

**TOWN OF KEYSTONE
ORDINANCE NO. 2025-O-10**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, ADOPTING REGULATIONS TO IMPOSE FIRE
RESTRICTIONS AND PROHIBIT FIREWORKS AND ADOPTING
PENALTIES FOR VIOLATIONS OF THE SAME AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Keystone (“Town” or “Keystone”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, open fires and the use of fireworks during periods of elevated fire risk present a significant danger to public safety and can lead to the uncontrolled spread of wildfire, endangering lives, homes, businesses, and natural resources; and

WHEREAS, Section 31-15-103 C.R.S. grants municipalities the authority to adopt ordinances and regulations to protect public health and safety; and

WHEREAS, the Chief of Police is informed to evaluate local fire risk and implement timely and appropriate fire restrictions as necessary; and

WHEREAS, adopting clear, tiered fire restriction measures—designated as Stage 1 and Stage 2—provides structure for residents and first responders to understand and comply with fire safety requirements during emergency conditions; and

WHEREAS, defining permitted and prohibited activities during Stage 1 and Stage 2 fire restrictions enhances public awareness and supports consistent enforcement; and

WHEREAS, because of the Town of Keystone’s location and the risk of heightened fire danger, the use or sale of fireworks is prohibited; and

WHEREAS, it is in the best interests of the Town to establish regulations that enable swift and enforceable restrictions on fire-related activities; and

WHEREAS, the Town Council determined, based on the evidence and testimony presented at the public hearing, that adoption of the fire restriction and fireworks regulations will further the health, safety and welfare of the inhabitants of the Town and adoption as an emergency ordinance with regulations effective on June 10, 2025 is for the best interests of the immediate preservation of public peace, health and safety of the community and its citizens.

Ordinance No. 2025-O-10

Page 2 of 8

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council adopts the following regulations related to fire restrictions and use of fireworks.

Section 1. Emergency fire restrictions.

The Chief of Police is hereby authorized to declare emergency fire restrictions on open fires, or to place other restrictions on open fires and other activities, as necessary to protect the health, safety, and welfare of the citizens of the Town. For the purposes of this Section, “open fire” includes any outdoor fire, including but not limited to campfires, warming fires, bonfires, fires contained within grills fueled by wood or charcoal, fireworks, smoking or the prescribed burning of fence rows, fields, wild lands, trash and debris.

- (1) A Stage 1 fire restriction signals a very high fire potential. When conducted with the safety measures defined in Subsection (5) of this Section, the following are allowed when the Chief of Police declares Stage 1 fire restrictions:
 - a. Fires on private property which are:
 1. Contained to a commercially designed and manufactured outdoor fireplace or portable outdoor fireplace that is equipped with a protective screen;
 2. Placed in an area that is barren;
 3. At least fifteen (15) feet from any flammable material or structures; and
 4. No larger than three (3) feet wide and two (2) feet tall.
 - b. Fires within a designated dispersed camping site or picnic area that are contained within a permanent metal fire ring.
 - c. Fires in gas, charcoal, or wood pellet grills.
 - d. Commercial sale of firewood or charcoal.
 - e. Pile burns with the proper permits.
 - f. Fires contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located in a fully enclosed permanent structure.

Ordinance No. 2025-O-10

Page 3 of 8

- g. Fires caused or administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 - h. Smoking, which is permissible by other law, and which is at least three (3) feet away from natural vegetation or flammable materials.
 - i. Operating a chainsaw, so long as the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - j. Using a flame torch device outdoors when the use is at least fifteen (15) feet away from natural vegetation or flammable materials and the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - k. Inflating or propelling a hot air balloon.
 - l. Using an off-highway vehicle ("OHV") in compliance with state and local laws.
- (2) The following are prohibited when the Chief of Police declares Stage 1 fire restrictions:
 - a. Using or selling recreational fireworks and tracer ammunition, including any projectile containing explosive or incendiary material or chemical substances.
 - b. Using or selling recreational explosives, including explosive targets.
 - c. Disposing of any burning object outdoors, including without limitation, any cigarette, cigar, or match.
 - d. Any other prohibition on open fires or other activities related to this Section which the Chief of Police includes in the declaration.
- (3) A Stage 2 fire restriction signals extremely high fire potential. When conducted with the safety measures defined in Subsection (5) of this Section, the following activities are allowed when the Chief of Police declares Stage 2 fire restrictions:
 - a. Fires in gas grills.
 - b. Fires contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located in a fully enclosed permanent structure.
 - c. Smoking, which is permissible by other law, and which is at least three (3) feet away from natural vegetation or flammable materials.

Ordinance No. 2025-O-10

Page 4 of 8

- d. Operating a chainsaw, so long as the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - e. Using a flame torch device outdoors when the use is at least fifteen (15) feet away from natural vegetation or flammable materials and the operator is equipped with, and has ready for immediate use, an appropriate dry chemical fire extinguisher.
 - f. Using an OHV in compliance with state and local laws and operated only on designated routes or in designated OHV staging areas.
- (4) When the Chief of Police declares Stage 2 fire restrictions, only activities expressly listed in Subsection (3) of this Section are allowed. Prohibited activities during a Stage 2 fire restriction include, but not limited to, the following:
- a. Fires on private property.
 - b. Fires within a designated dispersed camping site or picnic area.
 - c. Using charcoal or wood pellet grills.
 - d. Using or selling any explosives, although commercial applications may be licensed or permitted by the local fire protection district and the Chief of Police.
 - e. Selling, commercially, firewood or charcoal.
 - f. Inflating or propelling a hot air balloon.
 - g. Using any projectile containing explosive or incendiary material, or other chemical substances, including tracer ammunition.
 - h. Fireworks displays, including professional or licensed displays.
 - i. Pile burns, including burns for which licenses or permits have been issued.
 - j. Operating or using any internal or external combustion engine without a proper spark arresting device in effect.
 - k. Any other prohibition on open fires or other activities related to this Section which the Chief of Police includes in the declaration.
- (5) For purposes of this Section, the required safety measures are:
- a. The activity must be constantly attended by a responsible adult;
 - b. The fire, equipment, or items used in the activity must be extinguished and cool to the touch prior to leaving unattended; and

Ordinance No. 2025-O-10

Page 5 of 8

- c. The activity must be conducted with one (1) of the following methods of extinguishing fire available for immediate utilization: an appropriate portable fire extinguisher; a container of at least five (5) gallons in volume containing water or other appropriate fire suppressant; or a charged garden or water hose.
- (6) Violations of this Section shall be punished by the Municipal Court as a noncriminal infraction under a penalty assessment. The amount of the fine shall be established by resolution of the Town Council. The Town Council may adopt a schedule of escalating fines for repeat offenses.

Section 2. Fireworks.

- (a) Definitions. As used in this Section, unless the context clearly requires otherwise:

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation, including those classified as 1.3G fireworks or 1.4G fireworks.

1.3G Fireworks means large fireworks devices which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN 0335 by the DOTn. Examples of 1.3G Fireworks include aerial shells, salutes, multi-break shells, large rockets or missiles, professional-grade roman candles, and display cakes.

1.4G Fireworks means small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the US Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507. Examples of 1.4G Fireworks include sparklers, firecrackers, fountains, small rockets, smoke bombs, and novelty items like snakes.

Social host means:

- 1. An owner of any private residential or non-residential real property in the town; or

2. Any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or
3. Any person who hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering on public or private property.

Strictly liable means that no culpable mental state or mens rea of any type or degree shall be required to prove a violation.

(b) *Prohibition.* A person's sale or use of fireworks are prohibited.

(c) *Social host permitting use of property for use of fireworks prohibited.* It is unlawful for a social host to permit any person to possess or use fireworks anywhere on property owned or otherwise subject to the control of the social host, as defined herein.

(d) *Social host strictly liable.* Any social host shall be strictly liable for any use of any fireworks in violation of this section.

(e) *Exceptions to social host liability.* No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for a violation of this section occurring in the common area of the property unless the person hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering at which the violation occurs.

(f) Nothing in this Section shall prevent or regulate:

- (1) The sale, purchase, or use of fireworks when conducted as part of a permitted professional fireworks display authorized by the Town.
- (2) The use of pyrotechnics in training by the fire service, law enforcement or similar governmental agencies.

(g) Violations of this Section shall be punished by the Municipal Court as a noncriminal infraction under a penalty assessment. The amount of the fine shall be established by resolution of the Town Council. The Town Council may adopt a schedule of escalating fines for repeat offenses.

Section 3. *Severability.* Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. *Codification.* This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Ordinance No. 2025-O-10

Page 7 of 8

Section 5. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town may lack appropriate regulations during periods of elevated fire danger or during the time of year when the use of fireworks is most common. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately and be enforced on June 10, 2025.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JUNE 10, 2025, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

27TH DAY OF MAY 2025.

Signed by:

Kenneth D. Riley

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

Madeline Sichel

04E4BE3F50A1424...

Town Clerk

APPROVED AS TO FORM:

Signed by:

Jennifer Madsen

89751994A1B74EC...

Town Attorney

Ordinance No. 2025-O-10

Page 8 of 8

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 5 IN FAVOR AND 1 OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 10TH DAY OF JUNE 2025.

.

Signed by:

Kenneth D. Riley

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

Madeline Siew

04E4BE3F50A1424...

Town Clerk

APPROVED AS TO FORM:

Signed by:

Jennifer Madsen

89751994A1B74EC...

Town Attorney