

## RESOLUTION NO. 2021-82

### DECLARING STAGE 1 FIRE RESTRICTIONS IN BOULDER COUNTY

#### Recitals

- A. Colorado Revised Statutes § 30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Boulder (“Board”) to impose fire restrictions and to ban open fires within the unincorporated areas of Boulder County when the danger of wildfire, forest or grass fires is found to be high; and
- B. Colorado Revised Statutes § 30-15-401(1)(n.7) authorizes the Board of County Commissioners of Boulder County to prohibit or restrict the sale, use, and possession of fireworks within the unincorporated areas of Boulder County; and
- C. Boulder County Ordinance **2018-1** states that the Board of County Commissioners of the County of Boulder or the Boulder County Sheriff (“Sheriff”), shall, whenever the danger of wildfire, forest or grass fires is found to be high, and without further proceedings or resolution, have the authority to declare an open fire ban, which may include the prohibition on the sale and/or use of fireworks and the prohibition of recreational shooting, and
- D. Competent evidence, including quantitative data produced by the National Weather Service and the United States Forest Service, exists which necessitates implementing Stage 1 Fire Restrictions in the mountain area of Boulder County and includes:
  - a. 1000 hr fuels: <12%
  - b. Energy Release Component (ERC): >80<sup>th</sup> percentile
  - c. Above average warm and dry conditions anticipated for the extended forecast
  - d. Moderate to severe drought conditions throughout Colorado coupled with low resources availability that can impact the ability to obtain suppression resources if a fire is to establish.
- E. The Board of County Commissioners and the Boulder County Sheriff has determined that the following measures are necessary to reduce the danger of wildfire, forest or grass fires in unincorporated Boulder County.

#### **THEREFORE, IT IS ORDERED THAT:**

1. The Stage 1 Fire Restrictions are now in effect and include the mountain area of Boulder County. The mountain area includes any and all unincorporated areas of Boulder County west of Colorado Highway 93 from its intersection with the southern boundary of Boulder County up to and including its intersection with Colorado Highway 119; west of Broadway Avenue in the City of Boulder from its intersection with Colorado Highway 119 up to and including its intersection with

United States Highway 36; west of United States Highway 36 from its intersection with Broadway Avenue up to its intersection with the northern boundary of Boulder County; west of the western boundary of Rabbit Mountain Open Space up to and including United States Highway 36; and all of Rabbit Mountain Open Space.

2. Definitions:

- a. Open Fires: For the purposes of this order, “open fires” shall mean any activity that produces or maintains, or attempts to produce or maintain, spark or flame or ignition. “Open fires” does not include fires wholly contained within an enclosed building or vehicle that are used in a safe manner and that do not permit any flame, spark or burning or ignited material to exit such building or vehicle.
- b. Undeveloped Lands: Lands that are not groomed, manicured, or watered, where grasses, brush and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non-manicured park lands, and other areas where the fire hazard presented by the vegetation is determined to be an undue wildland fire hazard.

3. PROHIBITIONS

- a. Building, maintaining, attending, or using an open fire, campfire, or stove fire. This includes charcoal barbecues and grills.
- b. EXCEPT: Building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites, as specifically listed below in this Section (b)(i), and on private lands along with the use of portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel or a fully enclosed (shepherd type) stove with a ¼” spark arrester type screen is permitted.
  - i. The following developed and hosted recreation sites allow fire in constructed, permanent fire pits or fire grates, in accordance with USFS policies and closures.
    1. Kelly Dahl Campground
    2. Rainbow Lakes Campground
    3. Camp Dick Campground
    4. Peaceful Valley Campground
    5. Meeker Park Overflow Campground
    6. Olive Ridge Campground
    7. Brainard Lake Recreation Area (Includes Pawnee Campground)
- c. Fireworks sales, use, and possession, including permissible fireworks.

- d. Shooting or discharge of firearms for recreational purposes except for hunting with a valid and current hunting license on public lands.
  - e. Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.
  - f. Operating a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher kept with the operator and one round point shovel with an overall length of at least 35 inches readily available for use.
  - g. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a chemical pressurized fire extinguisher.
  - h. Using an explosive.
  - i. Parking motorized vehicles in grass or vegetated area that can come in contact with the underside of the vehicle.
4. These Stage 1 Fire Restrictions shall be in effect from the date of adoption until such time as this order is rescinded or amended by the Board of County Commissioners of Boulder County or the Boulder County Sheriff, except that these restrictions shall not remain in effect for more than one year after the date of adoption.
  5. These Stage 1 Fire Restrictions shall not be construed as diminishing or reducing restrictions enacted by incorporated municipalities, the State of Colorado, or state or federal land management agencies regarding areas of Boulder County under their respective control or management.
  6. Any person who violates this fire ban commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500) for a first offense, seven hundred and fifty dollars (\$750) for a second offense, and one thousand dollars (\$1000) for a third and any subsequent offense. The penalty assessment procedure provided in Colorado Revised Statutes § 16-2-201 shall be followed by the arresting deputy sheriff or other officer for any violation of this fire ban, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.
  7. These Stage 1 Fire Restrictions shall be enforced by the Boulder County Sheriff and may be enforced by chiefs of fire departments in fire protection districts as provided in C.R.S. § 32-1-1002(3)(b)(I), and by any other officer with lawful authority to enforce such a fire restrictions.
  8. Nothing in this order shall apply to an officer of federal, state, or local government or to a member of an organized rescue, police, or firefighting agency in the performance of an official duty.

**ADOPTED** this 30th day of November, 2021.

**BOULDER COUNTY SHERIFF**

Joseph K. Pelle

Joseph K. Pelle, Sheriff

**CONFIRMED** this 30th day of November 2021.

**BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY**

Matt Jones

Matt Jones, Chair

ATTEST:

Cecilia Lacey

CL

Cecilia Lacey, Clerk to the Board