

STATE OF COLORADO }
 } SS.
 County of Grand }

At an emergency meeting of the Board of County Commissioners for the Grand County, Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Friday, the 15th day of July, 2016, there were present:

E. Jane Tollett _____, Commissioner Chairman
Kristen Manguso _____, Commissioner
Merrit Linke _____, Commissioner
Alan N. Hassler _____, County Attorney
Edward T. Moyer _____, Interim County Manager
Sara L. Rosene _____, Clerk of the Board

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

ORDINANCE NO. 16

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

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, pursuant to C.R.S. §30-15-401(1)(n.7), the Board of County Commissioners may prohibit or restrict the sale, use, and possession of fireworks, including permissive fireworks, within all or any part of the unincorporated areas of the county, except that such an ordinance shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an express finding of high fire danger based upon competent evidence; and

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

WHEREAS, it is presently the consensus of the community leaders that an "open burning" fire restriction and other incendiary devices, and a ban on the sale and use of fireworks would be in the best interests of the safety and well being of the residents of Grand County; and

WHEREAS, the Grand County Sheriff recommends an immediate restriction on open burning and other incendiary devices and a ban the sale and use of fireworks in Grand County, 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; and

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

WHEREAS, the Board of County Commissioners of the County of Grand, State of Colorado further finds that the imminent threat of widespread or severe damage, injury, harm or loss of life or property resulting from fire demands that this Ordinance be effective upon passage for the immediate preservation of the public health or safety.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT:

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 barbeque 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 burn restrictions.
 - h. Fire department / 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.

7. This Ordinance shall take effect upon passage as necessary for the immediate preservation of the public health or safety and to address the imminent threat of widespread or severe damage, injury, harm or loss of life or property from fire.

Upon Motion duly made, this Ordinance was adopted on July 15, 2016 at 1:26 p.m., 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 Ordinance 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.

EXHIBIT A TO ORDINANCE NO. 16

List of approved areas with fire grates that are excluded from the fire ban.

In an effort to eliminate confusion, the following list has been compiled to show the areas that are excluded from the fire ban. However, to have a fire in one of these areas, the fire must be in one of the fire pits or grates provided by the entity in charge of the grounds.

Campgrounds

Arapahoe Bay (Big Rock, Moraine Loop, Roaring Fork)
Blacktail
Byers Peak
Cutthroat Bay
Denver Creek
Dumont Lake
Gore Pass
Green Ridge
Horseshoe
Midland (Group Campground)
Pumphouse
Radium
Robbers Roost
Sawmill Gulch
South Fork
Stillwater
St. Louis Creek

Campgrounds

Sugarloaf
Sunset Point
Willow Creek

Picnic Areas

Pine Beach
Quinette Point
Rainbow Bay

Shadow Mountain
Sunset Point

Willow Creek Canal

Commercial Campgrounds

Devils Thumb
Winding River Ranch
Young Life
YMCA
Drowsy Water
C Lazy U
Bar Lazy J
Latigo Ranch
Elk Trout

Others

Wolford Mountain Project
Williams Fork Reservoir