

WHEREAS, Grand County has two on-going wildland fires, one of which, the Silver Creek Wildfire, has significantly increased fire activity and has expanded, which is competent evidence that the danger of fire or forest fire or grass fire is high, and the danger of widespread or severe damage, harm or injury to life or property is high; and

WHEREAS, the Grand County Sheriff recommends instating on an emergency basis a Stage Three fire ban/restriction on and in all those unincorporated lands from the Grand County and Routt County line on U.S. Hwy 40 (Rabbit Ears Pass) to one mile south of the intersection of State Hwy 134 and U.S. Highway 40, and westerly and parallel to State Hwy 134 to the Grand County/Routt County line (Gore Pass), and closing these lands to all nonessential users due to extreme fire danger and public health and safety risks; and

WHEREAS, the Grand County Sheriff recommends instating on an emergency basis a Stage One fire ban/restriction on open burning in all unincorporated Grand County, Colorado lands that are not in the Stage Three fire ban/restriction areas; and

WHEREAS, the Board finds that the danger of fire, forest or grass fires based on competent evidence, meteorological trends and other information is indeed 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 necessitates 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 public health, safety and welfare and to protect against human-caused fires; 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; 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 Three fire ban/restriction** on open burning, fireworks, and incendiary devices on and in all those unincorporated lands from the Grand County and Routt County line on U.S. Hwy 40 (Rabbit Ears Pass) to one mile south of the intersection of State Hwy 134 and U.S. Highway 40, and westerly and parallel to State Hwy 134 to the Grand County/Routt County line (Gore Pass); and

WHEREAS, the Board of County Commissioners has determined that closing the unincorporated lands within the **Stage Three fire ban/restriction** boundary to all nonessential users due to extreme fire danger and public health and safety risks is in the best interest of the health, safety, and welfare of the citizens, visitors, emergency personnel and first responders present in Grand County, Colorado.

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 fire ban/restriction** on open fires in excess of a defined size of the active fire of three feet in diameter and flame height of two feet in all unincorporated Grand County, Colorado lands that are not in the Stage Three fire ban/restriction areas.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT THE DECLARATION OF **STAGE THREE FIRE BAN/RESTRICTIONS** IS HEREBY INSTATED ON AND IN ALL THOSE UNINCORPORATED LANDS FROM THE GRAND COUNTY AND ROUTT COUNTY LINE ON U.S. HWY 40 (RABBIT EARS PASS) TO ONE MILE SOUTH OF THE INTERSECTION OF STATE HWY 134 AND U.S. HIGHWAY 40, AND WESTERLY AND PARALLEL TO STATE HWY 134 TO THE GRAND COUNTY/ROUTT COUNTY LINE (GORE PASS). A Stage Three fire ban/restriction is designed to protect public health, safety

and welfare and to reduce fire risk and prevent wild fires during periods of high fire danger and includes prohibitions of the following on and in the affected lands:

1. "Open burning" and/or "open fires" as those terms are defined by Grand County Ordinance 20 are prohibited unless otherwise provided for herein.
2. Smoking, except within an enclosed vehicle or building, is prohibited.
3. Operating an internal or external combustion engine without a spark arresting device, properly installed, maintained and in effective working order is prohibited.
4. The use of welding equipment or operating acetylene torches or other torch with an open flame is prohibited.
5. The use of incendiary devices, as defined by Grand County Ordinance 20, is prohibited.
6. The possession, use and sale of permissible fireworks and fireworks, as defined by Grand County Ordinance 20, is prohibited.
7. Discharging a firearm.

BE IT FURTHER RESOLVED, excluded from this **Stage Three fire ban/restriction** are the following fire and burning activities:

1. Permitted fires by persons with a permit specifically authorizing the prohibited act.
2. Fire Department/District training fires.
3. Open fires or open burning by any federal, state or local fire official in the performance of fire suppression functions.
4. Operating a chain saw with a U.S.D.A. or SAE approved spark arrestor properly installed and in effective working order.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, nonessential users are prohibited from entering, being upon, or using the lands within the **Stage Three fire ban/restriction area** for any purpose until further notice. For purposes of this resolution, nonessential users are defined as anyone who is not a resident of the restricted area. This restriction exempts the following persons from this order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer, or member of an organized firefighting force, EMS or search and rescue in the performance of an official duty.
3. Residents in the area accessing private property via a closed Forest Service road.
4. Persons occupied in a business, trade or occupation in the area as specifically authorized by the Grand County Sheriff's Office, the Board of County Commissioners, the U.S. Forest Service or the State of Colorado.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT THE DECLARATION OF **STAGE ONE FIRE BAN/RESTRICTIONS** IS HEREBY INSTATED on open burning and open fires in excess of the defined size of active fire of three feet in diameter and flame height of two feet on all unincorporated Grand County, Colorado lands that are not in the Stage Three fire ban/restriction area. 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," meaning 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 an internal or external combustion engine or chain saw without a spark arresting device, properly installed, maintained and in effective working order is prohibited.
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 on the lands subject to the **Stage One fire ban/restrictions**:

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.
- 4. Failure to adhere to the Stage Three fire ban/restriction unincorporated land closure may subject individuals to criminal prosecution pursuant to C.R.S. §18-9-119 in addition to extraordinary expenses incurred as a result of the violation.

BE IT FURTHER RESOLVED, the effective date and time of this Resolution shall be immediately, and shall be effective for fourteen (14) days from the effective date and time 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, 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.

BE IT FURTHER RESOLVED, any resolution or part thereof in contradiction to this Resolution is hereby repealed, rescinded, and of no further effect or force.

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

..... Aye
 Aye
 Aye

Commissioners

STATE OF COLORADO }
 } SS.
 County of Grand }

I,, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this day of A.D. 20.....

County Clerk and ex-officio Clerk of the Board of Commissioners.

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