

## **CHAFFEE COUNTY COLORADO**

### **ORDINANCE NO. 2025-03**

#### **AN ORDINANCE REGULATING OPEN BURNING IN THE UNINCORPORATED AREAS OF CHAFFEE COUNTY AND PROVIDING PENALTIES FOR VIOLATION OF SUCH ORDINANCE.**

**WHEREAS**, the Board of County Commissioners of Chaffee County, pursuant to Sections 30-11-107(1)(a) and 30-15-401, et. seq. C.R.S., has the general enabling power to adopt ordinances, resolutions, rules, and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, safety, and welfare of the citizens of Chaffee County; and

**WHEREAS**, pursuant to Section 30-15-401(1)(n.5) C.R.S., the Board has specific authority to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the dangers of wildfires within those portions of the unincorporated areas of the County where danger of forest or grass fires is found to be high; and

**WHEREAS**, the Board of County Commissioners is responsible for protecting public health, safety, and welfare, including taking reasonable steps to reduce preventable wildland and structure fires; and

**WHEREAS**, the Sheriff of Chaffee County serves as the County Fire Warden under C.R.S. §§ 30-10-512 and 30-10-513 and holds primary authority for declaring fire restrictions, burn bans, no-burn days, and other wildfire-related safety measures; and

**WHEREAS**, the Sheriff may appoint Deputy Fire Wardens to act on his/her behalf in matters relating to fire prevention and fire control in Chaffee County; and

**WHEREAS**, Fire Protection Districts in Chaffee County possess local knowledge and expertise necessary to safely administer burn permits while evaluating burn conditions at the request and under the authority of the Chaffee County Sheriff; and

**WHEREAS**, agricultural burning, including ditch management, pasture rehabilitation, and field maintenance, is an essential and long-standing practice in Chaffee County and is recognized and protected under C.R.S. § 25-7-123 and § 30-15-401(1)(n.5)(III); and

**WHEREAS**, firefighter training, including live-fire training, is essential to maintain operational readiness and ensuring public safety; and

**WHEREAS**, Chaffee County faces increasing wildfire risk due to its expansive wildland-urban interface, variable topography, changing weather patterns, and heavy seasonal fuel loading; and

**WHEREAS**, pursuant to Section 30-15-201 C.R.S., persons who leave campfires unattended and fail to totally extinguish such fires before breaking or leaving camp are subject to a fine; and

**WHEREAS**, open fires and open burning can be a prime cause of forest and prairie fire in Chaffee County. Clear and consistent regulation of open burning is a critical component of countywide wildfire prevention and emergency preparedness; and

**WHEREAS**, coordinated guidelines for open burning reduce confusion among residents, improve response efficiency, and support effective communication between the Sheriff, Fire Protection Districts, and state and federal partners; and

**WHEREAS**, the Colorado Division of Fire Prevention and Control, the Colorado State Forest Service, and the Colorado Air Pollution Control Division provide statewide best practices for safe burning and smoke management; and

**WHEREAS**, emergency response resources in Chaffee County are limited, and a clear, modernized open burning ordinance helps reduce unnecessary calls and avoidable fire incidents; and

**WHEREAS**, the Board of County Commissioners finds that this ordinance supports wildfire prevention, respects agricultural practices, improves public safety, and strengthens interagency cooperation.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Chaffee County, Colorado as follows:

**SECTION 1. TITLE.** This ordinance shall be known as the Chaffee County Open Burning Ordinance.

**SECTION 2. RECITALS.** The foregoing recitals are incorporated herein as findings of the Board of County Commissioners.

**SECTION 3. REPEAL AND RE-ENACTMENT.** The Board of County Commissioners hereby repeals Chaffee County Ordinance No. 2018-03 and re-enacts said ordinance as indicated below.

**SECTION 4. AUTHORITY.** This ordinance is authorized pursuant to C.R.S. §§ 30-11-107(1)(a), 30-15-401(1) (n.5), 30-15-201, 30-10-512, and 25-7-123.

**SECTION 5. PURPOSE.** The purpose of this ordinance is to protect public health, safety, and welfare by establishing reasonable regulations for open burning while:

- A. Reducing wildfire risk;
- B. Preserving agricultural burning rights essential to farming and ranching operations;
- C. Allowing fire department training activities;
- D. Minimizing air quality impacts;
- E. Promoting an education-first approach that emphasizes voluntary compliance and cooperation between residents, fire agencies, and the Chaffee County Sheriff's Office.

**SECTION 6. APPLICATION.** This Ordinance shall apply throughout the unincorporated areas of Chaffee County, including public, private, state, and applicable federal lands.

**SECTION 7. DEFINITIONS.**

- A. *Agricultural Burning* means burning conducted in the course of agricultural operations as defined in C.R.S. § 25-7-123(1)(b), including ditch burning, pasture maintenance, field clearing, and agricultural waste disposal.
- B. *Burn Status* means the daily operating status for open burning as determined by the Sheriff (Fire Warden), including whether burning is permitted, restricted, or prohibited.
- C. *Certified Burner* means an individual who holds a valid Colorado Certified Burner credential.
- D. *Escaped Fire* means any fire that spreads beyond the permit holder's control, exceeds the permitted burn area, threatens life or property, or otherwise poses a hazard to natural resources.
- E. *Fire Chief* means the chief of a fire protection district or fire department having jurisdiction.
- F. *Fire Restrictions* means Stage I, Stage II, No Burn Days, or more restrictive measures declared by the Sheriff to reduce wildfire risk as more fully set forth in Section 14.
- G. *Fire Warden* means the Sheriff of Chaffee County or designee acting pursuant to C.R.S. §§ 30-10-512 and 30-10-513.
- H. *Large or Complex Burn Project* means any open burn that meets one or more of the following criteria: more than fifty piles; more than five acres of material or broadcast burning; expected to continue beyond one day; piles larger than 8×8×8 feet; more than one operational period or overnight holdover; specialized equipment or ignition methods; located within 100 feet of structures, infrastructure, or public roadways; complex topography or fuel loading; or designated complex by the Fire Chief.
- I. *No-Burn Day* means a day on which all open burning is prohibited by order of the Sheriff due to fire danger, weather, predicted winds, resource availability, air quality, or other risk factors.
- J. *Open Burning, Open Burn, or Open Fire* means the burning of materials wherein combustion products are emitted directly into the ambient air.
- K. *Pile Burn* means the burning of vegetative or woody material concentrated manually or mechanically.
- L. *Prescribed Fire* means the controlled application of fire to wildland fuels under planned conditions.
- M. *Prohibited Materials* means tires, rubber, plastics, petroleum products, treated or painted wood, household garbage, hazardous materials, and materials producing noxious smoke.
- N. *Responsible Adult* means an individual eighteen years of age or older who is present at the burn site, capable of controlling the fire, and able to comply with safety requirements.

- O. *Training Burn* means a fire conducted for firefighter training by a fire department or fire protection district.
- P. *Fire Chief Authorization* means written, electronic, or verbal approval issued by the Fire Chief for specific burn operations, permit conditions, or time extensions.
- Q. *Joining Property* means properties that are connected at a border.
- R. *Campfire* means a secure fire contained by a rock ring or permanently constructed structure made of a solid non-combustible material that is no more than 3 feet in diameter and 2 feet high.

## **SECTION 8. GENERAL PROHIBITIONS**

- A. No person shall conduct open burning without a valid permit unless exempt under Section 9.
- B. Prohibited materials cannot be burned.
- C. Fires shall not be left unattended until fully extinguished or secured so that no spread is possible.
- D. All open burning including training burns, agricultural burns, prescribed fires, large/ complex burns and all permitted burns require notification to the Chaffee County Dispatch Center before ignition.
- E. No fire shall continue to be maintained after being instructed to extinguish such fire by law enforcement or a professional firefighter having jurisdiction authority.
- F. All combustion engines and chainsaws must be equipped with spark arrestors.
- G. During Fire Restrictions or No Burn Day pursuant to Section 14, except when in compliance with such restrictions.
- H. It shall be unlawful for any burner to burn without a permit if required to do so or burn with a permit outside the restricted guidelines of the permit.

## **SECTION 9. EXEMPTIONS**

The following are exempt from the permit process but must comply with fire restrictions imposed by the Sheriff or Deputy Fire Warden.

- A. Agricultural burning is exempt from permitting but must conduct burns in accordance with Section 12 and are subject to Fire Restrictions as set forth in Section 14.
- B. Recreational fires in approved containers not exceeding three feet by two feet.
- C. Cooking fires.
- D. Safety flares.
- E. Gas or propane grills, stoves, or lanterns.

## **SECTION 10. ROLES AND RESPONSIBILITIES**

- A. Sheriff (Fire Warden): The Sheriff, or Deputy Warden(s) at the request of the Sheriff, shall declare no-burn days; issue or rescind fire restrictions and fire bans; suspend or revoke burn permits; order extinguishment of unsafe or unlawful fires; issue warnings or citations; enforce this ordinance; coordinate burn status notifications; and coordinate with state and federal partners.
- B. Fire Protection Districts and Fire Chiefs: Fire Chiefs shall issue, approve, condition, or deny burn permits within their jurisdiction; conduct site inspections; impose safety conditions; authorize training burns; require burn plans for Large or Complex Projects; delay burns when needed; request enforcement from the Sheriff; and order emergency extinguishment.
- C. Permit Holders: Permit holders shall comply with permit conditions, verify burn status daily, attend the fire until fully extinguished, maintain safety equipment, report to Chaffee County Dispatch Center before any ignition and report escaped fires.
- D. Board of County Commissioners: Responsible for adopting and amending this ordinance.
- E. State and Federal Agencies: This ordinance does not supersede state or federal authority.

## **SECTION 11. PERMIT AUTHORITY AND PROCESS**

- A. Fire Chiefs shall issue and manage burn permits within their jurisdiction for the Sheriff. The Sheriff may suspend or revoke permits.
- B. No fee shall be charged.
- C. All permits are specific to just one burning operation on one property or joining properties. No permit may be issued allowing a permit holder authorization to burn multiple operations on non-joining properties.
- D. Permits may be approved for up to 3 days for one burn operation however, the fire must be completely extinguished every day, and the permit holder must still notify the Chaffee County Dispatch Center before reignition each day.
- E. Burn permits must comply with burn status, have appropriate suppression equipment, be attended until fully extinguished or secured, and meet time restrictions and Sheriff/ Deputy Warden or Fire Chief conditions.
- F. Permit Denial Appeals: An applicant may request review of a Fire Chief denial with the Sheriff or Deputy Fire Warden. The Sheriff or Deputy Fire Warden must consult, also, with the original denying Fire Chief before overturning the decision to deny.
- G. A maximum of twelve (12) Permitted Fires within unincorporated Chaffee County shall be approved for any given day, no more than six (6) issued by the Chaffee County Fire Protection District and no more than six (6) issued by the South Ark Fire Protection District.

- H. Issuance of a burn permit does not in any way remove liabilities from the person(s) completing the burn.
- I. For the purpose of notifying individuals with respiratory conditions, the permitting authority shall post on their website active burn permits.

## **SECTION 12. BURN SPECIFICATIONS**

- A. Pile Size and Construction: Piles shall not exceed 8×8×8 feet unless approved; stumps and dirt-laden material are prohibited; large fuels limited to 30 percent of volume; piles should be cured one year unless otherwise authorized.
- B. Timing: Burns allowed only during daylight hours. May 1 to September 30, burns must be extinguished by 12:00 PM. October 1 to April 30, burns must be fully extinguished by 2:00 PM. No ignition before sunrise.

*Snow Cover Exception:* When the ground is continuously covered by at least six (6) inches of snow, open burning may be permitted outside the standard time restrictions, subject to approval by the Fire Chief or Fire Warden.”

- C. Location: Pile burns must be a minimum of 50 feet from structures and 25 feet from property lines unless written consent is provided by the adjoining property owner. For agricultural ditch burning where compliance with these setbacks is impractical due to proximity of structures or property lines, the Fire Chief or Fire Warden may grant a variance with additional safety measures.
- D. Large or Complex Burn Projects: Burn plans shall include project description, site map, fuel description, weather and smoke parameters, ignition plan, control plan, mop-up plan, contingency plan, qualifications, and notifications. A Certified Burner or NWCG Burn Boss shall supervise. Required state smoke permits must be attached.
- E. Colorado APCD (Air Pollution Control Division) Smoke Permit Requirements: APCD Smoke Permits are required for broadcast burns; pile burning exceeding fifty piles per day; multi-day burn operations; burns where smoke may impact roads, schools, hospitals, populated areas, or high-use recreation areas; and prescribed fires conducted by governmental agencies. Agricultural burning under C.R.S. § 25-7-123 is exempt.

## **SECTION 13. TRAINING BURNS**

Training burns may be conducted by fire departments, with Fire Chief authorization, and must be fully extinguished or secured each day to prevent spread. The Chaffee County Sheriff’s Office Dispatch Center must be notified before ignition.

## **SECTION 14. FIRE RESTRICTIONS**

- A. Stage I and Stage II restrictions may be declared or rescinded by the Sheriff or Undersheriff in the absence of the Sheriff. The Sheriff, Undersheriff in the absence of the Sheriff or the Deputy

Fire Warden may also impose a No Burn Day or a Fire Ban if fire conditions are found to be a danger to the community. Fires outlined in this ordinance as exemptions are not exempt from fire restrictions that are imposed.

#### B. Stage I Restrictions

1. When a Stage I Restriction has been imposed, no open fire may be built, maintained, or attended within Chaffee County
2. The following are exempt from Stage I Restrictions:
  - a. Campfires, warming fires, and charcoal fires within a permanent constructed fire grate in a developed public campground or picnic ground or permanent constructed fire grate or fire ring in a commercial campground or on private property.
  - b. Liquefied Petroleum (LP) gas or liquid fueled stoves and appliances that allow the operator to turn the flame on and off.
  - c. Fireplaces within enclosed buildings that are equipped with adequate spark arresting screens on the flu.
  - d. Charcoal grill fires at private residences.

#### C. Stage II Restrictions

1. When a Stage II Restriction has been imposed, no open fire may be built, maintained, or attended within Chaffee County. In addition, the following are prohibited during Stage II Restrictions:
  - a. Using explosive material: i.e., exploding targets, tracer rounds, fireworks, blasting caps or any incendiary device that may result in ignition of flammable material.
  - b. Smoking, except within an enclosed vehicle or building or in an area at least twelve feet in diameter that is barren or cleared of all flammable material.
  - c. The use of chainsaws and combustion engines, except to the extent exempt under subsection b of this Section 3.
  - d. Welding, grinding metal or operating an acetylene or similar torch with an open flame, except within an area of at least 20 feet in diameter that is barren or cleared of all flammable material.
2. The following are exempt from Stage II fire restrictions:
  - a. LP gas or liquid fueled barbeque stoves and appliances which allow the operator to turn the flame on and off.
  - b. Fireplaces within enclosed buildings which are equipped with adequate spark arresting screens.

- c. The use of chainsaws with a combustion engine with adequate spark arrestors, provided the operator has with him or her a chemical-pressurized fire extinguisher of not less than 8 ounces capacity by weight, and has readily available for use a size 0 or larger round pointed shovel with an overall length of at least 36 inches.

D. No Burn Days

1. During a No Burn Day ordered by the Sheriff or Deputy Fire Warden, it shall be unlawful for any person to build, maintain, attend or use an Open Fire, conduct sales or use fireworks, or engage in outdoor smoking, even if such would otherwise constitute an exempt fire.

**SECTION 15. ENFORCEMENT**

- A. The Sheriff and deputies have primary enforcement authority; Fire District personnel may order extinguishment for safety.
- B. Any person who violates this Ordinance adopted pursuant to Part 4, Article 15 of Title 30 C.R.S. commits a class 2 petty offense, and, upon conviction or confession of guilt thereof, shall be punished by a fine of not more than \$1,000.00 for each separate violation, plus a surcharge of \$10.00, under Section 30-15-402(2) C.R.S. Fines are to be set by the Chaffee County Court, unless the violator wishes to confess guilt and, pursuant to the penalty assessment procedure, pay a fine in the amount of \$300.00 during Stage I Restrictions, or \$700.00 during Stage II Restrictions, plus the \$10.00 surcharge. Costs of suppression of any fire for which a violator is convicted shall be assessed to the violator as reasonable restitution. In addition to the above penalties, any person who violates the provisions of 30-15-201 C.R.S. by leaving a campfire unattended shall be punished with a fine of \$50.00. Any person who leaves a campfire unattended where the campfire is in a forested or grassland area shall be punished by up to a maximum sentence of six months imprisonment or a \$750.00 fine, or both.
- C. The County may pursue civil or injunctive relief.
- D. Residual Smoke: Reasonable residual smoke from a properly extinguished or secured pile is not a violation unless it presents an immediate hazard or violates permit conditions.

**SECTION 16. SEVERABILITY**

If any provision is held invalid, the remainder remains in effect.

**SECTION 17. REPEAL OF CONFLICTING PROVISIONS**

All former Chaffee County ordinances, resolutions, rules, or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed.

**SECTION 18. EFFECTIVE DATE**

This ordinance takes effect following adoption and publication as required by law.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS 17<sup>TH</sup> DAY OF  
FEBRUARY, 2026.

BOARD OF COUNTY COMMISSIONERS

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Gina Lucrezi, Chair

STATE OF COLORADO  
CHAFFEE COUNTY

ATTEST:

The above is a true and correct record of Ordinance 2025-03 duly and unanimously adopted by the Board of County Commissioners of Chaffee County at a regular meeting, properly noticed and held on February 17, 2026, at least ten days following introduction and reading of the proposed ordinance on December 16, 2025, and publication of the proposed ordinance on February 5, 2026 in the Chaffee County Times and February 6, 2026 in the Mountain Mail.

Adopted Ordinance Published in the Chaffee County Times on February 19, 2026, and the Mountain Mail on February 20, 2026.

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Chaffee County Clerk