

RESOLUTION NO. 2020-62

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

**DECLARING STAGE 2 FIRE RESTRICTIONS AND 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, the Board of County Commissioners held an emergency meeting on October 20, 2020, to consider the enactment of Stage 2 Fire Restrictions; and

WHEREAS, 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 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 an imminent threat of the occurrence of a destructive wildfire currently exists in Summit County, which evidence includes but is not limited to (a) information that extremely dry weather conditions currently exist and are forecast to continue or worsen for the foreseeable future, and (b) that one or more destructive wildfires are now occurring in the State of Colorado; and

WHEREAS, by Summit County Resolution No. 2019-48, the Board of County Commissioners approved the International Fire Code, 2018 Edition, with amendments that established year-round restrictions on recreational fires on private property; and

WHEREAS, the Sheriff reports the persistence and worsening of the fire danger in Summit County and the existence of substantial wildfires in counties to the north and east of Summit County, including the Cameron Fire in Larimer County, the Calwood and Lefthand Canyon Fires in Boulder County, and the Troublesome and Williams Fork Fires in Grand County; and

WHEREAS, the Arapahoe and Roosevelt National Forest has entered Stage 3 Fire Restrictions, effectively closing the National Forest to all human activity; and

WHEREAS, Routt National Forest is considering entering Stage 3 Fire Restrictions; and

WHEREAS, fire-fighting resources are spread thin across the state and across the western United States, which is experiencing unprecedented drought conditions; and

WHEREAS, the Sheriff recommends that the Board of County Commissioners enact “Stage 2” fire restrictions on activities that pose a significant risk of starting a fire; and

WHEREAS, the Board of County Commissioners finds based on competent evidence that a high fire danger exists and that there is an imminent threat of the occurrence of a widespread destructive wildfire in Summit County, Colorado; and

WHEREAS, the Board of County Commissioners finds it necessary for the preservation of the public health, safety, and welfare, for the protection of the financial resources of Summit County, and for the purpose of reducing the imminent threat of a widespread destructive wildfire that it is reasonable and necessary to impose Stage 2 fire restrictions and limitations on activities that pose a significant risk of causing a fire, and further requests the County Sheriff require in his discretion that any herein exempted party desiring to conduct a fireworks display tender an enforceable insurance policy or other financial guarantee in the amount of Five Million Dollars (\$5,000,000) payable to Summit County in order to avoid the severe financial penalties that could arise from any resulting wildfire.

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 2 Fire Restrictions:** Summit County shall enter into Stage 2 Fire Restrictions as described herein immediately upon adoption of this resolution at 12:01 a.m., October 21, 2020. Any open fire is prohibited pursuant to these Stage 2 Fire Restrictions unless expressly authorized by Section 4 below.
3. **Prohibited Activities:** The following activities are prohibited during these Stage 2 Fire Restrictions unless such activities are expressly authorized in Section 4 below and conducted in accordance with the provisions of said Section 4.
 - a. Fires on private property.
 - b. Fires in designated developed camping or picnic areas.
 - c. Fires within dispersed camping areas or other forested areas.
 - d. Use of a charcoal grill.
 - e. The use of any explosives, including explosive targets and tracer ammunition.
 - f. Inflation or propulsion of a hot air balloon.
 - g. Any type of fireworks display. This restriction includes previously licensed professional fireworks displays.
 - h. Pile burns (regardless of previously issued permits by the local fire protection district and Department of Environmental Health).

- i. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either USDA Forest Service Standard 5100-1a (as amended) OR appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). 36 CFR § 261.52(j) and 43 CFR § 9212.1(h).
4. **Permitted Activities:** In order to reduce the danger of wildfire while allowing certain limited fires and otherwise prohibited activities to continue during Stage 2 Fire Restrictions, the following activities that are otherwise prohibited by Section 2 and 3 above are permitted so long as they are conducted in strict compliance with the provisions of this Section 4:
 - a. Use of a gas and/or wood pellet grill.
 - b. Any fire contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure.
 - c. Smoking outdoors is permitted so long as the individual is at least (3) feet away from natural vegetation and/or flammable materials.
 - d. Operation of a chain saw as long as the operator is equipped with a minimum 2A 10BC classified dry chemical fire extinguisher available for immediate use.
 - e. The outdoor use of any open flame torch device is permitted under the following conditions:
 - i. Device is at least fifteen (15) feet away from natural vegetation and/or flammable materials; AND
 - ii. A minimum 2A 10BC classified dry chemical fire extinguisher is available for immediate use.
 - f. Use of an “off-highway vehicle” under the following conditions:
 - i. Off-highway vehicle MUST remain on the surface of a designated “off-highway vehicle route”; AND
 - ii. If parked:
 1. Off-highway vehicle must be located in a barren area within (10) feet of the designated off-highway vehicle route; OR
 2. Off-highway vehicle must be located in a designated off-highway vehicle “staging area”.
5. **Exemptions.** The Summit County Sheriff may authorize exemptions to Stage 2 Prohibited Activities. The Sheriff will rely upon inspection, consultation and advice from Summit County Building Inspection, local fire districts and others as he deems appropriate in permitting such exemptions. The Summit County Sheriff shall define requirements for any exempted activity, requirements may include posted notice of the authorized activity on-site, firewatch personnel on-site, fire extinguishers and water on-site, indemnification of Summit County, and other practices or procedures deemed necessary by the Summit County Sheriff.

6. This Resolution shall be enforced by the Summit County Sheriff's Office and violation hereof shall be punished in accordance with the terms of Summit County Ordinance No. 14.
7. 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 October 21, 2020, and shall remain in effect until amended or rescinded by subsequent resolution.

ADOPTED THIS 20th DAY OF OCTOBER 2020

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



[Signature]
Karin Stiegelmeier, Chair

ATTEST:

[Signature]
Kathleen Neel, Clerk & Recorder

RATIFIED THIS 27th DAY OF OCTOBER, 2020.

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



[Signature]
Karin Stiegelmeier, Chair

ATTEST:

[Signature]
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 Developed 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.

Dispersed Camping – camping anywhere in the National Forest outside of a designated developed campground.

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 – commercially manufactured 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.