

RESOLUTION NO. 2018-46A

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

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

WHEREAS, pursuant to §24-32-2109, C.R.S., §24-6-402(2)(c), 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 to extreme fire danger exists in Summit County; and

WHEREAS, on June 12, 2018 the Board of County Commissioners adopted Resolution No. 2018-35 declaring a fire hazard emergency and banning open fires and the use and sale of fireworks, Stage 1 Fire Ban, 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 28, 2018, the Board of County Commissioners adopted Resolution No. 2018-39 enacting more restrictive regulations on open fires and the use and sale of fireworks, Stage 2 Fire Ban, after being advised in the matter by the Sheriff upon consultation with local, state and federal fire and wildfire agencies who reported on existing wildfires in the area and a significantly increased risk of destructive wildfire occurring 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 to a substantially similar extent as stated in Resolution No. 2018-35, which was adopted on June 12, 2018; and

WHEREAS, the Board of County Commissioners find that an a high fire danger continue 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 BAN. Existing or parts of existing ordinances or resolutions covering the same matters as embraced in this Resolution, including but not limited to Summit County Resolution No. 2018-39 originally adopted on June 28, 2018, are hereby repealed and all ordinances or resolutions or parts or ordinances or resolutions inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or resolution hereby repealed prior to the effective date of this ordinance.

B. DECLARATION OF FIRE HAZARD EMERGENCY AND STAGE 1 FIRE BAN. A fire hazard emergency is hereby re-declared for all areas of Summit County, Colorado and Stage 1 fire ban restrictions are hereby adopted as provided herein below.

C. STAGE 1 FIRE BAN PROHIBITED ACTIVITIES AND USES. Except to the extent specifically authorized herein, or in section D herein below, the following uses and activities are hereby prohibited within unincorporated areas of Summit County, Colorado:

1. Open Fires. For purposes of this Resolution, an "Open Fire" shall be defined as any outdoor fire, including but not limited to campfires, warming fires, bonfires, or the prescribed burning of fence rows, fields, wildlands, trash and debris.
2. Use and/or sale of fireworks or explosives.
3. Smoking in undeveloped areas except in an enclosed vehicle or building, a developed recreation site, designated outdoor areas where smoking is permitted, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
4. Operation of a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use.
5. Welding or operating acetylene or other torch with open flame outdoors, except in cleared areas of at least 10 feet in diameter and with a chemical pressurized fire extinguisher on site.

D. STAGE 1 FIRE BAN PERMITTED ACTIVITIES AND USES. The following uses and activities are hereby specifically authorized within unincorporated areas of Summit County, Colorado:

1. Fires contained within liquid-fueled or gas fueled stoves;
2. Fires in fireplaces or stoves within all buildings;
3. Fires contained within chimeneas;
4. Charcoal fueled fires contained within grills;
5. Charcoal fueled fires within permanent fire pits on privately owned property if:
 - i. Such contained charcoal fire is under constant supervision;
 - ii. Adequate fire suppression apparatus is available at the location of the contained charcoal fire;
 - iii. Notice of the contained charcoal fire has been provided to the local fire district; and
 - iv. Notice of the contained charcoal fire has been provided to the Summit County Sheriff's Office;
6. Pre-approved public fireworks displays;
7. Fires used to inflate and propel hot air balloons;
8. Fires authorized by a Fire Protection District, United States Forest Service, or the Summit County Environmental Health Department pursuant to a properly issued Burn Permit or equivalent U.S. Forest Service administrative approval; and
9. At such time as they are authorized by the United States Forest Service, fires in the designated areas of the following improved campgrounds: Pine Cove Campground, Peak One Campground, Heaton Bay Campground, Prospector Campground, Windy Point Campground, Lowry Campground, Blue River Campground, Prairie Point Campground, McDonald Flats Campground, Cataract Campground, Davis Springs Campground, Willows Campground, Elliot Creek Campground, North Cow Creek Campground, South Cow Creek Campground.

E. ENFORCEMENT: This Resolution shall be enforced in the unincorporated areas of Summit County by the Summit County Sheriff's Office. Violations hereof shall be punished in accordance with the terms of Summit County Ordinance No. 14 or any other applicable law, regulation or restriction. In the event of a conflict between applicable penalties for violations or where alternative penalties for violations are available, the more severe penalty shall apply.

F. SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution and the remaining portions of this resolution shall be read as if they comprise the entirety of the resolution hereby adopted and restrictions hereby enacted.

G. EFFECTIVE DATE. This Resolution is necessary for the preservation of the public health, safety and welfare due to the extreme fire danger in Summit County and the western region of the United States and shall take effect immediately upon adoption and shall remain in effect until repealed or modified by the Board of County Commissioners.

ADOPTED THIS 7TH DAY OF AUGUST 2018.



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

Thomas Davidson, Vice-Chair

ATTEST:

Sarah Vigil, Deputy Clerk & Recorder

AT ITS REGULAR MEETING HELD ON AUGUST 14, 2018 THE BOARD OF
COUNTY COMMISSIONERS RATIFIED RESOLUTION 2018 – 46A.



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

Dan Gibbs, Chair

ATTEST:

Sarah Vigil, Deputy Clerk & Recorder