

MEETING MINUTES – EMERGENCY MEETING GRAND COUNTY BOARD OF COMMISSIONERS

July 15, 2016

Present: Commissioner E. Jane Tollett, Commissioner District 1 – Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3 (attended by phone)
Clerk and Recorder Sara Rosene
County Attorney Alan Hassler
Interim County Manager Ed Moyer
Sheriff Brett Schroetlin

Those present recited the Pledge of Allegiance.

The purpose of the emergency meeting is to discuss an emergency declaration of a fire ban and/or restrictions.

Sheriff Schroetlin stated that as he has discussed over the last couple of weeks, he has been monitoring the fire conditions within the County. Sheriff Schroetlin stated that we are at the level to take the next step toward keeping our County safe. In order to do so, Sheriff Schroetlin would like to enact Stage 1 Fire Restrictions. With the assistance of the County Attorney's Office, Sheriff Schroetlin crafted an Ordinance that restricts:

1. Open burning and/or open fires and incendiary devices are hereby immediately restricted and the use of fireworks and the sale of fireworks within unincorporated Grand County are hereby immediately banned.
2. For the purposes of this Ordinance, "open burning" and/or "open fires" shall include:
 - a) Building, maintaining, attending or using any fire except as excluded in Section 3 below.
 - b) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area of at least six feet in diameter that is barren or cleared of all combustible material.
 - c) Open burning, including "bon fires" that require a permit from the fire authority having jurisdiction, will not be allowed during these restrictions.
 - d) Agriculture fires, including but not limited to the burning of fence lines or rows, ditches, fields, grass lands, farm lands, range lands, wild lands, trash and debris, will not be allowed during these restrictions.

NOTE: Burn permits issued and not executed prior to the effective date of these temporary fire restrictions shall not be authorized unless approved by the issuing agency on the day of execution.

- e) The use of fireworks is prohibited within unincorporated Grand County.
- f) The use of incendiary devices will not be allowed during these restrictions.

Incendiary devices shall mean: any object which is combustible, flammable, explodes or is designed to or may cause fire. This includes but is not limited to sky lanterns, exploding ammunition, exploding targets, and tracer ammunition.

3. The following fire and burning activities are excluded from the prohibitions of the Ordinance:

- a. Use of liquid or gas fueled appliances (see Definitions, below).
 - b. Approved wood pellet grills and stoves.
 - c. Any recreational fire or charcoal barbecue grills at private residences or within a permanently constructed grate at a private residence or in a developed park, campground, or picnic area, including but not limited to those listed in Exhibit A attached hereto.
- NOTE: Private residential recreational campfires exempted as described above are encouraged to contact their local fire agency and advise start and finish times to alleviate smoke check responses.
- d. Portable outdoor fireplaces, Tiki torches, chimineas and fire pits at a private residence or in a developed park, campground, or picnic area if located more than 30 feet from any structure or undeveloped area.
 - e. Welding and cutting torch appliances, as described below in the definition section, may only be operated in an area more than 30 feet from any structure or undeveloped area.
 - f. Recreational fires if located more than 30 feet from any structure or undeveloped area.
 - g. Permitted fires by persons with a permit specifically authorizing the prohibited act such as professional fireworks displays.
 - Contact must be made with the permitting authority to verify the status of permits issued prior to the establishment of bum restrictions.
 - h. Fire department I district training fires.
 - i. Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district.

- j. Open fires or open burning by any federal, state, or local officer in the performance of official fire suppression functions.

- k. Fires used to inflate commercial hot air balloons.

4. Individuals operating under any of the above exemptions shall take adequate measures to prevent uncontrolled fires. Possible measures include, but are not limited to:

- a. Containers of adequate water or dry soil nearby.
- b. Shovels, fire extinguishers, or other extinguishing agents nearby.
- c. Coordination with the local fire department or district to be on scene or standby during an activity.

5. Definitions:

- a. Fireworks: As defined in section 12-28-101(3) C.R.S, and shall specifically include "permissible fireworks" as defined in section 12-28-101(8) C.R.S.
- b. Liquid or gas fueled appliances: Appliances such as stoves, ovens, fire pits, grills, camp stoves and refrigerators that burn liquid or gaseous fuels and can be shut off. This does not include any device that burns solid fuels such as wood or charcoal and which must be extinguished.
- c. Open fire and open burning: Any outdoor fire larger than a recreational fire and not contained within a portable outdoor fireplace. This includes, but is not limited to, campfires, bonfires, warming fires, the lighting of any fused explosives, permissible fireworks, the use of model rockets, "sky lanterns", and the burning of fence lines or rows, grass lands, fields, farm lands, ditches, range lands, and wild lands. Permits from the fire district are required for open fires.
- d. Portable outdoor fireplace: A commercially purchased portable, outdoor, solid- fuel-burning fireplace that may be constructed of steel, concrete, clay, or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top (chimineas). These devices must be operated according to the manufacturer's instructions with all covers, screens, spark arresters, and grates in place. Portable outdoor fireplaces shall not be operated within 30 feet of a structure or undeveloped area.
- e. Recreational fire: An outdoor fire burning material other than rubbish or debris where the fuel being burned is not contained in a portable outdoor fireplace or barbeque grill and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. This includes fires in barrels and drums; fixed, permanent outdoor fireplaces; and barbeque pit fires.
- f. Undeveloped areas: Lands that are not groomed, manicured, or watered, where grasses, brush and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non-manicured park lands, and other areas where the fire hazard presented by the vegetation is determined to be an undue wildland fire hazard.
- g. Welding and cutting torch appliances: Gas cylinder mixtures, electric and/or portable powered welders and cutting appliances which produce heat, flame, sparks, molten metal slag, etc.

6. This Ordinance may be enforced by the Grand County Sheriff's Office and any other Peace Officer with authority in Grand County, Colorado. The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed when enforcing the provisions of this Ordinance: One Hundred and 00/100 Dollars (\$100.00) for the first offense, and Two Hundred Fifty and 00/100 Dollars (\$250.00) for the second offense.

Violations of any provision of this Ordinance is a Class 2 Petty Offense, and upon conviction shall be punished by a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00) for each separate violation together with a surcharge of Ten and 00/100 Dollars (\$10.00) that shall be paid to the Clerk of the Court by the defendant, excluding civil damages to be paid to the local fire districts in accordance with annually adopted fee schedules.

Additionally, anyone starting, maintaining, or permitting open burning in violation of this Ordinance shall be responsible for any and all costs associated with extinguishing the fire and for any and all damages caused as a result of the fire.

Sheriff Schroetlin stated that it is his obligation to give adequate awareness to the public. Road and Bridge is putting up signs throughout the County. There will be social media posts. There will be a recorded message at the Sheriff's Office. There are sign boards at the grocery stores.

Mr. Hassler stated that the proposed Ordinance is not a total ban on fires.

Commissioner Linke moved to authorize Grand County to enact and approve Ordinance Number 16. This is "AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DECLARING A FIRE RESTRICTION AND A BAN ON THE SALE AND USE OF FIREWORKS, A RESTRICTION ON THE USE OF OTHER INCENDIARY DEVICES, ESTABLISHING CRIMINAL PENALTIES FOR THE VIOLATION THEREOF, AND DECLARING AN EMERGENCY REQUIRING THE IMMEDIATE ENACTMENT OF THIS ORDINANCE"

The motion passed unanimously at 1:25 p.m., Friday, July 15, 2016.

There being no further business to come before the Board, the Special meeting was adjourned at 1:28 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of August 2016.

E. Jane Tollett, Chair

Attest:

Sara L. Rosene, Clerk and Recorder