

STATE OF COLORADO }
 }
 } SS.
County of Grand }

At a regular meeting of the Board of County Commissioners for the County of Grand, State of Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 18th day of August, 2020, there were present:

- Kristen Manguso , Commissioner Chair
- Merritt Linke , Commissioner
- Richard D. Cimino , Commissioner
- Christopher Leahy , County Attorney
- Edward Moyer , Asst. County Manager
- Sara L. Rosene , Clerk of the Board

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

RESOLUTION NO. 2020-8- 7

A RESOLUTION DECLARING A STAGE THREE FIRE BAN/RESTRICTION ON CERTAIN LANDS OF UNINCORPORATED GRAND COUNTY, COLORADO

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Grand, State of Colorado (Board) to regulate and ban open burning, open fires, the utilization of incendiary devices, fireworks, and other potential sources of fire ignition 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”, the utilization of incendiary devices, fireworks, and other potential human sources of spark, flame, or fire ignition, whether intended to cause a fire or not, can be a prime cause of forest and brush fires in Grand County; and

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

WHEREAS, any ban on open fires, open burning, and the utilization of incendiary devices, fireworks, and other potential human sources of spark, flame, or fire ignition, whether such uses are intended to cause a fire or not, may be instated 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 has considered competent evidence regarding the current underlying, on-going dangers of forest or grass fires in Grand County; and

WHEREAS, Grand County currently has an on-going, large wildland fire, commonly known as the Williams Fork Fire, which has been increasing in fire behavior activity and expanding in size and intensity, and clearly 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 has recommended that a geographically limited Stage Three fire ban/restriction be implemented for a limited area of the County where the Williams Fork Fire is burning, threatening, or could be accessed; and

WHEREAS, in addition to imposing a complete ban on open fires, open burning, and the utilization of incendiary devices, fireworks, and other potential human sources of spark, flame, or fire ignition, including as those actions and activities are defined and/or prohibited by both Stage One and Stage Two fire bans and restrictions, Stage Three fire bans and restrictions include the restriction of access to, and the full closure of, public lands within area declared to be subject to the Phase Three fire ban and restrictions.

WHEREAS, the Grand County Sheriff specifically recommends implementing on an emergency basis a Stage Three fire ban/restriction on and in all those National Forest System lands identified in USDA Forest Service Order #ARP-SRD-2020-06 as more fully identified in Exhibit A to that Forest Service Order, a copy of which is attached hereto and incorporated by reference herein, and closing those specifically identified public lands, as the Forest Service Order has done, to all nonessential users due to extreme fire danger and public health and safety risks; and

WHEREAS, the Sheriff recommends this geographically specific Stage Three fire ban/restriction not apply to any other unincorporated lands within Grand County, which other lands shall continue to be subject to any County wide fire ban restrictions that may also be currently in place at this time or hereafter; and

WHEREAS, the Board finds that based on meteorological trends, fuel loads, fuel moisture, local factors, and other relevant information and competent evidence, fire danger is currently high across the whole County; and

WHEREAS, the Board further finds, based upon competent evidence, the danger of widespread or severe damage, harm or injury to life or property in the specific geographic areas identified in the Forest Service Order identified herein necessitates immediate, heightened, 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 finds that passage of this Resolution in accordance with Grand County Ordinance No. 20 is necessary to protect public health, safety and welfare and to protect against the devastating damage that can be inflicted by human-caused fires; and

WHEREAS, the Board finds, based upon competent evidence, including the current Williams Fork Fire threats, recent weather conditions, fuel moistures, preparedness levels and the potential for destructive forest or grass fires in Grand County and the surrounding 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 that 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, as recommended by the County Sheriff, banning open fires, open burning, and the utilization of incendiary devices, fireworks, and other potential human sources of spark, flame, or fire ignition, including as those actions and activities are defined and/or prohibited by both Stage One and Stage Two fire bans and restrictions, as well as restricting access to, and enforcing the full closure of, the unincorporated public lands within the specific area declared to be subject to the Phase Three fire ban and restrictions.

WHEREAS, the Board has determined that the public health, safety and welfare will be best served by limiting the geographic scope of this more restrictive Stage Three fire ban/restriction to the specific areas identified herein, and maintaining existing County-wide Stage Two fire ban/restrictions, as those County-wide restrictions may be modified or rescinded in the future, on all other lands within unincorporated Grand County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, that the declaration of Stage Three Fire Ban and Restrictions is hereby instated and implemented on an in all those unincorporated lands identified in USDA Forest Service Order #ARP-SRD-2020-06, as more fully identified in Exhibit A to that Order, a copy of which is attached hereto and incorporated by herein by reference, and that closing these specifically identified lands, as the Forest Service Order has done, to all nonessential users is necessary due to extreme fire danger and public health and safety risks.

In addition to imposing a complete ban on open fires, open burning, and the utilization of incendiary devices, fireworks, and other potential human sources of spark, flame, or fire ignition, including as those actions and activities are defined and/or prohibited by both Stage One and Stage Two fire bans and restrictions, Stage Three fire bans and restrictions include the restriction of access to, and the full closure of, public lands within area declared to be subject to the Phase Three fire ban and restrictions.

BE IT FURTHER RESOLVED, that excluded from these Stage Three fire ban and restrictions 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, and;
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, that nonessential users are prohibited from entering, being upon, or using the lands within the Stage Three fire ban and restrictions 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, and;
4. Persons engaged 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, Grand County 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.

Authorized Penalties Include:

1. Violations of any provision of Grand County 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 Grand County 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 Grand County 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 and restrictions approved and implemented herein, including land closures, 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 Friday August 14, 2020, and, unless earlier terminated by this Board, this Resolution shall remain effective through Tuesday October 27th, at which time, unless specifically extended by resolution of this Board, this Resolution shall automatically terminate and repeal without further formal action or 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:

..... *Hector Mangano* Aye
 *Mary S. ...* Aye
 *Richard ...* 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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