

RESOLUTION No. 2012-016

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
IMPLEMENTING STAGE 1 FIRE RESTRICTIONS AND LIMITED FIRE BAN
WITHIN THE UNINCORPORATED AREAS OF OURAY COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Ouray County, Colorado ("Board") is empowered under C.R.S. §30-11-107(e) to provide for the management of the business and concerns of the County; and

WHEREAS, pursuant to C.R.S. §30-15-401(1)(n.5), the Board has the power to adopt an ordinance to ban open fires to a degree and in a manner that is deemed necessary to reduce the danger of wildfires; and

WHEREAS, the Board adopted Ordinance No. 02-01 on June 3, 2002 entitled "Ordinance Concerning the Ban of Open Fires, Contained Open Fires and Fireworks"; and

WHEREAS, the Board has received competent evidence from the Ouray County Sheriff that there exists within the unincorporated areas of Ouray County, Colorado a high danger of forest and grass fires; and

WHEREAS, the weather conditions and lack of precipitation have caused a threat of fire in the forests and in all unincorporated areas of Ouray County, Colorado and a current state of emergency exists with respect to fire danger; and

WHEREAS, the Ouray County Sheriff has recommended that the Board implement Stage 1 fire restrictions, as defined by the Colorado Division of Emergency Management, restricting or banning open fires and fireworks within all of the unincorporated areas of Ouray County, Colorado.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The following are prohibited in unincorporated Ouray County until June 30, 2012, or as otherwise modified, rescinded, or extended by Resolution of the Board of County Commissioners.
 - a. Open burning, the use of fireworks, open charcoal or wood fires, the burning of trash or debris, or the burning of ditches.
 - b. Building, maintaining, attending or using a campfire except in designated and signed campgrounds or developed recreation sites with provided fire grates.
 - c. Smoking, unless in an enclosed vehicle, trailer, building or tent, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
 - d. Use of explosives, which includes private use of fireworks.
 - e. Operating a chainsaw without an approved spark arrester and without a chemical pressurized fire extinguisher of not less than eight ounces capacity by weight, and one size O or larger pointed shovel with an overall depth of at least 36 inches. The extinguisher shall be with the power saw operator.
 - f. Welding or operating an acetylene or other torch with an open flame except in an area that is barren or cleared of all flammable materials at least 10 feet on all sides from the equipment.

- g. EXCEPT that the following activities are permitted: cooking on manufactured charcoal, liquid fuel or propane grills; campfires with flame length not exceeding two feet in height in pre-fabricated concrete or metal fire enclosures in established campgrounds (USFS, NPS, privately owned); fires in chiminea type manufactured enclosures on private property.
- h. AND EXCEPT that the City of Ouray 4th of July fireworks, executed in unincorporated Ouray County, shall be allowed unless further restricted by the Board of County Commissioners.

“Fireworks” is defined in Ordinance No. 02-01 as:

“Fireworks shall mean: any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.”

- 2. These fire restrictions shall be effective as of 6:00 a.m. June 11, 2012.
- 3. Notwithstanding the provisions of this fire ban Resolution, the Ouray County Sheriff is authorized to implement additional emergency measures as deemed necessary to protect property and human life in the event that fire conditions deteriorate further, subject to ratification by Resolution of the Board of County Commissioners within 48 hours any such action by the Sheriff, and is further authorized to exempt from the fire ban any open fire, approved in advance by the Sheriff, after inspection of the containment structure, surrounding vegetation and the potential fire fuel and the immediate availability of fire suppression apparatus.

APPROVED AND ADOPTED THIS 1ST DAY OF JUNE 2012.

Voting for: Commissioners Albritton, Fedel and Padgett
 Voting against: None



Linda Munson-Haley

 Michelle Nauer, Clerk and Recorder
 By: Linda Munson-Haley, Deputy Clerk of the Board

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 OF OURAY COUNTY, COLORADO

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