

RESOLUTION NO. 2013 - 34

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO PURSUANT TO ORDINANCE NO. 2006-3 REIMPOSING A BAN ON OPEN FIRES IN THE UNINCORPORATED AREAS OF RIO BLANCO COUNTY

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado (Board) enacted Ordinance No. 2006-3, effective June 26, 2006, providing for the banning, from time to time of open fires in the unincorporated areas of Rio Blanco County to reduce the danger of wildfires; and

WHEREAS, pursuant to Resolution No. 2006-20, the Board found that the fire ban should be temporarily lifted due to the conditions that existed as of August 14, 2006; and

WHEREAS, fire fighting authorities within the State of Colorado have determined that different levels of restrictions on open fires should be imposed depending upon the severity of current weather conditions and the dryness of vegetation; and

WHEREAS, the Board has received competent evidence from the Sheriff of Rio Blanco County and representatives of the United States Forest Service and the Bureau of Land Management that the fire danger throughout Rio Blanco County is high due to the lack of precipitation and extremely hot and dry conditions;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rio Blanco County, Colorado as follows:

1. Pursuant to Ordinance 2006-3, a ban on open fires as described in the Stage 1 fire restrictions on Exhibit A attached hereto and incorporated herein by this reference, in the unincorporated areas of Rio Blanco County is hereby imposed effective immediately upon the adoption and signing of this Resolution and this ban shall remain in full force and effect until it is lifted or increased to Stage 2 or Stage 3 fire restrictions by further action by the Board of County Commissioners of Rio Blanco County, Colorado or the Sheriff of Rio Blanco County.
2. The Sheriff of Rio Blanco County is hereby specifically authorized to lift this ban, reimpose it, increase it from one stage to another or decrease it from time to time as he determines conditions warrant from the date of this Resolution through the last day of the Sheriff's current term of office, without further action by this Board.
3. The adoption of this Resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, welfare and convenience of the County and the inhabitants thereof.
4. The Board of County Commissioners hereby declares that an emergency exists due to the condition of the trees, forests, grasslands, sagebrush and other

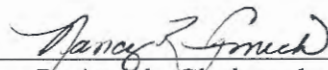
vegetative matter brought about by extreme dry conditions and persistent high winds and high temperatures, and that a ban on open fires must be imposed immediately, and this action is necessary for the preservation of the public health and safety. Therefore, this Resolution shall be effective upon passage.

5. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

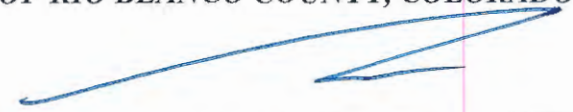
DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 15th DAY OF July, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO**


ATTEST:



Nancy R. Amick, Clerk to the Board



Shawn J. Bolton, Chairman



Jon D. Hill, Commissioner



Jeffrey D. Eskelson, Commissioner



Exhibit A

Explanation of Fire Restrictions

Stage I

The first stage occurs when there is an increasing fire danger and/or a increasing preparedness level, and the risks of keeping the forest open to all activities begins to be outweighed by the risks inherent in doing so. Stage I imposes relatively minor restrictions aimed at preventing the start of wildfires based on human activities that are known to be high risk, specifically smoking and campfires.

Stage II

As the risks increase, the line officer may chose to move to Stage II. This stage intensifies the restrictions from Stage I by focusing on activities that, although normally managed under permit or contract, have a relatively high risk of causing a fire start.

Restrictions under Stage II will affect forest users and will have economic impacts to contractors, permittees, and others. Therefore, the decision to move to Stage II will involve a risk/benefit assessment, as well as consideration of economic and social impacts.

Stage III

Stage III is closure. This stage is selected when there are very high risks and the ability to manage those risks using Stage I or II restrictions is no longer viable. The social, economic, and political impacts of implementing a closure at this point are outweighed by the benefits associated with virtually eliminating the potential for human-caused fire starts.

Components of Stages

There are two fire restriction stages: Stage I and Stage II. There is one closure stage: Stage III. To reduce confusion and standardize the restrictions, the following conditions, by stage, should be used in all restriction documents. Additional elements may be added as conditions dictate.

Stage I

The following acts are prohibited:

Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site. 36 CFR 261.52(a).

Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials. 36 CFR 261.52(d).

Operating or using any internal or external combustion engine without a spark-arresting device properly installed, maintained, and in effective working order meeting either the USDA Forest Service Standard 5100-1a (as amended), or appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a) (36 CFR 261.52(j)).

Stage II

The following acts are prohibited, in addition to the prohibitions of Stage I:

1. Building, maintaining, attending, or using a fire or campfire. 36 CFR 261.52(a)
2. Smoking, except within an enclosed vehicle or building. 36 CFR 261.52(c)
3. Possessing, discharging, or using any kind of firework or other pyrotechnic device. 36 CFR 261.52(f)

4. Using an explosive. 36 CFR 261.52(b)
5. Operating a chainsaw or other equipment powered by an internal combustion engine between 1:00 p.m. to 1:00 a.m. 36 CFR 261.52(h).
6. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 1. USDA Forest Service Standard 5100-1a (as amended); or
 2. Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a). 36 CFR § 261.52(j) and 43 CFR § 9212.1(h);
7. Welding, or operating an acetylene or other torch with open flame. 36 CFR 261.52(i)
8. Possess or use a motor vehicle off: Forest System Roads (36 CFR 261.56) Except when parking in an area devoid of vegetation within 10 feet of the roadway; and except for parking overnight in developed campgrounds and at trailheads.

Exemptions Common to Stages I and II

- * Persons with a written fire entry and activity permit that specifically authorizes the otherwise prohibited act.
Persons using a fire fueled solely by liquid petroleum or LPG fuels.
- * Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- * Any federal, state, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- * Resident owners and private lessees of land within the restricted area exempt from restriction 1 above, provided such fires are within a residence.

Stage III

The area is closed to all entry (36 CFR 261.52(e)) other than as follows:

- * Persons with a written fire entry and activity permit that specifically authorizes the otherwise prohibited act. This may include such persons as grazing-permit holders when entry is needed to gather, move, or otherwise manage their permitted livestock, special-use authorization holders when access is needed to maintain emergency or other communications operations, and others.
- * Any federal, state, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- * Resident owners and lessees of land within the closed area.

Penalties

Violations of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both.