



**BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2021- 16**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON
COUNTY, COLORADO PERTAINING TO OPEN FIRE BANS AND THE IMPOSITION
OF FIRE RESTRICTION STAGES AND EXEMPTIONS**

WHEREAS, the Board of County Commissioners of Gunnison County (“Board”), pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401, *et seq.* has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health and welfare of the citizens and residents of Gunnison County (“County”); and

WHEREAS, the Board may adopt ordinances to ban open fires and impose fire restriction stages within those portions of the unincorporated areas of the County where the danger of forest or grass fires is found to be high, pursuant to C.R.S. § 30-15-401(1)(n.5); and

WHEREAS, the Board is authorized to prohibit the sale, use, and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the County, pursuant to C.R.S. § 30-15-401(1)(n.7); and

WHEREAS, the Board acknowledges that from time-to-time fire conditions resulting from extended hot, dry and windy weather in the area make it prudent to impose restrictions on fires, burning and sale, use and possession of fireworks in order to reduce the danger of wildfire in the unincorporated areas of the County; and

WHEREAS, the Board specifically finds that in certain high fire-danger conditions such restrictions are in the best interests of the citizens and residents of the County in order to preserve the health, safety and welfare of the citizens and residents; and

WHEREAS, the Gunnison County Sheriff (“Sheriff”) is authorized pursuant to C.R.S. §§ 30-10-512 and 30-10-513, to act as fire warden of the County and is responsible for coordination of fire suppression efforts in case of prairie, forest or wildland fires or wildfires occurring in unincorporated areas of the County outside the boundaries of a fire protection district or that exceeds the capabilities of the fire protection district to control; and

WHEREAS, the Board believes that the Sheriff, as fire warden, is the appropriate person, using his or her expertise and discretion along with established fire restriction evaluation guidelines, and in collaboration with local Fire Chiefs, State and Federal land management agencies, State and Federal fire suppression authorities, to determine whether a restriction of open fires, open burning and use of fireworks should be implemented or elevated in times of extreme fire danger or suspended during times of decreased fire danger;



NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison Colorado, that:

1. The Sheriff or his or her designee shall have the authority, in collaboration with local Fire Chiefs, State and Federal land management agencies, and State and Federal fire suppression authorities to declare Stage I or Stage II Restrictions regarding open fire, open burning or the sale, use or possession of fireworks, whenever the danger of forest or grass fires is found to be high and without the need for further proceedings, ordinance or resolution ("Restrictions"). The Sheriff or his or her designee shall also have the authority to rescind or modify, in whole or in part, Restrictions when he or she determines it is appropriate considering the current fire danger.
 - a. Stage I Restrictions shall allow the Sheriff to impose the following prohibitions:
 - i. Building, maintaining, attending or using a fire, campfire or stove fire, including but not limited to agricultural burning and the burning of trash or debris, except:
 1. building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 2. fires fueled by gas, jellied petroleum, or pressurized liquid fuel; or
 3. fires burned in portable chimineas, fire pits and tiki torches located wholly on or within private property.
 - ii. Smoking, except:
 1. within an enclosed vehicle or building; or
 2. a developed recreation site or while stopped in an area at least three feet (3') in diameter that is barren or clear of all flammable materials.
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - v. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet (10') in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of 2A.



- vi. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
- b. Stage II Restrictions shall allow the Sheriff to impose the following prohibitions:
- i. Building, maintaining, attending or using a fire, campfire or stove fire, including but not limited to:
 - 1. agricultural burning and the burning of trash or debris;
 - 2. maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 - 3. fires fueled by gas, jellied petroleum, or pressurized liquid fuel, except that devices using pressurized liquid fuel or gas (e.g., stoves, grills or lanterns) and shut-off valves are allowed when used at least three feet (3') or more from flammable material such as grasses or pine needles; and
 - 4. fires burned in portable chimineas, fire pits and tiki torches.
 - ii. Smoking, except within an enclosed vehicle or building.
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Operating a chainsaw or other equipment powered by an internal combustion engine without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and a round point shovel with an overall length of at least 35 inches (35") readily available for use.
 - v. Welding, operating a torch with open flame, or any activities which generate flame or flammable material.
 - vi. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - vii. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
 - viii. Possessing or using a motor vehicle off established roads, motorized trails or established parking areas is prohibited, except when parking in an area devoid of vegetation within ten feet (10') of the vehicle.



- c. Stage III Restrictions may only be imposed by the Board by duly adopted Resolution or Ordinance.
2. Any declaration by the Sheriff or his or her designee of Restrictions shall specify the Stage level, parameters, and the duration of the Restrictions as deemed necessary and appropriate. The Sheriff or his or her designee shall promptly coordinate notification to the public through press release(s) to local community television, radio and print media, as well as posting on the County internet website and County Sheriff's Office Facebook page or other appropriate social media. Likewise, when conditions indicate a reduction or the suspension of Restrictions, the same notification to the public shall occur.
3. No less than three (3) business days after imposing or suspending any Restriction pursuant to this Resolution, the Sheriff shall present, for ratification by the Board, a written summary of the competent evidence and recommendations that are or were the basis of the decision to impose or suspend the Restriction. Notwithstanding the above, the Sheriff will engage in all reasonable efforts to immediately notify the members of the Board, the County Manager and the County Attorney regarding the imposition, modification or lifting of any Restrictions.
4. Nothing in this Resolution shall be construed to allow the burning or combustion of any material or any burning or fire activity otherwise prohibited by law.
5. No person shall initiate any open fire or open burning without first notifying the Sheriff by calling Gunnison Dispatch at 970-641-8201 such notice must inform the Sheriff (Dispatch) no later than the day of the open fire or open burning, of the intent to initiate a fire and its estimated duration. The Sheriff (Dispatch) shall keep a log of each notification it receives regarding an intent to initiate an open fire or open burn. The Sheriff (Dispatch) will inform each person making such notification whether on that day there are any Restrictions or Red Flag Warnings. In the event the Sheriff (Dispatch) receives notice of a plan to initiate an open fire or open burn in violation of this Resolution or during a Red Flag Warning, the Sheriff (Dispatch) shall immediately notify appropriate personnel of such activity.
6. The following shall be exempt from the notice required in Section 5:
 - a. Commercial or community firework displays that are properly permitted.
 - b. Fires contained in indoor or outdoor stoves, indoor fireplaces and grills provided they are at private residences and in an area at least three feet (3') in diameter that is barren or clear of all flammable materials but only during Stage I Restrictions.
 - c. Persons with a permit or written authorization from the Sheriff that specifically allows for an open fire or open burn otherwise prohibited. Any



such permit shall only be issued upon written concurrence by any special district or local, state or federal agency with fire jurisdiction.

- d. Any local, state or federal agency or member of an organized rescue or firefighting force in the performance of an official duty.
7. The Sheriff or his or her designee shall collaborate with various state and federal land management agencies and obtain their recommendation prior to the Sheriff imposing or suspending any Restrictions. Recommendations shall be made pursuant to Fire Restriction Evaluation Guidelines as currently used by such agencies to evaluate the indicators that predict fire danger. Upon any implementation or suspension of Restrictions, the Sheriff or his or her designee shall coordinate and cooperate with these agencies to enforce the Restrictions.
8. This Resolution shall be enforced by the Sheriff or his or her designee, through his Deputies, the Fire Chief or his or her designee of any fire protection district or administering agencies of the state and federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Resolution. This shall include the right to issue a penalty assessment notice and the right to take such person or persons violating this Resolution into temporary custody.
9. Any violation of this Resolution shall be a class 2 petty offense pursuant to C.R.S. § 30-15-402. Each violation of this Resolution shall be deemed separate and distinct from any other violation of this Resolution or any other local, state or federal law, rule, order or regulation, and punishable as a separate offense. The following fines for each separate offense shall be imposed:

- First Violation: Five hundred dollars (\$500.00)
- Second Violation: One thousand dollars (\$1,000.00)
- Subsequent Violation(s): One thousand dollars (\$1,000.00)

Any person who violates this Resolution may be issued a penalty assessment notice, in the form of a summons and complaint, directing the offender to either pay the fine to the County Treasurer of Gunnison County, Colorado within twenty (20) days of the penalty assessment notice or answer to the charge before the Gunnison County Court, at the County Courthouse located at 200 E. Virginia Avenue, Gunnison, Colorado, on the date and time specified in the penalty assessment notice.

10. If any section, subsection, clause or sentence of this Resolution is adjudged by a court of competent jurisdiction to be invalid or otherwise unenforceable, such invalidity or unenforceability shall not affect, impair or invalidate any other provisions of this Resolution which can be given effect without the invalid or unenforceable provision.



11. The Board hereby finds, determines and declares that this Resolution is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Gunnison County, Colorado because of the high danger of forest or wildland fires occurring in all unincorporated areas of the County. This Resolution shall take effect immediately upon adoption and remain in full force and effect until midnight Mountain Time, December 31, 2021 at which point this Resolution shall expire and no longer remain in effect, or until rescinded by subsequent Resolution or Ordinance adopted by the Board, whichever first occurs.

INTRODUCED by Commissioner Houck , seconded by
Commissioner Smith , and adopted this 22nd day of June,
2021.

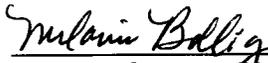
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By 
Jonathan Houck, Chairperson

By 
Roland Mason, Vice Chairperson

By 
Elizabeth Smith, Commissioner

ATTEST:


Deputy County Clerk

