

RESOLUTION No. 2012-020

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
IMPLEMENTING STAGE 2 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, Ordinance 02-01 provides for enforcement and penalties of any adopted fire restrictions; and

WHEREAS, based upon competent evidence and recommendation from the Ouray County Sheriff that the unincorporated areas of Ouray County, Colorado face a very high danger of forest and grass fires, the Board adopted Resolution 2012-016 on June 1, 2012 adopting Stage 1 Fire Restrictions from June 11 through June 30, 2012; and

WHEREAS, the weather conditions and the extreme lack of precipitation continue to cause a very high 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 Governor of Colorado has issued by Executive Order 2012-15 a statewide ban on open burning which contemplates additional restrictions may be imposed by counties as recommended by the local sheriff; and

WHEREAS, the Ouray County Sheriff has recommended that the Board extend the fire restrictions with a Stage 2 level of restriction as defined by the Colorado Division of Emergency Management, and in coordination with federal land management agencies, restricting or banning open fires and fireworks within all of the unincorporated areas of Ouray County, Colorado; and

WHEREAS, the restrictions adopted by Ouray County are at least as stringent, and in some respects more stringent, than the fire restrictions imposed statewide by the Governor's Executive Order 2012-15, and in all respects are consistent with the Governor's executive order; and

WHEREAS, the Ouray County Sheriff, in consultation with the Fire Chief of the City of Ouray has cancelled the annual fireworks by the City of Ouray executed in unincorporated Ouray County due to the significant potential of sparking a wildfire.

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 September 30, 2012, or as otherwise modified, rescinded, or extended by Resolution of the Board of County Commissioners.

- a. Open burning, the use of fireworks or other explosives, open charcoal or wood fires including charcoal grills, the burning of trash or debris, or the burning of ditches. "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."
 - b. Building, maintaining, attending or using a campfire on private or public lands.
 - c. Smoking, unless in an enclosed vehicle or building, including the disposal of cigarette butts in any outdoor location.
 - d. Operating a chainsaw without an approved spark arrester and without a chemical pressurized fire extinguisher of at least eight ounces capacity by weight, and one shovel with an overall length of at least thirty-six (36) inches. The extinguisher shall be kept with the operator at all times.
 - e. Welding or operating an acetylene or other torch with an open flame unless prior notification is given to the Ouray County Sheriff.
 - f. Fires in outdoor fire pits or chiminea-type manufactured enclosures on private property.
 - g. Use of tracer or incendiary ammunition.
 - h. EXCEPT that the following activities are permitted: cooking on manufactured liquid fuel cookstove or propane grill with an on-off switch.
 - i. Campers and drivers are asked to limit their travel to designated roads and trails only as much as possible to avoid igniting sparks on grass or brush.
2. These fire restrictions are effective as of 12:00 a.m. June 28, 2012 and will continue through September 30, 2012, or as otherwise extended, modified or rescinded by the Board of County Commissioners.
 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 of 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.

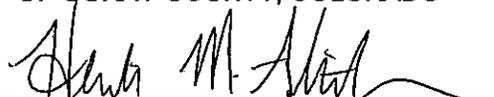
APPROVED AND ADOPTED THIS 26th DAY OF JUNE 2012.

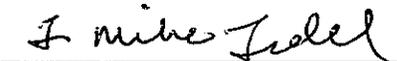
Voting for: Commissioners Albritton, Fedel and Padgett
Voting against: None

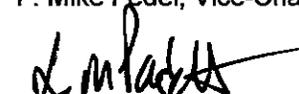
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO




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


Heidi M. Albritton, Chair


F. Mike Fedel, Vice-Chair


Lynn M. Padgett, Commissioner