

RESOLUTION 2024-048

A RESOLUTION APPROVING A VEGETATIVE FUELS AND MITIGATION ABATEMENT PROGRAM

PUEBLO WEST METROPOLITAN DISTRICT

WHEREAS, the Pueblo West Metropolitan District seeks to safeguard the community from the risk of wildland fire through prevention and mitigation.

WHEREAS, C.R.S. § 32-1-103(7), the District, as a Colorado metropolitan district and fire protection district, is responsible for providing protection against fire by any available means. The provisions of this Title 6.5 are in addition to, and are not limited upon, any powers and authorities provided to the District or to its officers, agents and employees under Colorado law.

WHEREAS, C.R.S. § 32-1-1002 et seq. specifically gives the Chief of the Fire Department of the District (the “Fire Chief”) and designated members of the Fire Department the power 1) to conduct inspections of buildings and premises which are especially liable to fire or are hazardous to safety, 2) to order any such inflammable or unsafe conditions discovered to be removed, and 3) to deem those who do not comply with such orders to be maintaining a fire hazard.

WHEREAS, C.R.S. § 32-1-1004 and C.R.S. § 32-1-1001 (1)(j)(l), the Board of Directors of the District (the “Board”), has the power to fix and from time to time to increase or decrease penalties and charges for programs – and until paid, all such penalties or charges may constitute a perpetual lien on and against the property served.

WHEREAS, the purpose of this Program is to mitigate the heightened danger of wildfire in the wildland-urban interface of the Pueblo West community, as well as areas which exist in a wildland, open land or rangeland conditions.

WHEREAS, As our climates have changed and a true fire season has become a year-round challenge in weed management, the Fire Department has been charged with developing this Program. The Board takes fire safety seriously and through the adoption of this Program by resolution the Fire Department is authorized and given the duty to work with property owners to reduce the risk of fire.

WHEREAS, the goal for this Program is to eliminate the fire threat from overgrown vegetation and other fuels, especially overhanging trees, and tall grasses which are common to the District’s prairie terrain. While it is the property owner’s responsibility to keep weeds mowed throughout the year, it is ultimately the Fire Department’s responsibility to abate unsafe inflammable conditions and mitigate fire danger for the protection of the District.

THEREFORE, BE IT RESOLVED by the Board of Directors of the Pueblo West Metropolitan District that this resolution concerning the Vegetative Fuels Mitigation and Abatement Program is approved by this Resolution.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regularly held meeting of the Board of directors of the Pueblo West Metropolitan District on the 24th day of June 2024, by the following vote:

AYES, and in favor thereof, Directors: Proal, Axworthy, Mahaney, Gray

NOES, Directors:

ABSENT, Directors: Vickers

NOT VOTING, Directors:

Pueblo West Metropolitan District

By: _____

Name: Doug Proal

Title: Board President





PUEBLO WEST FIRE DEPARTMENT

VEGETATIVE FUELS MITIGATION & ABATEMENT PROGRAM

TITLE 6A VEGETATIVE FUELS MITIGATION & ABATEMENT PROGRAM FOR FIRE PROTECTION PURPOSES

6A.1 AUTHORIZATION

The Pueblo West Metropolitan District (the “District” or “Pueblo West”) through Resolution 24-___ has authorized the Pueblo West Fire Department (the “Fire Department”) to implement this Vegetative Fuels Mitigation & Abatement Program (the “Program”).

6A.2 BASIS

- A. Under C.R.S. § 32-1-103(7), the District, as a Colorado metropolitan district and fire protection district, is responsible for providing protection against fire by any available means. The provisions of this Title 6.5 are in addition to, and are not limitations upon, any powers and authorities provided to the District or to its officers, agents and employees under Colorado law.
- B. C.R.S. § 32-1-1002 et seq. specifically gives the Chief of the Fire Department of the District (the “Fire Chief”) and designated members of the Fire Department with the power 1) to conduct inspections of buildings and premises which are especially liable to fire or are hazardous to safety, 2) to order any such inflammable or unsafe conditions discovered to be removed, and 3) to deem those who do not comply with such orders to be maintaining a fire hazard.
- C. Under C.R.S. § 32-1-1004 and C.R.S. § 32-1-1001 (1)(j)(I), the Board of Directors of the District (the “Board”), has the power to fix and from time to time to increase or decrease penalties and charges for programs – and until paid, all such penalties or charges may constitute a perpetual lien on and against the property served.

6A.3 PURPOSE

- A. The purpose of this Program is to mitigate the heightened danger of wildfire in the wildland-urban interface of the Pueblo West community, as well as areas which exist in a wildland, open land or rangeland condition.
- B. Recent events have shown that wildfires along the Front Range can be devastating at any time of year without adequate mitigation – the Marshall Fire, set ablaze on December 30, 2021, consumed over 1,000 homes. As such, this Program calls upon and invokes the powers given to the District by statute and authorizes the Fire Chief and the Fire Department to take necessary actions to prevent fire hazards created by vegetative growth and the accumulation of combustible debris and other fuels.
- C. Property owners, through voluntary compliance or by imposition of penalties where necessary, are required to maintain their properties cleared of significant accumulation of combustible vegetative materials, including naturally occurring live and dead vegetation, such as grass, leaves, ground litter, plants, shrubs, and trees, as well as excessive buildups of these materials resulting from resource management and other land use activities, as well as from natural plant growth and succession common to Colorado's prairie, all of which are capable of being ignited and fueling fires that endanger neighboring properties.
- D. This Program implements the powers given to Colorado fire protection districts and metropolitan districts and empowers the Fire Chief and members of the Fire Department take action upon finding that conditions pose an unacceptably high fire risk. The District will charge property owners for such services under this Program which hereby authorizes the Fire Department to take necessary vegetative fuels management actions.

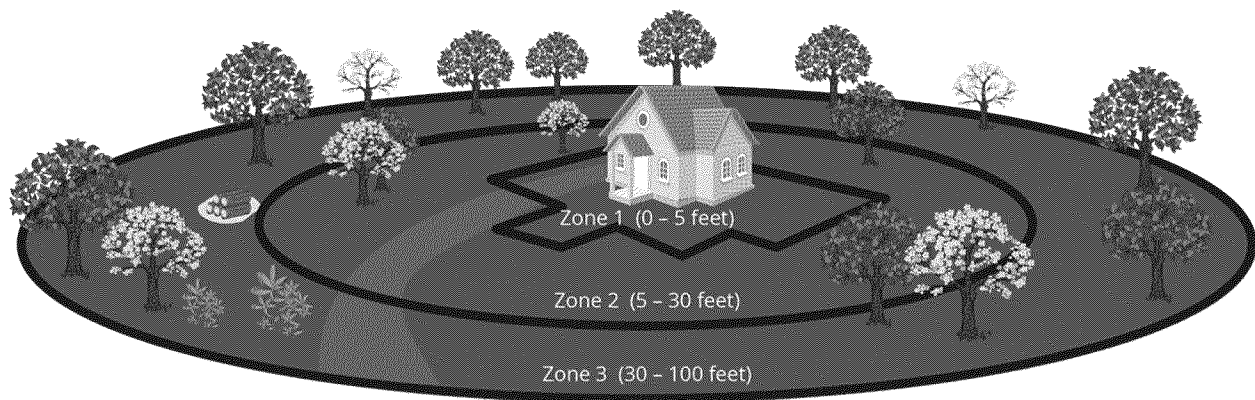
6A.4 PROGRAM INFORMATION

- A. As our climates have changed and a true fire season has become a year-round challenge in weed management, the Fire Department has been charged with developing this Program. The Board takes fire safety seriously and through the adoption of this Program by resolution the Fire Department is authorized and given the duty to work with property owners to reduce the risk of fire.
- B. Our experiences have shown that providing a defensible space around a home will reduce the fire threat and help buy time for responding firefighters. An overgrowth of vegetation, or similar conditions, can create a serious fire threat to homes and to neighbors adjoining a property.
- C. The goal for this Program is to eliminate the fire threat from overgrown vegetation and other fuels, especially overhanging trees, and tall grasses which are common to the District's prairie terrain. While it is the property

owner's responsibility to keep weeds mowed throughout the year, it is ultimately the Fire Department's responsibility to abate unsafe inflammable conditions and mitigate fire danger for the protection of the District.

6A.5 MINIMUM FIRE SAFETY STANDARDS

- A. Individual property owners of the district must remove dead or dried vegetation, low hanging trees are recommended to be trimmed up off the ground at least 3 feet or 3 times the height of the ground vegetation around it, continuous vegetation must be broken up, properties exceeding one acre must have a minimum cleared area of 10 feet along property lines.
- B. A defensible space is a firebreak or safety zone that is 100 feet around your home to reduce the intensity, speed and spread of fire. It is also a place where firefighters can take a stand when protecting a home or property. Where possible, all homes must have an adequately maintained defensible space. If a home is on a slope or is subject to high winds (as is true for much of the District), extending the distance beyond 100 feet may be prudent, as determined by the Fire Chief or his designee.
- C. In accordance with zones as designated by the U.S. Fire Administration, the first 5-foot area around a home and working outward, must be kept free of outsized brush piles to reduce the risk to the home during a wildfire.



U.S. Fire Administration, Healthy Landscapes, Defensible Space Fire Zones. <https://www.usfa.fema.gov/wui/healthy-landscapes/> .

6A.6 WEED ABATEMENT AND VEGETATIVE FUELS MANAGEMENT

- A. Annual weed abatement and vegetative fuel management is important in the Pueblo West community for the following reasons:
 - 1. Accumulation of weeds or other vegetative matter is a major fuel source and creates a greater potential for loss of life and property damage;

2. Weed accumulation reduces adjacent property values and prevents neighbors from enjoying their properties;
 3. Accumulation of weeds or other vegetative matter can attract vermin and insects which create potential health risks;
 4. Weed accumulation detracts from the overall beauty and desirable spaces; and,
 5. Vegetative fuels pose significant community wildfire risks and increase the probability of a fire spreading to neighboring properties and getting out of control.
- B. Accordingly, under this Program, the Fire Department is to ensure that weeds are abated and vegetative fuels are managed to mitigate fire risk to the maximum practicable extent and may issue orders to property owners to take actions to abate weeds or mitigate the accumulation of vegetative fuels.

6A.7 BURN PERMITS

- A. Controlled burning is allowed in Pueblo West to help eliminate and control weeds and yard debris. Burn permits are required to be in the homeowner's possession at the time of the burn, and burning will only be allowed on days with appropriate weather.
- B. Even if a burn permit has been issued, the subsequent occurrence of "red flag" days, high wind, or other weather conditions will negate the burn permit.
- C. Homeowners with burn permits are responsible at all times for assuring that their burning activities will not cause an unacceptable risk of wildfire or the spread of fire.
- D. Burn permits are available at any Pueblo West Fire Station at no cost to our residents. Permits will be issued during normal business hours (8 a.m. to 5 p.m., Monday through Friday). Burn permits WILL NOT be issued during critical fire weather days including Red Flag Warning Days when such a warning is issued by the National Weather Service.
- E. Burn permits which have been issued are immediately suspended upon the occurrence of any Red Flag Warning Condition. Permits are valid for three years, unless a permit is suspended or revoked by the Department due to a permittee being in violation of permit conditions.
- F. In order to obtain a burn permit, a resident must meet and adhere to the following requirements and guidelines:

1. The individual must be the homeowner, or present a notarized, signed letter from the homeowner;
2. Must keep a charged hose and rake or shovel near the fire to control and extinguish the fire if necessary;
3. Must keep the fire at least 25 feet away from all structures (50 feet if within a mobile home park);
4. Must only burn during daylight hours;
5. Must only burn small yard debris, such as grasses, tumbleweeds, small sticks, etc.;
6. Must stay with the burn the entire time, until the fire is completely extinguished; and
7. No burn shall contain prohibited materials, including but not limited to animal remains, accelerants (compounds which increase the rate of combustion, such as lighter fluid, alcohol [including ethanol and isopropyl alcohol, their constituents and derivatives] charcoal starter, acetone, cyclohexane or other products causing similar effects), asbestos-containing materials, asphalts; automobile parts, garbage, petroleum products, plastics, rubber, tires, treated wood, and wire insulation.

6A.8 ACCEPTABLE METHODS OF MITIGATION

- A. The Fire Chief and designated members of the Fire Department may, as they deem necessary, issue citations to property owners who do not comply with the Minimum Fire Safety Standards, Weed Abatement and Vegetative Fuels Management Orders and Burn Permit Rules above.
- B. Upon issuing a citation, the Fire Chief and designated members of the Fire Department may also order mitigation and abatement of the unsafe condition that they deem to be a fire hazard and thereby require the property owner to promptly remedy the hazardous condition.
- C. If the property owner does not comply with a Fire Chief order in a timely manner, which is to be determined within the direction of the Fire Chief given the current level of fire danger in Pueblo West, the Fire Chief and designated members of the Fire Department may take action to remedy the hazardous conditions.

6A.9 PENALTIES

- A. The District hereby authorizes the Fire Chief and the Fire Department to assess a penalty for the property owner's failure to comply with a mitigation order, in the amount equivalent to the reasonable charge for services furnished by the Fire Chief and Fire Department necessary to remedy the hazardous condition. The District authorizes such a penalty to constitute a perpetual lien on the property owner's subject property until the penalty is paid.

- B. Any person who violates any of the provisions of this Title 6A Code as adopted and amended herein or fails to comply therewith or who violates or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds or maintains their property in violation of any provision of this Title 6A:
1. Such violation and non-compliance respectively be punishable by a fine of not less than \$100.00 nor more than \$300.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day a violation is found shall constitute a separate offense.
 2. The Board of Directors hereby declares that should any section, paragraph, sentence, or word of this Ordinance or the Uniform Fire Code as adopted herein be declared, for any reason, to be invalid it is the intent of the Board of Directors that it would have passed all other portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

6A.10 POWERS OF THE FIRE CHIEF AND THE DEPARMENT

- A. The Fire Chief and the Fire Department are specifically authorized, either directly or by use of a contractor, to engage in mitigation services such as:
1. Mowing tall grasses and weeds in accordance with fuel reduction best practices;
 2. Removing and disposing of flammable debris and other fuels in order to mitigate fire risk, especially in areas immediately surrounding structures which do not have an adequate firebreak or safety zone between neighboring and adjacent property;
 3. Trimming trees, bushes, and branches where they violate minimum safety standards; and
 4. Taking any prudent action that the Fire Chief deems reasonably necessary for the protection of the public and private property in the Pueblo West from an immediate and significant threat of wildfire.
 5. The Fire Chief and/or the Fire Department may also contract for the provision of mitigation services, with the objective that members of the Fire Department remain ready at all times to provide ordinary and necessary fire protection services. If the Fire Chief and/or the Fire Department contract for the provision of mitigation services from a private party, all costs of such services shall become a perpetual lien on the property until paid in full.

6A.11 REPORTING A HAZARD

- A. Residents of Pueblo West may report hazardous conditions to the Fire Chief and to members of the Fire Department for inspection. Reporting a hazard is encouraged where conditions on a property create an unreasonable fire risk and pose an increased likelihood of wildfire spreading between adjacent properties.
- B. While cooperation from residents of Pueblo West is encouraged and is a vital tool to ensure that the community mitigates its wildfire risk, the authority and discretion to issue citations, enforce mitigation orders, and assess penalties for abatement services rests solely with the Fire Chief and designated members of the Fire Department.
- C. No resident of the District shall be liable for any reporting in good faith of a condition the resident reasonably believes would create an unreasonable fire risk, or a risk of fire spreading between adjacent properties.