

RESOLUTION NO. 2021 - 48

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

REPEALING STAGE 2 FIRE HAZARD EMERGENCY RESTRICTIONS AND RE-ENACTING STAGE 1 OPEN FIRE RESTRICTIONS BANNING OPEN FIRES AND THE USE AND SALE OF FIREWORKS IN SUMMIT COUNTY.

WHEREAS, pursuant to Summit County Resolution No. 2015-76, the Board of County Commissioners may hold such emergency meetings and adopt such procedure therefore as the public interest may, in the opinion of the board, require; and

WHEREAS, after notice duly provided and with full consent of the Board of County Commissioners, the Board held an emergency meeting on July 6, 2021 to consider the repeal of the existing Stage 2 fire restrictions and re-enactment of Stage 1 fire restrictions in concert with our neighboring jurisdictions; and

WHEREAS, pursuant to C.R.S., §30-15-401(1)(n.5) and (n.7), C.R.S., Summit County Ordinance No. 14, and other applicable legal authority, the Board of County Commissioners of Summit County, Colorado has the authority to ban open fires and fireworks to a degree and in a manner it deems necessary to reduce the danger of wildfires within the unincorporated portions of the unincorporated areas of the County; and

WHEREAS, pursuant to § 30-10-512, 513, 513.5 C.R.S., and other applicable legal authority, the Sheriff of Summit County Colorado, acting in his capacity as the fire warden, has presented competent evidence that a high fire danger exists in Summit County; and

WHEREAS, on June 15, 2021 the Board of County Commissioners adopted Resolution No. 2021-38 declaring a fire hazard emergency banning open fires and the use and sale of fireworks under Stage 1 Fire Restrictions, which action was recommended by the Sheriff and local fire chiefs due to the high fire danger existing in Summit County at that time; and

WHEREAS, on June 22, 2021, the Board of County Commissioners adopted Resolution No. 2021-42 enacting more restrictive regulations on open fires and the use and sale of fireworks, Stage 2 Restrictions, after hearing the Sheriff's reports of a significantly increased risk of destructive wildfire in Summit County; and

WHEREAS, based upon recent wet weather conditions the Sheriff reports that the risk of destructive wildfire in Summit County has decreased significantly enough to warrant repeal of the Stage 2 Restrictions, which action is supported by the local fire chiefs; and

WHEREAS, the Sheriff recommends that the Board of County Commissioners re-adopt Stage 1 Restrictions banning open fires and the use and sale of fireworks as stated in Resolution No. 2021-38; and

WHEREAS, the Board of County Commissioners find that a high fire danger continues to exist in Summit County based on competent evidence presented by the Sheriff; and

WHEREAS, the Board of County Commissioners find it reasonable and necessary for the preservation of the public health, safety and welfare due to the high fire danger in Summit County and western region of the United States that it repeals the current Stage 2 Fire Restrictions and re-enact less restrictive, Stage 1, limitations banning open fires and any use of fireworks in a manner and to the extent necessary to reduce the imminent threat of the occurrence of widespread destructive wildfires in Summit County, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO that:

A. REPEAL OF STAGE 2 FIRE RESTRICTIONS. Summit County Resolution No. 2021-42 and the Stage 2 Fire Restrictions contained therein are hereby repealed as of July 9, 2021. This Resolution shall supersede Resolution No. 2021-42 as of July 9, 2021; provided, however, this Resolution shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of Resolution No. 2021-42.

B. ENACTMENT OF STAGE 1 FIRE RESTRICTIONS

SECTION I. Stage 1 Fire Restrictions:

Summit County shall enter into Stage 1 Fire Restrictions as described herein as of 12:01 a.m. on Friday July 9, 2021. Any open fire is prohibited pursuant to these Stage 1 Fire Restrictions unless such open fire is expressly authorized, maintained, and extinguished as described in Section III below.

SECTION II. Prohibited Activities:

The following activities are prohibited during Stage 1 Fire Restrictions unless such activities are expressly authorized in Section III:

1. Open Fires: Open Fires, except those that have been permitted in compliance with Section III. For purposes of these Stage 1 Fire Restrictions, Open Fires shall be defined as any outdoor fire, including but not limited to campfire, warming fires, bonfires, or the prescribed burning of fence rows, fields, wildlands, trash and debris.
2. Smoking: Smoking, except in an enclosed vehicle or building, designated outdoor areas where smoking is permitted, or while stopped in an area that is at least three feet in diameter and is barren or cleared of all flammable material.
3. Fireworks: The use and/or sale of recreational fireworks.

4. Explosives: The use of tracer ammunition, including recreational use of any projectile containing explosive material, incendiary material, or other chemical substance. The use of recreational explosives, including explosive targets.
5. Disposal: Disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match.
6. Chainsaws: Operation of a chainsaw is prohibited without a USDA or Society of Automotive Engineers (SAE) approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use.
7. Commercial and Industrial Operations: Blasting, grinding, welding, or operating acetylene or other torch with open flame without being in a cleared area of at least 10 feet in diameter and keeping a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) with the operator.

Section III. Permitted Activities:

In order to reduce the danger of wildfires while allowing certain limited fires and otherwise prohibited activities to continue during Stage 1 Fire Restrictions, the following open fires and activities that are otherwise prohibited are permitted so long as they are conducted in strict compliance with this section:

1. Solid-Fuel Burning Fires (Wood or Charcoal) - Igniting, building, and maintaining fires on private property must be permitted by the applicable local fire protection district and meet the following requirements:
 - a. The fire is contained to:
 - i. A permanent outdoor fireplace or fire ring with a screen to reduce the spread of embers; or
 - ii. A portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer's instructions with a screen to reduce the spread of embers. For purposes of these restrictions, a portable outdoor fireplace means a portable, outdoor, solid-fuel-burning (wood or charcoal) fireplace that is constructed of steel, concrete, clay or other noncombustible material; or
 - iii. A commercially designed chiminea with a screen to reduce the spread of embers;
 - b. The area directly underneath the fire is barren;
 - c. The fire is at least fifteen (15) feet from any flammable material and/or structure;
 - d. The size of the fire is no larger than (3) feet wide and (2) feet tall; AND

- e. Safety measures are in place as required by subsection f below.
 - f. The occurrence of any permissible fire, as detailed above in subsection 1, must also include the following safety measures:
 - i. The fire must be constantly attended by a responsible adult;
 - ii. The fire must be extinguished and cool to the touch prior to being left unattended; and
 - iii. The supervising adult must have available for immediate utilization a minimum of:
 - 1. (1) one portable fire extinguisher with a minimum 2A10BC rating;
OR
 - 2. A minimum 5 gallon water container; **OR**
 - 3. A charged garden hose.
2. Liquid or Gas-Fueled Devices: heating devices, stoves, grills, lanterns, fire pits, fireplaces or fire tables that include shut-off valves are permitted allowed when used in an area at least three or more feet from flammable materials such as grasses or pine needles.
 3. Fires Contained Inside Permanent Structures: Any fire contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure.
 4. Developed Recreational Site: Any fire within a campground or picnic area (developed recreation site) contained to a permanent metal or concrete fire pit or grate that the USDA Forest Services has installed and maintained.
 5. Grills, Stoves and Smokers: Use of gas, charcoal and/or wood pellet grills, smokers and barbecues, coal and wood burning stoves and shepherd's stoves.
 6. Agricultural and Large Pile Burns: with the appropriate permits from the local fire protection district and the Colorado Department of Public Health and Environment.
 7. Slash Burns: with the appropriate permit from the local fire protection district.
 8. Administrative Fires: Fires administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 9. Hot Air Balloons: Inflation or propulsion of a hot air balloon.
 10. Off-Highway Vehicles: Use of an "off-highway vehicle" in compliance with C.R.S. 33-14.5-101 *et. seq.* and Summit County Ordinance No. 09.

SECTION IV. This Resolution shall be enforced by the Summit County Sheriff's Office and

violations hereof shall be punished in accordance with the terms of Summit County Ordinance No. 14.

SECTION V. This Resolution is necessary for the preservation of the public health, safety and welfare due to the high to extreme fire danger in Summit County and western region of the United States and shall take effect at 12:01 a.m. on July 9, 2021, and shall remain in effect until amended or rescinded by subsequent resolution.

ADOPTED THIS 6th DAY OF JULY 2021

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



Elisabeth Lawrence

Elisabeth Lawrence, Chair

ATTEST:

Kathleen Neel

Kathleen Neel, Clerk & Recorder

RATIFIED THIS 13TH DAY OF JULY, 2021.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Elisabeth Lawrence, Chair

ATTEST:

Kathleen Neel, Clerk & Recorder