

**RESOLUTION NO. 2021-42**

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

**DECLARING STAGE 2 FIRE RESTRICTIONS 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 there is no significant relief in fire weather forecast during the next seven days; and

**WHEREAS**, on June 15, 2021, pursuant to Summit County Resolution No. 2021-38, the Board of County Commissioners declared Stage 1 Fire restrictions effective 12:01 a.m. on June 18, 2021 on open fires and the use and sale of fireworks in Summit County due to extremely dry forest conditions; and

**WHEREAS**, the Sheriff has reported to the Board of County Commissioners on the persistent and worsening fire danger caused by the dry conditions of the forest in Summit County; 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; 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 Sheriff reports that the United States Forest Service intends to declare and implement Stage 2 type fire restrictions for all areas of the White River National Forest lying within Summit County, Colorado effective on or about 12:01 a.m. on June 25, 2021; and

**WHEREAS**, the Board of County Commissioners finds, based upon the competent evidence presented by the Sheriff and others, that a very high to extreme fire danger exists and that there is an imminent threat of the occurrence of widespread destructive wildfires 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 Colorado that it take immediate action to impose Stage 2 Fire Restrictions in a manner and to the extent necessary to reduce the imminent threat of the occurrence of 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:**

**SECTION I. Stage 2 Fire Restrictions**

Summit County shall enter into Stage 2 Fire Restrictions as described herein as of 12:01 a.m. on June 25, 2021. Any open fire is prohibited pursuant to these Stage 2 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 2 Fire Restrictions unless such activities are expressly authorized in Section III.

1. Open Fires: Open Fires except those in compliance with Section II. For purposes of these Stage 2 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. Solid-Fuel Burning Fires (Wood or Charcoal): Igniting, building, and maintaining fires on private property that have been permitted by the applicable local fire district.
3. 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.
4. Fireworks: The use and/or sale of recreational fireworks.
5. 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.
6. Disposal: Disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match.
7. 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.

8. Commercial and Industrial Operations: Blasting, grinding, welding, or operating acetylene or other torch with open flame.
9. Developed Recreational Sites: Fires within a campgrounds or picnic area (developed recreation site) defined as a fire contained in a permanent metal or concrete fire pit or grate that the USDA Forest Services has installed and maintained.
10. Undeveloped Recreational Sites: Fires within dispersed camping areas or other forested areas.
11. Grills, Stoves, and Smokers: Use of charcoal and/or wood pellet grills, smokers and barbecues, coal and wood burning stoves and sheepherder's stoves.
12. Hot Air Balloons: Inflation or propulsion of a hot air balloon.
13. Agricultural and Large Pile Burns: are prohibited even with the appropriate permits from the state department of environmental health.
14. Slash Burns: are prohibited even with the appropriate permit from the local fire protection district.
15. Combustion Engines: Operating or using any internal or external combustion engine without an effective and properly installed USDA or Society of Automotive Engineers (SAE) approved spark arrestor.
16. Off-Highway Vehicles: Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle.

### **SECTION III. 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 above are permitted so long as they are conducted in strict compliance with this provisions of this Section II.

1. Liquid or Gas-fueled Devices: heating devices, stoves, grills, lanterns, fire pits, fireplaces or fire tables that include shut-off valves are permitted when used in an area at least three or more from flammable materials such as grasses or pine needles.
2. 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.

3. Exemptions: The Summit County Sheriff may authorize exemptions to Stage 2 Prohibited Activities. The Sheriff will rely upon inspection, consultation and advice from the Summit County Building Inspection Department, 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.

**SECTION IV. Enforcement**

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. Effective Date, Supersede Prior Restrictions**

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 June 25, 2021, and shall remain in effect until amended or rescinded by subsequent resolution. This Resolution shall supersede the Stage 1 Fire Restrictions contained in Resolution No. 2021-38 as of the effective date of this Resolution; 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- 38.

**ADOPTED THIS 22ND DAY OF JUNE 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

