

**ORDINANCE NO.     289**

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 254 CONCERNING NUISANCES AND PARTICULARLY PERTAINING TO PUBLIC BURNING**

**Whereas**, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statutes, C.R.S. 31-15-401 gives to the governing bodies of municipalities the authority to define and regulate nuisance properties; and

**Whereas**, the Board of Trustees, hereinafter referred to as the “Board”, previously adopted Ordinance Number 254 which defined and prohibited certain nuisances within the Town; and

**Whereas**, Section 4, Subsection g of Ordinance No. 254, address public burning within the Town boundaries; and

**Whereas**, the Board has determined that the above subsection should be amended to comply with state law more closely, particularly regulations of the Colorado Air Pollution Control Division;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:**

**SECTION 1 - AMENDMENT OF ORDINANCE 254, SECTION 4, SUBSECTION G.**

Upon adoption of this Ordinance, Section 4, Subsection g of Ordinance Number 254, shall be deleted and amended to state as follows:

1. Open burning within the Town of Hugo is only permissible with a state-issued burning permit. The permit will only be issued for burning of clean, untreated wood and natural vegetation and will not include trash, clean lumber, pallets, tree stumps, tires, chemicals, plastic, construction debris, furniture, or other items prohibited by State of Colorado regulation

2. In no event shall burning be allowed in barrels or in a burning pile larger than permitted by the State of Colorado.

3. The requirement of an open burning permit from the State of Colorado shall not be excused for exempted open burns as defined by State of Colorado regulations such as campfires, non-commercial cooking, recreational fires, and agricultural burning.

4. Non-exempt open burns are still subject to standing fire district, municipal fire rules, and determinations made by the Lincoln County Sheriff.

**SECTION 2 – SEVERABILITY.**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

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All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that are inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

**SECTION 4 – RECORDING AND AUTHENTICATION.**

Following adoption, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances. This Ordinance shall take effect thirty (30) days after publication as required by law.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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MAYOR

ATTEST:

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TOWN CLERK