

RESOLUTION NO. 2019-62

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

**DECLARING A BAN ON OPEN FIRES AND THE USE AND SALE OF FIREWORKS IN
SUMMIT COUNTY**

WHEREAS, pursuant to, §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, § 30-10-513, § 30-10-513.5, 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 to extreme fire danger exists in Summit County; and

WHEREAS, the Sheriff has reported to the Board of County Commissioners on the existing dry conditions of the forest in Summit County and recommends that the Board of County Commissioners take immediate action to prevent a fire hazard emergency and ban open fires and the use of any fireworks in Summit; and

WHEREAS, the Sheriff reports that wildfire and forest management personnel concur with the Sheriff's opinion that an imminent threat of destructive wildfire exists in Summit County and that the Board of County Commissioners should take immediate action to ban open fires and the use of any fireworks in Summit County; and

WHEREAS, the Sheriff reports that the United States Forest Service intends to declare and implement a stage one type fire ban for all areas of the White River National Forest lying within Summit County, Colorado effective on or about 12:01 a.m. on Friday, August 23, 2019; and

WHEREAS, the Board of County Commissioners finds, based upon the competent evidence presented by the Sheriff and others, that a high fire danger exists in Summit County, Colorado; and

WHEREAS, the Board of County Commissioners finds it 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 take immediate action to ban 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:**

1. **Definitions:** The definitions contained in the attached Exhibit A are incorporated herein.
2. **Stage 1 Fire Restrictions:** Summit County shall enter into Stage 1 Fire Restrictions as described herein as of 12:01 a.m. on Friday, August 23, 2019. 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 4 below.
3. **Prohibited Activities:** The following activities are prohibited during these Stage 1 Fire Restrictions unless such activities are expressly authorized in Section 4 below and conducted in accordance with the provisions of said Section 4:
 - a. The use and/or sale of recreational Fireworks;
 - b. The use of Tracer Ammunition as well as the use of any projectile containing explosive material, incendiary material, or other flammable chemical substance;
 - c. The use of recreational Explosives, including Explosive Targets;
 - d. The disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match.
4. **Permitted Activities:** In order to reduce the danger of wildfires while allowing certain limited fires and otherwise prohibited activities to continue during these Stage 1 Fire Restrictions, the following open fires and activities that are otherwise prohibited by Sections 2 and 3 above are permitted so long as they are conducted in strict compliance with the provisions of this Section 4:
 - a. A fires on private property will be allowed under Stage 1 Restrictions under the following conditions:
 - i. The fire is contained within a commercially designed and manufactured outdoor fireplace or portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer's instructions. Any device that meets this criteria shall also be equipped with a protective screen that reduces the spread of embers;
 - ii. The area directly underneath the fire is Barren;
 - iii. The fire is at least fifteen (15) feet from any Flammable Material and/or structure; AND
 - iv. The size of the fire is no larger than (3) feet wide and (2) feet tall.

- v. Safety measures are in place as required by subsection 4(e) below.
- b. Any fire within a USFS Designated Dispersed Camping Site or USFS designated picnic area is permitted if contained within a permanent metal fire ring.
- c. Use of a gas, Charcoal and/or Wood Pellet Grill.
- d. Wood pile burns with the appropriate permits from the local fire protection district or department of environmental health.
- e. The occurrence of any permissible fire as described above must also be conducted with the following safety measures in place:
 - i. The fire must be constantly attended by a responsible adult;
 - ii. The fire must be extinguished and cool to the touch prior to it 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 containing water; **OR**
 - 3. A charged garden hose available for immediate utilization.
- f. Any fire contained within a Fireplace, Stove, wood burning Stove, or pellet Stove designed for and located within a fully enclosed permanent structure.
- g. Fires caused or administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- h. Smoking outdoors so long as the individual is at least (3) feet away from natural vegetation and/or flammable materials.
- i. Operation of a chainsaw as long as the operator is equipped with a minimum 2A10BC classified dry chemical fire extinguisher available for immediate use.
- j. The outdoor use of any open flame welding or torch device under the following conditions:
 - i. The device is at least fifteen (15) feet away from natural vegetation and/or flammable materials; **AND**
 - ii. A minimum 2A10BC classified dry chemical fire extinguisher is available for immediate use.

k. Inflation or propulsion of a hot air balloon.

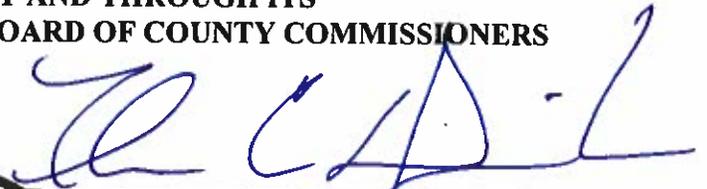
l. Use of an "Off-highway Vehicle" in compliance with C.R.S. 33-14.5-101 *et seq.* and Summit County Ordinance 2010-09.

5. 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.

6. 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 Friday, August 23, 2019, and shall remain in effect until amended or rescinded by subsequent resolution.

ADOPTED THIS 22nd DAY OF AUGUST 2019

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



Thomas Davidson, Chair

ATTEST:


Kathleen Neel, Clerk & Recorder



EXHIBIT A

Barren – an area lacking any type of combustible material and incapable of sustaining fire.

Charcoal Grill – a metal appliance designed to cook food through heat produced by charcoal briquettes. Unlike a gas grill, this device does not have mechanical on/off capabilities.

Designated Dispersed Camping Site – a designated area, located in the backcountry and managed by the USFS, that is specifically designated for camping and equipped with a metal fire ring.

Explosives – a reactive substance that contains a great amount of potential energy that can produce an explosion if released suddenly, usually accompanied by the production of light, heat, sound, and pressure.

Explosive Target – used for recreational purposes, these reactive targets comprise a combination of oxidizers and a fuel that is supplied as two separate components and mixed together by the user. Once subjected to the force of a high-velocity bullet impact, an explosion occurs.

Fireplace – a fireproof compartment located in a permanent structure that is connected to a chimney that vents heat and smoke vertically out of the structure.

Fireworks – any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks or display fireworks as defined in C.R.S. § 24-33.5-2001.

Flammable Material – Material that ignites easily and burns rapidly with a flame,

Off-highway Vehicle - any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. (C.R.S. 33-14.5-101(3))

Off-highway Staging Area - any parking lot, trail head, or other location to or from which any off-highway vehicle is transported by truck, trailer, or other motor vehicle so that it may be placed into operation or removed from operation. (C.R.S. 33-14.5-101(7))

Off-highway Vehicle Route - any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel. (C.R.S. 33-14.5-101(4))

Permanent Structure – any structure that is designed or intended for support, enclosure, shelter or protection of person, animals or property having a permanent roof that is supported by columns or walls.

Smoking – a practice in which a substance is burned and the resulting smoke is inhaled by an individual.

Stove – a portable or fixed apparatus that furnishes heat for warmth or cooking.

Tracer Ammunition – bullets or cannon caliber projectiles that are built with a small pyrotechnic charge in their base. Ignited by the burning powder, the pyrotechnic composition burns very brightly, making the projectile trajectory visible to the naked eye.

Wood Pellet Grill – outdoor cookers that combine elements of charcoal smokers, gas grills, and kitchen ovens. Fueled by wood pellets, they utilize an electronic control panel to automatically feed fuel pellets to the fire, regulate the grill's airflow, and maintain consistent cooking temperatures.