

STATE OF COLORADO }
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County of Grand }

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 24th day of July, 2018, there were present:

Merrit Linke _____, Commissioner Chairman
Kristen Manguso _____, Commissioner
Richard D. Cimino _____, Commissioner
Robert Franek _____, County Attorney
Lee A. Staab _____, County Manager
Sara L. Rosene _____, Clerk of the Board

when the following proceedings, among others, were had and done, to wit:

RESOLUTION NO. 2018-7-26

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DECLARING A STAGE ONE FIRE BAN/RESTRICTION, EFFECTIVE TUESDAY, JULY 24, 2018 AT 4:00 P.M. PURSUANT TO ORDINANCE NO. 20

WHEREAS, on May 15, 2018, the Board of County Commissioners of the County of Grand, State of Colorado adopted Ordinance No. 20, effective June 23, 2018; and

WHEREAS, Ordinance No. 20 is incorporated herein by reference as if set forth in full herein; and

WHEREAS, Ordinance No. 20, in part, establishes fire restriction on open fires under certain conditions and provided a procedure for instating and rescinding any or all of the restrictions set forth therein from time to time by resolution, and established criminal penalties for the violation thereof; and

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Grand, State of Colorado to ban open fires within those portions of the unincorporated areas of Grand County where the danger of forest or grass fires is found to be high based on competent evidence. “Competent evidence” may include, but is not limited to, the use of the national fire danger rating system and any other similar indices or information; and

WHEREAS, “open burning” and/or “open fires” can be a prime cause of forest and brush fires in Grand County; and

WHEREAS, factors evidencing high danger of forest or grass fires is subject to rapid change; and

WHEREAS, the Board of County Commissioners has considered competent evidence regarding the underlying, on-going dangers of forest or grass fires in Grand County; and

WHEREAS, the Board of County Commissioners has determined that the public health, safety and welfare will be best served by adopting by resolution a Stage One ban on open fires in excess of a defined size of the active fire of three feet in diameter and flame height of two feet; and

WHEREAS, any ban on open fires shall be instated whenever and only whenever the Board determines, based on competent evidence, that the danger of fire or forest fire or grass fire is high; and

WHEREAS, the Board of County Commissioners further finds, based upon competent evidence, the danger of widespread or severe damage, harm or injury to life or property may necessitate immediate action to avoid such damage, harm or injury and protect the health, safety and welfare of the citizens of Grand County; and

WHEREAS, the Board of County Commissioners finds that passage of this Resolution in accordance with Ordinance No. 20 is necessary to protect against human-caused fires; and

WHEREAS, the Grand County Sheriff recommends instituting a preplanned ban on open burning in Grand County rather than on an emergency basis, and the Board has found that the danger of forest or grass fires based on competent evidence, meteorological trends and other information, is indeed high; and

WHEREAS, the Board of County Commissioners of the County of Grand, State of Colorado finds, based upon competent evidence, including the recent weather conditions, fuel moistures, preparedness levels and the potential for destructive forest or grass fires in Grand County and the western region, that there exists the imminent threat of widespread or severe damage, injury or loss of life or property resulting from fire which requires action to avert danger or damage, and a fire danger emergency exists within Grand County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT A DECLARATION OF STAGE ONE FIRE RESTRICTIONS IS HEREBY INSTATED. A Stage One fire restriction is designed to reduce fire risk and prevent wild fires during periods of high fire danger and includes prohibitions of the following:

1. "Burning," "open burning" and/or "open fires" means building, maintaining, attending or using any fire including: campfires, recreational fires, cooking fires, portable outdoor fires, bonfires, or warming fires.
2. 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. (2009 IFC 320.8).
3. Operating a chain saw unless it has a U.S.D.A. or SAE approved spark arrestor properly installed and in effective working order.
4. Welding or operating acetylene torch or other torch with open flame, except in cleared areas of at least 10-feet in diameter and in possession of a chemical pressurized fire extinguisher.

BE IT FURTHER RESOLVED, excluded from this Resolution are the following fire and burning activities:

1. Permissible Fireworks as defined by C.R.S. §24-33.5-2001 (5) and (11). Any person in possession of fireworks in compliance with C.R.S. §24-33.5-2001, et sec. shall not be in violation of this Resolution.
2. Use of liquid or gas fueled appliances.
3. Use of approved wood pellet grills and stoves.
4. Use of permanent or portable outdoor fireplaces, fire pits, chimineas, barbeque pits, or charcoal barbeque grills at private residences or in a developed park, campground, or picnic area.
5. Permitted fires by persons with a permit specifically authorizing the prohibited act, such as professional firework displays.
6. Fire Department/District training fires.

7. Burning of explosive wastes by manufacturer or explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district.

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

9. Fires used to inflate commercial hot air balloons.

BE IT FURTHER RESOLVED, Ordinance No. 20 and this Resolution may be enforced by the Grand County Sheriff's Office and any other Peace Officer with authority in Grand County, Colorado.

Penalties:

1. Violations of any provision of Ordinance No. 20 and this Resolution 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.

2. The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed when enforcing the provisions of Ordinance No. 20 and this Resolution. If a penalty assessment ticket is issued, the fines imposed shall be 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.

3. Anyone starting, maintaining, or permitting burning, open burning and/or open fires in violation of Ordinance No. 20 and this Resolution 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.

BE IT FURTHER RESOLVED, the effective date of this Resolution shall be Tuesday, July 24, 2018, at 4:00 p.m., and shall be effective for thirty (30) days from the effective date at which time it shall automatically repeal without further Resolution, or at an earlier date if deemed appropriate by the Board of County Commissioners by further Resolution of the Board.

BE IT FURTHER RESOLVED, Resolution 2018-7-1 is hereby repealed and no longer effective or enforceable as of the effective date and time of this Resolution.

BE IT FURTHER RESOLVED, if any part or parts of this Resolution are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners hereby declares that it would have passed this Resolution and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Upon motion duly made the foregoing resolution was adopted by the following vote:

..... <i>Merita Luba</i>	Aye
..... <i>Krista Mongese</i>	Aye
..... <i>Richard Connor</i>	Aye

Commissioners