

# FIRE CODE

## PINE BROOK HILLS FIRE PROTECTION DISTRICT

**A RESOLUTION ADOPTING A FIRE CODE PRESCRIBING REGULATIONS REGARDING OPEN BURNING, RECREATIONAL FIRES, AND FIREWORKS, AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE. (DONE FEBRUARY 1993 AND AMENDED JUNE 2001)**

**Whereas**, the Board of Directors of the Pine Brook Hills Fire Protection District deems it necessary to adopt the following fire code for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security, and welfare of the inhabitants of the District; and

**Whereas**, the Board of Directors has considered the effect of fire code enforcement within the boundaries of the District and has determined that enforcement of the proposed code would not cause undue hardship within the District; and

**Whereas**, the Board of Directors has studied the necessity of realistic and reasonable level of fire protection to be provided by a rural/non urban fire protection District;

### **Section I Definitions**

Wherever the "District" is used, it shall mean the Pine Brook Hills Fire Protection District.

Wherever the word "jurisdiction" is used in the code, it is meant to be inclusive of the boundaries of the Pine Brook Hills Fire Protection District as they now or may hereafter exist.

Where the term "Chief" is used, it shall be held to mean the Chief of the Pine Brook Hills Fire Protection District, or a designated member of the District duly authorized to act on behalf of the Chief.

Where the term "Board" is used, it shall be held to mean the Board Directors of the Pine Brook Hills Fire Protection District.

Where the term "permissible fireworks" is used, it shall be held to have the same meaning as set forth in Section 12-28-101 (8), C.R.S.

Where the term "fireworks" is used, it shall be held to have the same meaning as set forth in Section 12-28-101 (3), C.R.S.

Where the term “open burning” is used, it shall be held to mean the burning of a bonfire, rubbish fire, or any other fire in an outdoor location in the District and where the fuel which is being burned in such fire is not wholly contained in a outdoor cooking unit or barbecue unit such as a charcoal grill. The term shall exclude recreational fires.

Where the term “outdoor cooking unit” is used, it shall be held to mean the burning of gas, charcoal, wood, or other fuels (other than rubbish), and where the fuel which is being burned is wholly contained in an outdoor unit or barbecue unit such as a charcoal grill or in such other similar containers, having a lid or cover, and the area containing the fuel not exceeding 36” by 24” in dimension. Any fire which does not fall within this definition shall be deemed “open burning”.

Where the term “rubbish” is used, it shall be held to mean waste material, including but not limited to, garbage, waste paper, scrap wood, lumber, downed timber or slash, and debris from construction or demolition.

When the term “fire hazard” is used, it shall be held to mean any open burning or any recreational fire which is not conducted in accordance with the requirements of Section III.

Where the term “slash” is used it shall be held to mean the branches and/or trees/bushes/shrubs cut as the result of fire mitigation that have a diameter not exceeding 3 inches. (This was added as part of the amending of the fire code June of 2001)

## **Section II. Open Burning (as amended June of 2001)**

“All open burning is prohibited within the District at all times except for the burning of slash as approved by the Pine Brook Hills Fire Protection District Board or it’s designee. Any such approval of the burning of slash will be subject to the following rules;

1. Applicant must have a burn plan from a qualified burn boss recognized by the Pine Brook Hills Fire Protection District Board or it’s designee,
2. Applicant must have a Boulder County burn permit obtained from the Boulder County Health Department and must comply with all of the provisions of that permit,
3. There must be at least 4 inches of snow on the ground or sufficient fuel moisture content as determined by the Pine Brook Hills Fire Protection District Board or it’s designee,
4. Applicant must arrange with the Pine Brook Hills Fire Protection District Board or it’s designee to have a Fire Department representative on site during the initial portion of the burn, if determined to be needed by the Pine Brook Hills Fire Protection District Board or it’s designee,

5. Applicant must arrange with the Pine Brook Hills Fire Protection District Board or it's designee to have a Fire Department representative on site at the conclusion of the burn to confirm that the fire is fully extinguished, if determined to be needed by the Pine Brook Hills Fire Protection District Board or it's designee,
6. Applicant or applicants qualified designee must be in attendance of the fire at all times,
7. Applicant must have at least 10 gallons of water(a garden hose attached to an active outside faucet is preferred), a rake, and a shovel present at the burn site,
8. Applicant must attempt to notify all properties adjacent to theirs of their intent to burn slash and when such burn is likely to occur.

### **Section III Outdoor cooking units**

Outdoor cooking unit fires shall be allowed in accordance with the following conditions:

1. Conditions which could cause a fire to spread shall be eliminated within 10 feet of any outdoor cooking unit fire prior to ignition.
2. Buckets of water, shovel, fire extinguishers, and/or garden hoses shall be readily available for use in an emergency at outdoor cooking unit fires.
3. Outdoor cooking unit fires shall be attended by a person at all times until such fire has been extinguished.
4. The chief is authorized to require that outdoor cooking unit fires be immediately discontinued if such fires are determined by the chief to constitute a hazardous condition due to environmental or other circumstances.
5. Outdoor cooking unit fires shall not be permitted to escape the container. Screens and grills shall be utilized for wood fires.

### **Section IV Fireworks**

Unless otherwise pre-empted and authorized by state law, the storage, sale, use or discharge of fireworks, including permissible fireworks, shall be prohibited within the District.

For purposes of explanation, Section 12-28-101, et seq., C.R.S., may be interpreted to prohibit a fire protection district from banning the sale and use of permissible fireworks. If so determined by an appellate court of competent jurisdiction in this state, or a district court having jurisdiction over this District, the discharge or sale of fireworks shall be prohibited within the District; provided, however, that the sale, use, and discharge of permissible fireworks shall be allowed upon issuance of a permit.

In the event that Section 12-28-101, et seq., C.R.S., is interpreted by an appellate court of competent jurisdiction in this state, or a district court having jurisdiction over this District, to allow a fire protection district to ban the sale and use permissible fireworks, as well as fireworks, then the sale, use, and discharge of permissible fireworks shall be prohibited.

## **Section V Enforcement Procedures and Appeals**

1. The Chief shall fully enforce this code by taking whatever reasonable action is necessary to correct the fire hazard, including but not limited to a cease and desist order and/or the issuance of a citation pursuant to 32-1-1002(3), C.R.S.

## **Section VI Penalties**

1. Any owner, lessee, agent, or occupant of any building or premises maintaining any condition likely to cause fire or to constitute a fire hazard shall be subject to the penalties set forth in 32-1-1002 (3), C.R.S.
2. The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief.

## **Section VII Repeal of Conflicting Ordinances or Resolutions**

All former ordinances or resolutions enacted by the District or parts thereof conflicting or inconsistent with the provisions of this resolution of the Code of standards hereby adopted are hereby repealed.

## **Section VIII Validity and Conflict; Immunity Preserved**

The Pine Brook Hills Fire Protection District Board of Directors hereby declare that should any section, paragraph, sentence or word of this resolution or of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Pine Brook Hills Fire Protection District Board of Directors that it would have passed all other portions of this resolution independent of elimination herefrom of any such portion as may be declared invalid. It is further the declaration of the Pine Brook Hills Fire Protection District Board of Directors that no provision of this resolution or the code adopted herein be interpreted in conflict with existing State law. In the event there is a conflict between State law and this code, State law shall take precedent.

This code shall not be construed as a waiver of any immunities provided by the common law or by state statute, including but not limited to the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., and shall not be construed as imposing any duty upon the District to eliminate or prevent fire hazards, or as conferring any benefit upon, or creating any duty to be owed to, any person.

## **Section IX Date of Effect**

This resolution shall take effect and be enforced within incorporated portions of Boulder County from and after its approval as set forth in 32-1-1002 (1) (d), C.R.S. by the Boulder County Board of Commissioners.

The Fire Code was adopted February of 1993 and amended June of 2001.