

WHEREAS, “open burning” and /or “open fires”, fireworks, and incendiary devices can be a prime cause of forest and brush fires in Grand County; and

WHEREAS, factors evidencing high danger of forest or grass fires is subject to rapid change; and

WHEREAS, the Board of County Commissioners has considered competent evidence regarding the underlying, on-going dangers of forest or grass fires in Grand County; and

WHEREAS, the Board of County Commissioners has determined that the public health, safety and welfare will be best served by adopting a Stage Two open fire ban/restriction, a firework use and sale ban/restriction, and an incendiary device use ban/restriction; and

WHEREAS, any ban on open fires, fireworks and incendiary devices shall be instated whenever and only whenever the Board determines, based on competent evidence, that the danger of fire or forest fire or grass fire is high; and

WHEREAS, Grand County has experienced two (2) wildland fires within the past week, which is competent evidence that the danger of fire or forest fire or grass fire is high, and the danger of widespread or severe damage, harm or injury to life or property is high; and

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

WHEREAS, the Board of County Commissioners finds that passage of this Resolution in accordance with Ordinance No. 20 is necessary to protect against human-caused fires; and

WHEREAS, the Grand County Sheriff recommends instituting Stage Two bans/restrictions on open burning, fireworks and incendiary devices in Grand County on an emergency basis, 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 high fire danger emergency exists within Grand County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT A DECLARATION OF STAGE TWO FIRE RESTRICTIONS BE AND IS HEREBY INSTATED.

- I. A Stage Two fire restriction is designed to reduce fire risk and prevent wild fires during periods of high fire danger and includes prohibitions of the following:
 1. “Burning,” “open burning” and/or “open fires” as those terms are defined by Grand County Ordinance 20 are prohibited unless otherwise provided for herein.
 2. Smoking, except within an enclosed vehicle or building, is prohibited.
 3. Operating an internal or external combustion engine without a spark arresting device, properly installed, maintained and in effective working order is prohibited.
 4. The use of welding equipment or operating acetylene torches or other torch with an open flame is prohibited.
 5. The use of incendiary devices, as defined by Grand County Ordinance 20, within unincorporated Grand County is prohibited.

6. The possession, use and sale of permissible fireworks and fireworks, as defined by Grand County Ordinance 20, within unincorporated Grand County is prohibited.

BE IT FURTHER RESOLVED, excluded from this Resolution are the following fire and burning activities:

1. Use of liquid or gas fueled appliances.
2. Permitted fires by persons with a permit specifically authorizing the prohibited act, such as professional firework displays.
3. Fire Department/District training fires.
4. Burning of explosive wastes by manufacturer or explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district.
5. Open fires or open burning by any federal, state or local fire official in the performance of fire suppression functions.
6. Fires used to inflate commercial hot air balloons.

BE IT FURTHER RESOLVED, individuals operating under any of the above exemptions shall take adequate measures to prevent uncontrolled fires. Possible measures include, but are not limited to:

1. Containers of adequate water or dry soil nearby.
2. Shovels, fire extinguishers, or other extinguishing agents nearby.
3. Extinguishing all smoking materials and disposing them in places where they cannot be a source of ignition.
4. Coordination with the local fire department or district to be on scene or standby during an activity.

BE IT FURTHER RESOLVED, Ordinance No. 20 and this Resolution may be enforced by the Grand County Sheriff's Office and any other Peace Officer with authority in Grand County, Colorado.

Penalties:

1. Violations of any provision of Ordinance No. 20 and this Resolution 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.
2. The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed when enforcing the provisions of Ordinance No. 20 and this Resolution. If a penalty assessment ticket is issued, the fines imposed shall be 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.
3. Anyone starting, maintaining, or permitting burning, open burning and/or open fires in violation of Ordinance No. 20 and this Resolution 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.

BE IT FURTHER RESOLVED, the effective date and time of this Resolution shall be 4:00 p.m. on July 2, 2018, and shall be effective for thirty (30) days from the effective date at which time it shall automatically repeal without further Resolution, or at an earlier date if deemed appropriate by the Board of County Commissioners by further Resolution of the Board.

BE IT FURTHER RESOLVED, Resolution 2018-6-49 is hereby repealed and no longer effective or enforceable as of the effective date and time of this Resolution.

BE IT FURTHER RESOLVED, if any part or parts of this Resolution are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners hereby declares that it would have passed this Resolution and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Upon motion duly made the foregoing resolution was adopted by the following vote:

Meritt Lusk Aye
Kurt Mangrove Aye
Richard Lucea 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 Order 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.

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