlawful for any person to hinder, delay or obstruct any Town official in the discharge of any duty to regulate activities as set forth in this Chapter. The penalty for violation of this Section 2 shall be as specified in Section 2(J) below.

J. Violations and penalties. Any person who violates any of the provisions of this Ordinance shall be subject to the provisions of Ordinance 278 and may be fined an amount not to exceed \$2,650.

### **Section 3. Nuisances - enumerated.**

A. Accumulation constitutes a nuisance. Whenever there shall be in or upon any lot or piece of ground within the limits of the Town any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable car, other wrecked vehicle, accumulation of junk vehicles, a collection of items in a number or quantity not customarily found on residential lots, or junk of any type upon any private or public property, except in areas specifically zoned by the Zoning Ordinance of the Town for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall constitute a nuisance and shall be in violation of this Ordinance.

B. Discharge of nauseous liquids constitutes a nuisance. No person shall, himself or herself or by another in the Town, discharge out of or from or permit to flow from any house or place any foul or nauseous liquid or substance of any kind whatever into or upon any adjacent ground or lot or into any street, alley or public place.

C. Littering.

1. It shall be unlawful and a nuisance for any person to throw or cause to be thrown or permit anyone in their employ to throw onto any public highway, thoroughfare, street, sidewalk, recycle container or other place any kind of wire or scrap paper; any ashes, cans or glass of any character; old clothes; cloth of any kind; boots; shoes; hats; leather; hair; straw or hay; animal, vegetable or any other substance whatever; or any type of advertising matter; or to distribute or cause to be distributed or permit anyone in their employ to distribute any type of advertising matter in such a manner so as to cause the littering of any public highway, thoroughfare, street, sidewalk or public place. It shall further be unlawful for any person to sweep or cause to be swept, or cause anyone in their employ to sweep, from any store, office, warehouse, factory, hotel or any other building, occupied in whole or in part for commercial purposes, any refuse or dirt from such building onto any public highway, thoroughfare, street, sidewalk or other public place in the Town.

2. It shall be unlawful and a nuisance for any person, firm, association or corporation to drive, move or propel a vehicle or to allow a vehicle owned by such person, firm, association or corporation to be driven, moved or propelled in such a manner so as to cause to be spilled, dropped or jostled onto any street, highway, thoroughfare, sidewalk or other public place in the Town any trash or rubbish; or to load or allow a vehicle to be so loaded so that the contents or any portion of the contents of such vehicle shall be spilled, dropped or jostled from such vehicle. Vehicles, including trucks loaded with or transporting any construction material, dirt, earth, clay, stone, macadam, brick, cement, sand, fuel, coal, wood, refuse or garbage, shall be loaded and the vehicle shall be in such condition so that none of the contents shall be loosed or spilled along the route which the vehicle is traveling.

3. It shall be unlawful and a nuisance for any person operating a vehicle or being a passenger in any vehicle, except for parades and sanctioned Town event, to throw or cause to be thrown from such vehicle onto any public highway, thoroughfare, street, sidewalk or other public place in the Town any rubbish or trash, fruit or fruit particles, wrappers, containers, paper, paper products, bottles, glass, cans, hulls, handbills, confetti, shavings, shells, stalks, animals, cloth or any other material of any kind which would render such public highway, thoroughfare, street, sidewalk or other public place unsightly, unsafe, unclean or unsanitary.

4. The owner or person in control of any private property shall at all times maintain the premises free of litter. Failure to do so is a nuisance. No person shall throw or deposit litter on any private property in the Town, whether owned by such person or not; provided, however, that the owner or person in control of private property may maintain authorized private receptacles for the deposit of rubbish or other waste materials in such a manner that waste materials will be prevented from being carried or deposited onto any public or private property.

D. Use of property for dumping unlawful. It shall be unlawful and a nuisance for any person, firm, association or corporation to use any land, premises or property within the Town for the dumping or disposal of any garbage, trash, litter, rubbish, offal, filth, excrement, discarded building materials or combustible materials of any kind.

E. Other types of nuisances.

1. Stale matter. It is a nuisance and no person whatsoever shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation. Composting is allowed if located within an appropriate composting bin and set back from adjacent property.

2. Sewer inlet. It is a nuisance and no person shall in the Town deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that shall have a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

3. Transporting of garbage; manure. Every cart or vehicle used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street. Failure to do so is a nuisance.

4. Streets, streams and water supply. It is a nuisance and no person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substances, or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public or private grounds. It is a nuisance and no person shall, in the Town, throw or deposit or cause or permit to be thrown or deposited anything specified in any foregoing part of this Section 3(E) or any other substance that would tend to have a polluting effect into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

5. Dead animal; burial. It is unlawful and a nuisance to dispose of or bury a dead animal in Town; provided, however, a property owner may bury their own deceased animal on their own property if done properly. When a dead animal



is found on any street, highway or public grounds in the Town, the Town shall properly dispose of the body.

6. Unused appliances. It is a nuisance and no person whatsoever shall keep any unused refrigerator, washer, dryer, freezer or other appliance within any yard or lot within the Town.

7. Inoperable vehicle. It is unlawful and a nuisance for any person, partnership, corporation or other agent, either as owner, lessee, tenant or occupant of any lot or land within the Town to park, store or deposit or permit to be parked, stored or deposited thereon an inoperable vehicle unless such vehicle is registered with the state and is enclosed in a garage or other building or covered with a car cover. Tarpaulins are not permitted. The provisions of this Section 3(E)(7) shall not apply to any person, partnership or corporation or their agent with two (2) vehicles inoperable for a period of less than thirty (30) consecutive days, or to any person, firm, corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations.

8. Vacant residential dwellings. All broken windows and unsecured access points in each vacant dwelling shall be secured by the owner or agent within fourteen (14) days after notice is given by the Town. Failure to do so is a nuisance.

9. Stagnant ponds. The permitting of stagnant water on any lot or piece of ground within the Town limits is a nuisance, and every owner or occupant of a lot or piece of ground within the Town is required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

10. Abandoned vehicle. It shall be unlawful and a nuisance for any person, partnership, corporation or other agent to leave an abandoned vehicle upon private property, without the express consent of the owner or person in lawful charge of that private property, or upon a street, highway, right-of-way or any other public property.

**Section 4. Noxious weeds, rubbish, and trees as nuisances.**

A. It shall be unlawful and a nuisance for any person, corporation or association owning any lots, tracts or parcels of land within the Town to allow or cause noxious weeds, as identified below, to grow or remain on the property.

B. It shall be unlawful and a nuisance for any person, corporation or association owning any lots, tracts or parcels of land within the Town to allow or cause rubbish of any kind to accumulate or remain on lots, tracts or parcels within the Town.

C. Noxious weed management. The Town, Arapahoe County, and the State declares that there is a need to ensure that all the lands in the Town, whether in private or public ownership, are protected by and subject to the jurisdiction of the Town to manage undesirable plants.

1. The Town and property owners shall manage Town-, County- and State-listed noxious weeds in accordance with the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101, *et seq.*, as amended; Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act (8 C.C.R. 1206-2), as amended; and the Colorado Department of Agriculture's state weed management plans and integrated weed management recommendations for individual species, as amended.

2. Removal. All such noxious weeds and rubbish shall, immediately upon being removed by the owners of said lots, be removed from the Town or otherwise entirely destroyed. All noxious weed removal shall be done in compliance with the C.R.S. § 35-5.5-101, *et seq.*, as amended; Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act (8 C.C.R. 1206-2), as amended; and the Colorado Department of Agriculture's state weed management plans and integrated weed management recommendations for individual species, as amended.

D. Prohibited trees. It shall be unlawful and a nuisance to sell or import into the Town, or to plant or cause to be planted within the corporate limits of the Town, any female box elder tree (*Acer negundo*) or Russian Olive (*Elaeagnus angustifolia*).

## **Section 5. Animals and livestock as nuisances.**

A. It shall be unlawful and a nuisance for any livestock to be housed, penned, stabled, corralled, pastured or otherwise kept within the Town limits except within appropriate zone districts or as permitted below.

1. One (1) horse or cow or up to two (2) smaller head of livestock, such as pigs, sheep, or goats, under the age of one (1) year may be kept for educational purposes on a lot in a residential district for a limited period of time as set forth in a permit issued by the Town. The permit may be revoked by the Town, following notice to the permit holder, for failure to abide by the permit's terms and conditions.

2. One head of livestock may be kept on a fenced residential lot having unrestricted space equal to or greater than one (1) acre and, one additional head of livestock may be kept per each additional unrestricted space measuring 10,000 square feet or more. However, neither roosters nor billy goats are allowed.

B. It is unlawful and a nuisance for any dog or cat owner or other responsible person to allow their dog or cat to excrete body waste upon public or private property and when the responsible person does not promptly remove same.

C. It shall be unlawful and a nuisance for any dog owner to fail to prevent their dog from disturbing the peace of any other person or neighborhood by loud, persistent barking, howling, yelping or whining, whether the dog is on or off the dog owner's premises.

1. Provocation defense. Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of this Section.

2. Warning required. No person shall be charged with a violation of this Section 5 unless written warning as provided in Section 5(C)(3) below has been given at least seven (7) days but not more than thirty-seven (37) days preceding the charge.

3. Warning process: The warning process shall be substantially as follows:

a. The warning must relate to a barking incident separate from the charged violation.

b. The Animal Control Officer may issue a warning after receiving a complaint and investigating the complaint in the field and determining a nuisance does exist (consensus survey).

c. All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, and the date, time, place and duration of the offense.

d. A record or incident report shall be kept of any such complaint and investigation.

e. A warning to a dog owner shall cite this Section and advise the owner of the penalty for violation of this Section. The warning shall also state that a complaint has been received, recite the date of the alleged offense and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Control Officer.

4. Complainant rights and responsibilities. If a violation of this Section 5(C) is charged, the complainant shall verify in writing the allegations of the complaint prior to its service upon the owner. No person or owner shall be convicted at trial for violation of this Section 5(C) unless testimony is presented

by at least two (2) complaining witnesses or by one (1) complaining witness and the Animal Control Officer if evidence so merits.

D. Standards for keeping fowl. The purpose of this Section 5(D) is to provide standards for the keeping of domesticated fowl. The keeping of fowl not in compliance with this Section is unlawful and deemed a nuisance. A resident may keep up to twelve (12) fowl on a noncommercial property. The Town recognizes that adverse neighborhood impacts may result from the keeping of fowl because of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites and nonconfined animals leaving the owner's property. The standards below are intended to ensure that fowl do not adversely impact the neighborhood and do not constitute a nuisance. Any keeping of fowl within the Town shall comply with the following standards:

1. Number of fowl. The maximum number of fowl allowed per residential property is twelve (12), regardless of how many dwelling units are on a property (a condominiumized duplex is considered one (1) property for the purposes of this requirement). The keeping of fowl is not permitted on properties containing multi-family buildings.

2. Type of chickens. For chickens specifically, only female animals are permitted.

3. Fowl shall be kept as pets and for personal use only. Raising fowl for fighting purposes is prohibited.

4. Siting of enclosures. Enclosures shall only be located behind the frontmost wall of a residence and at the time of installation shall not be any closer than twenty (20) feet from living space on a neighboring property. For clarification, when a neighboring property owner expands their residence into the required twenty-foot distance between an enclosure and the neighboring property owner's living space, the established enclosure shall not be considered nonconforming.

5. Odor impacts. Odors from fowl, fowl manure or, fowl-related substances shall not be perceptible at the property boundaries.

6. Waste removal. Fowl enclosures and the surrounding area shall be kept free of trash and accumulated droppings. Uneaten feed shall also be removed in a timely manner.

#### **Section 6. Burning and fires as nuisance.**

A. The following activities are unlawful and deemed a nuisance in the Town, unless authorized by the Fire Department.

1. Open-burning fires;

2. The sale, use, and possession of fireworks;
3. The operation of any combustion engine, including chainsaws, or spark producing tools without an approved spark arrester properly installed, a properly functioning chemical pressurized fire extinguisher, and a round point shovel readily available for use;
4. Welding or operating acetylene or other torch devices with an open flame except in cleared areas of at least twenty (20) feet in diameter and with a properly functioning chemical pressurized fire extinguisher readily available for use;
5. Use of any explosive devices including, but not limited to, blasting caps, exploding targets, model rockets, fireworks, flare guns, and any device which is explosive in nature and may cause ignition of surrounding materials; and
6. Throwing, tossing, or dropping from a moving or standing vehicle any lighted smoking material, lighted match, lighted material of any nature, or device of any nature which is prone to set fire to material on the ground.

B. Permitted fires; restrictions.

1. Recreational fires are permitted unless otherwise prohibited by any fire restriction imposed pursuant to this Ordinance or any restriction or any "stage" of fire restriction imposed by Arapahoe County or other applicable authority.
2. Unless specifically prohibited by a fire restriction imposed pursuant to this Ordinance, gas grills, stoves, broilers, bar-b-ques, or smokers using propane or natural gas as a fuel are permitted.
3. Except as otherwise addressed in Section 6 of this Ordinance, the applicable provisions of the 2018 International Fire Code adopted by Ordinance 296 shall apply.

C. Administrative authority.

1. Exemption permit. Upon written application, the Fire Chief is authorized to issue a permit for exemption from the prohibitions of this Section 6 for special events or otherwise if the Fire Chief determines in their reasonable discretion that issuance of an exemption permit is in the best interests of the Town. The Fire Chief may impose such terms or conditions on the exemption permit as he deems necessary or appropriate to protect the health, safety, and welfare of the Town. Any exemption permit issued pursuant to this Section 6 shall be subject to the applicable rules and regulations of the Fire Protection District, including obtaining any required permits. Permits shall be granted in accordance with the appropriate sections of the International Fire Code, as applicable, and must be kept on the premises designated therein.

2. Authority to impose additional fire restrictions. During periods of extreme fire danger, and upon consultation with the Fire Protection District, the Town Board of Trustees is authorized to impose additional fire restrictions by resolution, including without limitation prohibiting certain types of otherwise permitted burning, such as recreational fires.

3. Other fire restrictions. Temporary and emergency fire restrictions that are issued by Arapahoe County and applicable Countywide apply within the Town of Deer Trail and violations will be subject to the provisions of Section. The most restrictive of such fire restrictions shall control.

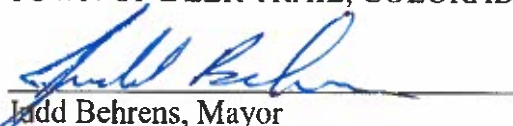
**Section 7.** Authentication, publication, and referral to voters. This Ordinance shall be authenticated by the signatures of the Mayor and Clerk, published as required by law, and referred to the voters at the special election to be held on August 22, 2023. This Ordinance shall be effective only if approved by voters at the August 22, 2023, special election. Pursuant to C.R.S. § 31-11-104(2), if two conflicting measures are approved by a majority of voters, the measure that receives the greatest number of affirmative votes shall be effective.

**Section 8.** Effective date and recording. If approved by voters, this Ordinance shall be effective upon certification of the election results, and it shall be recorded in the Town of Deer Trail Book of Ordinances kept for that purpose.

**Section 9.** Repealer. If approved by voters, this Ordinance shall repeal Ordinance No. 261. In addition, all other acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are repealed to the extent only of such inconsistency or conflict, including without limitation, any maximum specific penalty contained in any acts, orders, resolutions, or ordinances for any violation thereof.

ADOPTED AND APPROVED this 14<sup>th</sup> day of June, 2023.

TOWN OF DEER TRAIL, COLORADO

  
Judd Behrens, Mayor

(SEAL)

ATTEST:

  
Ali Eldringhoff, Town Clerk