

STATE OF COLORADO }  
  } SS.  
County of Grand                                 }

At a regular meeting of the Board of County Commissioners for the Grand County, Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 12<sup>th</sup> day of June, 2012 there were present:

Nancy Stuart                                 , Commissioner Chairman  
James L. Newberry                         , Commissioner  
Gary Bumgarner                             , Commissioner  
Anthony J. DiCola                         , County Attorney  
Lurline Underbrink Curran                 , County Manager  
Sara L. Rosene                               , Clerk of the Board

when the following proceedings, among others, were had and done, to wit:

**RESOLUTION NO. 2012-6-5  
AND  
ORDINANCE NO. 9**

**A RESOLUTION AND ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DECLARING A FIRE BAN/RESTRICTION AND A BAN ON THE SALE AND USE OF FIREWORKS, AND ESTABLISHING CRIMINAL PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Grand, State of Colorado to ban open fires within those portions of the unincorporated areas of Grand County where the danger of forest or grass fires is found to be high based on competent evidence. “Competent evidence” may include, but is not limited to, the use of the national fire danger rating system and any other similar indices or information; and

WHEREAS, pursuant to C.R.S. §30-15-401(1)(n.7), the Board of County Commissioners may prohibit or restrict the sale, use, an possession of fireworks, including permissive fireworks within all or any part of the unincorporated areas of the county except that such ordinance shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an expressed finding of high fire danger based upon competent evidence; and

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

WHEREAS, it is presently the consensus of the community’s combined fire authorities that an “open burning” fire ban including a ban on the sale and use of fireworks would be in the best interests of the safety and well being of the residents of Grand County; and

WHEREAS, representatives of the United States Forest Service, Arapahoe National Forest testified, based upon federal standards, the fire danger within Grand County, Colorado is at a high level and is likely to reach very high level within the next couple of days; and

WHEREAS, the Grand County Sheriff agrees to an immediate ban on open burning and the sale and use of fireworks in Grand County, and the Board has found that the danger of forest or grass fires based on competent evidence 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 fire danger emergency exists within Grand County; and

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

NOW THEREFORE, IT IS ORDERED THAT:

1. Open burning and/or open fires, the use of fireworks and the sale of fireworks within unincorporated Grand County are hereby immediately banned.
2. For the purposes of this Resolution and Ordinance, "open burning" and/or "open fires" shall be defined as any outdoor fire of any type, including but not limited to campfires, warming fires, bonfires, fires in pits or barrels, chimineas and fire pits or other similar burning devices, slash burning, charcoal grill fires on public property, igniting fused explosives, igniting fireworks of all kinds and brands, and burning of fence rows, irrigation ditches, fields, wildlands, trash and debris.

This Resolution and Ordinance excludes fires contained within liquid-fueled or gas-fueled stoves or grills, fireplaces within buildings, self-contained and enclosed charcoal grills (off the ground) at private residences, and permanent fire pits or grates located on the developed picnic grounds or campgrounds listed on Exhibit A attached hereto. This Resolution and Ordinance does not prohibit pre-approved public and/or commercial fireworks display and fires used to inflate hot air balloons.

3. Because sparks and hot ashes from any source contribute to the fire danger, smoking outside incorporated city limits is strongly discouraged except within enclosed motor vehicles, buildings, or developed picnic grounds or campgrounds.
4. This Resolution and Ordinance may be enforced by the Grand County Sheriff's Office and any other Peace Officer with authority in Grand County, Colorado. The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed when enforcing the provisions of this Resolution and Ordinance: 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.

Violations of any provision of this Resolution and Ordinance 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 (\$1000.00) 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, excluding civil damages to be paid to the local fire districts in accordance with annually adopted fee schedules.

Additionally, anyone starting, maintaining, or permitting open burning in violation of this Resolution and Ordinance 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.

Upon Motion duly made and seconded, the foregoing Resolution and Ordinance was adopted on June 12, 2012 at 1:00 p.m., and is effective immediately upon adoption.

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

.....	<i>Nancy Stuart</i>	.....	Aye
.....	<i>James H. Newberry</i>	.....	Aye
.....	<i>Gary Bengtson</i>	.....	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 Ordinance 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.

.....

**EXHIBIT A TO RESOLUTION NO. 2012-6-5 AND ORDINANCE NO. 9**

List of approved areas with fire grates that are excluded from the fire ban.

In an effort to eliminate confusion, the following list has been compiled to show the areas that are excluded from the fire ban. However, to have a fire in one of these areas, the fire must be in one of the fire pits or grates provided by the entity in charge of the grounds.

**Campgrounds**

Arapahoe Bay (Big Rock, Moraine Loop, Roaring Fork)  
Blacktail  
Byers Peak  
Cutthroat Bay  
Denver Creek  
Dumont Lake  
Gore Pass  
Green Ridge  
Horseshoe  
Midland (Group Campground)  
Pumphouse  
Radium  
Robbers Roost  
Sawmill Gulch  
South Fork  
Stillwater  
St. Louis Creek

**Campgrounds**

Sugarloaf  
Sunset Point  
Willow Creek  
**Picnic Areas**  
Pine Beach  
Quinette Point  
Rainbow Bay  
Shadow Mountain  
Sunset Point  
Willow Creek Canal

**Commercial Campgrounds**

Devils Thumb  
Winding River Ranch  
Young Life  
YMCA  
Drowsy Water  
C Lazy U  
Bar Lazy J  
Latigo Ranch  
Elk Trout

**Others**

Wolford Mountain Project  
Williams Fork Reservoir