

RESOLUTION NO. 2018-39A

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

**DECLARING A STAGE 2 FIRE HAZARD EMERGENCY AND BANNING OPEN
FIRES AND THE USE AND SALE OF FIREWORKS IN SUMMIT COUNTY**

WHEREAS, pursuant to Summit County Resolution No. 2000-80, 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, 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 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 the imminent threat of the occurrence of a destructive wildfire currently exists in Summit County, which evidence included (a) information that extremely dry weather conditions currently exist and are forecast to continue or worsen for the foreseeable future, and (b) that several destructive wildfires are now occurring in the State of Colorado; and

WHEREAS, on June 12, 2018, pursuant to Summit County Resolution No. 2018-35, the Board of County Commissioners enacted a Stage 1 fire hazard emergency and ban on open fires in Summit County due to extremely dry forest conditions and the existence of wildfires locally and regionally; and

WHEREAS, the Sheriff reports the persistence and worsening of the fire danger existing in Summit County and the existence of a wildfire in neighboring Grand County; and

WHEREAS, the Sheriff, with the concurrence of the fire chiefs of the respective fire districts in Summit County, recommends that the Board of County Commissioners enact “Stage 2” level restrictions on activities that pose a significant risk of starting a fire (a “Stage 2 Fire Ban”); and

WHEREAS, the Board of County Commissioners finds based on competent evidence that a 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, for the protection of the financial resources of Summit County, and for the purpose of reducing the imminent threat of widespread destructive wildfires that it is reasonable and necessary to impose Stage 2 level 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:

A. DECLARATION OF FIRE HAZARD EMERGENCY. A fire hazard emergency is hereby declared for all unincorporated areas of Summit County, Colorado at 4:15 pm on this 28th day of June, 2018.

B. OPEN BURNING BAN. Open burning is hereby prohibited in all of the unincorporated areas of Summit County, Colorado.

C. OPEN BURNING DEFINITION. For purposes of this Resolution, the term “open burning” means any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, explosives, fireworks, and any other activity that poses a significant risk of starting a fire. In addition, the following activities are expressly prohibited to the extent not otherwise prohibited above:

- i. Disposing of any burning object outdoors, including without limitation cigarettes, marijuana, cigars or matches.
- ii. Selling fireworks.
- iii. Operating a chainsaw without an approved spark arrester, 5 gallons of water, a 2A10BC classified dry chemical fire extinguisher and a round point shovel with an overall length of at least 36 inches. The fire extinguisher will be immediately accessible to the equipment operator. The water and shovel may be kept with fueling supplies but readily available for use.
- iv. Welding or operating an acetylene or other torch with open flame outdoors.
- v. Inflating or propelling hot air balloons.
- vi. Smoking is prohibited, except in an enclosed vehicle or building.

D. EXEMPTIONS. For purposes of this Resolution, the term “open burning” does not include fires in:

- i. Liquid-fueled or gas-fueled stoves, grills or lanterns that include shut-off valves are permitted when used in an area at least three feet or more from flammable materials such as grasses or pine needles.
- ii. Fireplaces contained within buildings.
- iii. Commercial, professional and municipal fireworks displays where specific written approval has been granted by the Summit County Sheriff.

- iv. a. The Summit County Sheriff (or his designee) may authorize additional, specific exemptions to the Stage 2 prohibited activities. The Sheriff will rely upon the representations and mitigation measures submitted by the applicant, inspection of the premises pertaining to the application for exemption, other information deemed relevant by the Sheriff, as well as consultation and advice from the Summit County Building Inspection Department, local fire districts and others as he deems appropriate in reviewing any such request for exemption.
- b. The Summit County Sheriff may impose limitations on and requirements for any approved, exempted activity. Limitations and requirements may include providing: appropriate notice of the authorized activity on-site, in the vicinity, or by publication; fire-watch 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. The Sheriff's approval of any exempted activity may be revoked or modified at any time by the Sheriff or other regulatory authority with jurisdiction in their sole discretion.

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. REPEAL: Existing or parts of existing ordinances or resolutions covering the same matters as embraced in this Resolution, 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.

H. 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 at immediately upon adoption and shall remain in effect until the next regular meeting of the Board of County Commissioners scheduled for Tuesday July 10, 2018 at 1:30 P.M., at which time the Board of County Commissioners may ratify this Resolution. If this Resolution is not ratified at the July 10, 2018 regular meeting of the Board of County Commissioners, then it shall be deemed rescinded.

ADOPTED THIS 28TH DAY OF JUNE 2018.



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

Dan Gibbs, Chair

ATTEST:

Sarah Vigil, Deputy Clerk & Recorder

RATIFIED THIS 10TH DAY OF JULY 2018.



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

Dan Gibbs, Chair

ATTEST:

Sarah Vigil, Deputy Clerk & Recorder