

10 May 2022

Canyon View Estates HOA Guidance on Outdoor Fireplaces

History

An email was sent to the community on 26 April 2022, reminding the community that the use of firepits, chimineas, fireplaces and the like “outdoor fireplaces”, to include pellet smokers, were limited to natural gas, propane and electricity based on the CC&Rs, Article 4.2.E.

4.2 Building Restrictions

E. Because of the proximity to the Colorado National Monument and the need to maintain Class 1 air quality standards, fireplaces and stoves using fuels other than natural gas, propane or electricity are prohibited.

This communication was the result of complaints by residents that believed these devices have been prohibited since the establishment of the community/homeowner association (HOA). One resident suffered a home filled with smoke from a neighbor’s firepit and others expressed concern about fires that produce embers that could start an uncontrolled burn/threaten their property.

The Board of Directors (BOD) received counter complaints that the CC&Rs did not prohibit the use of these of exterior features, and the article addresses fireplaces and stoves within the building, only.

The BOD researched all the CC&Rs that were superseded by our current document (2007), and the article was changed from a stand-alone Clean Air declaration to the subparagraph within Building Restrictions. In addition, the reference to the Clean Air Act Class 1 air quality is not applicable to the Colorado National Monument <https://www.nps.gov/subjects/air/npsclass1.htm>

As written, the BOD does not believe the CC&Rs prohibit the use of devices that burn wood in outdoor fireplaces or pellets in smokers/grills.

BOD Recommendations and Guidance

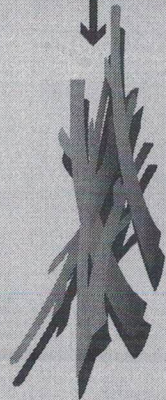
- All improvements to properties in Canyon View Estates are subject to approval by the Architectural Control Committee (ACC). This includes building or exterior improvement of any kind, landscaping, fencing, roofs, finishes, windows/doors. All documents, governing policies, forms, and historical data can be found at <https://www.westernslopehoa.com/canyonviewhoa/>
- Firepits, chimineas and the like fall under City of Grand Junction ordinances. These city ordinances have been included for your convenience. Note that burning wood is prohibited during times of sustained or prevailing winds, no burn days, and red flag warnings. Burning of tree stumps, leaves, grass clippings, garbage, trash, rubbish, scrap lumber, tires, etc. is prohibited.
- For permanent installations, the ACC will review the location and conformance to city ordinance and the HOA requirements for setbacks and easements as necessary.
- Please respect your neighbors. If your device is producing smoke that curtails those abutting your property from enjoying their outdoor space, take action to mitigate the nuisance.

GRAND JUNCTION BURN ORDINANCE

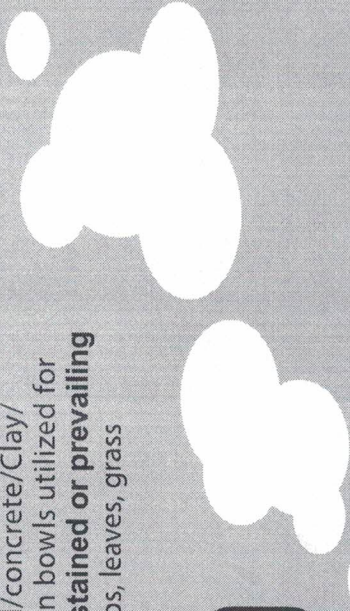


Portable Outdoor Fireplace

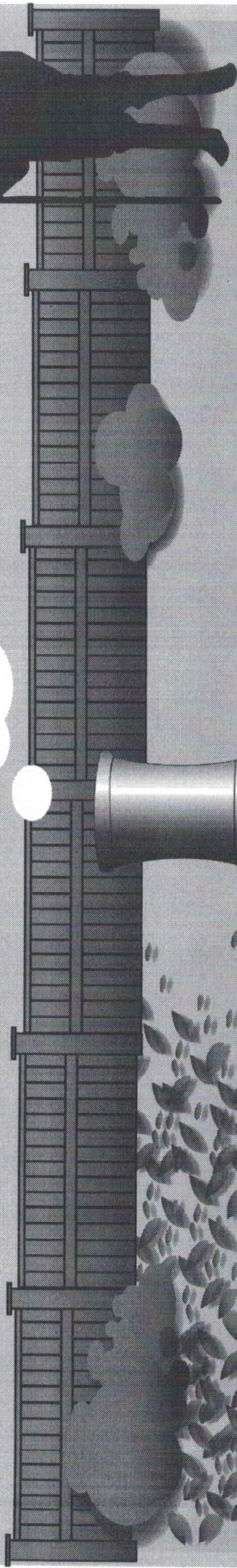
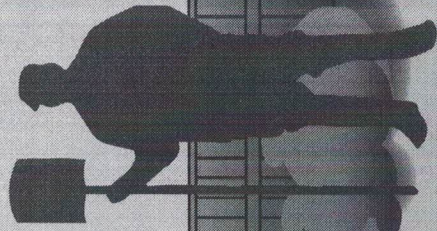
A commercially built and purchased, above ground portable device regulated as a "portable outdoor fireplace" according to the International Fire Code (i.e. steel/concrete/Clay/Non-Combustible chimeneas, portable fire tables, fireplaces and burn bowls utilized for outdoor purposes). **Burning wood is prohibited during times of sustained or prevailing winds, no burn days, and red flag warnings.** Burning of tree stumps, leaves, grass clippings, garbage, trash, rubbish, scrap lumber, tires, etc. is prohibited.



Your fuel source must be clean, dry, and natural vegetative material. No trash.

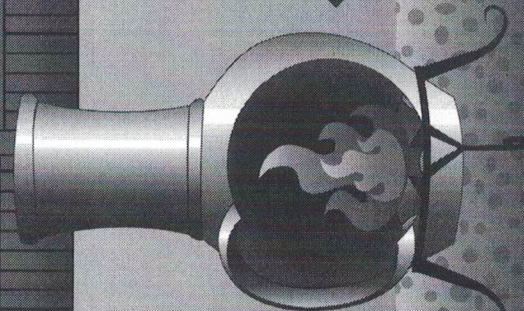


Fire must be constantly attended by a competent adult.



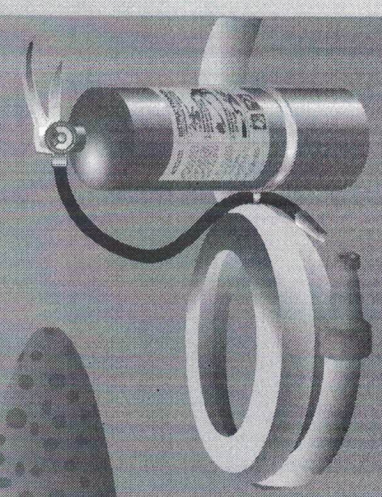
Keep your fire **15** feet from any structures, property line, or combustible material.

Conditions that could cause a fire to spread within **15** feet shall be eliminated.



Use your portable fireplace according to manufactures instructions, suggestions and safety precautions.

An adequate means of extinguishing your fire must be available for immediate use (i.e. water hose, fire extinguisher, etc.)



GRAND JUNCTION BURN ORDINANCE



Permanent Fire Pit or Fireplace

A permanent outdoor, wood burning or gas fire pit or fireplace is constructed of steel, iron, concrete, clay, masonry or other noncombustible material(s). A permanent outdoor fire pit or fireplace is above ground and purchased or constructed in a manner that attaches the component to a deck, patio or ground such that it is not portable. The design may be open or may be equipped with a chimney and/or a hearth. Fuel source may be wood or gas. **A permit may be required from the building department.**

Burning of tree stumps, leaves, grass clippings, garbage, trash, rubbish, scrap lumber, tires, etc. is prohibited.

Burning of wood is prohibited during times of sustained or prevailing winds, no burn days, and red flag warnings.

Keep your fire **5** feet from any structures, property line, or combustible material.

Permanent construction utilizing steel, iron, concrete, clay, masonry or other noncombustible material.

An adequate means of extinguishing your fire must be available for immediate use (i.e. water hose, fire extinguisher, etc.)

Fire must be constantly attended by a competent adult.

