

DRAFT

RESOLUTION NUMBER 22-16

BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN

RESOLUTION IMPOSING TEMPORARY STAGE 2 FIRE RESTRICTIONS IN GILPIN COUNTY

WHEREAS, the County of Gilpin is empowered to enact preventive measures in the event of local emergencies by C.R.S. §30-15-401(1)(n.5)(l); and

WHEREAS, Gilpin County is currently under Stage 1 fire restrictions pursuant to Gilpin County Resolution 22-10; and

WHEREAS, the extremely dry fire conditions prevailing for the past month have not improved and instead have worsened increasing the risk of fires and increasing the chances of an emergency in the event of a fire during this extreme fire danger; and

WHEREAS, the Board of County Commissioners of the County of Gilpin has deemed it necessary and appropriate that temporary Stage 2 fire restrictions be imposed upon determination of such emergency by the Gilpin County Sheriff; and

WHEREAS, Gilpin County Sheriff, Kevin Armstrong, did in fact make such determination, and has imposed temporary Stage 2 fire restrictions in Gilpin County effective 8:00a.m., Thursday, May 12, 2022; and

WHEREAS, the Board of County Commissioners concurrently terminates its Resolution 22-10 implementing Stage 1 fire restrictions, which termination is effective 8:00a.m., Thursday, May 12, 2022, *nunc pro tunc*; and

WHEREAS, the Board of County Commissioners has deemed it necessary and appropriate to move from Stage 1 to Stage 2 fire restrictions; and

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Gilpin, Colorado that the Board declares that the temporary Stage 2 fire restrictions as described in the attached "**Exhibit A**" are in effect and shall remain in effect in Gilpin County until suspended or repealed. These temporary fire restrictions supersede all previous fire bans or fire restrictions and any violation of the prohibitions set forth in this resolution shall be a class three (3) misdemeanor under C.R.S. §18-9-117 and/or C.R.S. §18-8-102.

Additionally, C.R.S. §13-21-105 *et.al* provides further incentive to not violate the fire restrictions or bans or cause a fire generally. A person violating our fire restrictions or ban would be either strictly liable or per se negligent and liable under this statute. Any person violating the fire restrictions or ban causing a fire would be liable for the actual damages to anyone injured including personal or real property damage or loss of life and the costs to any fire department, district, or other emergency responders or resources responding to the incident. Costs of fighting a fire can

easily exceed one million dollars (\$1,000,000.00) in the first day alone.

This Resolution is effective commencing 8:00a.m., Thursday, May 12, 2022 *nunc pro tunc*.

ADOPTED this ____ day of _____, 2022, by a vote of ____ to ____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Deputy Clerk to the Board

Sandy Hollingsworth, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

The foregoing Resolution was acknowledged before me this ____ day of _____, 2022 by Sandy Hollingsworth, Chair, and Sharon Cate, Deputy Clerk to the Board, County of Gilpin.

My commission expires: _____

Witness my hand and official seal.

Notary Public

EXHIBIT A
Gilpin County Fire Restrictions Stage 2

Prohibited Items

- Building, maintaining, attending, or using a fire, campfire, coal, or any type of charcoal fueled broiler or grill, agricultural burning, or any open fire of any type regardless of location;
- Smoking, unless in an enclosed vehicle or building;
- Using explosive material: (i.e.: fireworks, blasting caps exploding targets, tracer rounds, Tannerite or any incendiary device which may result in the ignition of flammable material);
- Operating an acetylene torch, welding or cutting torch appliances or other similar torch with open flame, except in enclosed areas;
- Operating or using any internal combustion engine, i.e.: chainsaw, without a USDA or SAE-approved spark arrestor device properly installed, maintained, and in effective working order. A chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight must be kept with the operator, and at least one round-point shovel with an overall length of at least 36 inches must be readily available for use; and
- Overnight camping in undeveloped areas. Overnight camping is limited to the developed parks, campgrounds, picnic areas, and recreation site listed below:

Reverend's Ridge Campground, Aspen Meadows Campground, Kelly Dahl Campground, Columbine Campground, Cold Springs Campground, Pickle Gulch Campground, Base Camp at Golden Gate Canyon Campground, Denver West/Central City KOA.

Exemptions – Allowed Actions and Items

- Use of liquid, gas fueled appliances or wood pellet grills/ovens maintained with a 3-foot non-combustible material perimeter.

This exemption applies to Reverend's Ridge Campground, Aspen Meadows Campground, Kelly Dahl Campground, Columbine Campground, Cold Springs Campground, Pickle Gulch Campground, Base Camp at Golden Gate Canyon Campground, Denver West/Central City KOA Campground, and owners, lessees or residents on their own private land within the restricted area.

Individuals operating under the above exemption shall take adequate measures to prevent uncontrolled fires. Possible measures include but are not limited to:

- Containers of adequate water or dry soil nearby; and

- Shovels, fire extinguishers, or other extinguishing agents nearby.
- Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

Definitions

FIREWORKS: As defined in section C.R.S. §24-33.5-2001(5), and shall specifically include permissible fireworks as defined in section C.R.S. §24-33.5-2001(11).

INCENDIARY DEVICE: The term “explosive or incendiary device”: means (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (1) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (2) can be carried or thrown by one individual acting alone.

INTERNAL COMBUSTION ENGINE: An internal combustion engine (ICE) is a heat engine in which the combustion of a fuel occurs with an oxidizer (usually air) in a combustion chamber that is an integral part of the working fluid flow circuit. Examples include gasoline engines, diesel engines, gas turbine engines, and rocket-propulsion systems.

LIQUID OR GAS FUELED APPLIANCES: Appliances such as fire pits, grills, camp stoves, and Tiki torches that burn liquid or gaseous fuels which allow the operator to control and extinguish the flame with a shut off-valve. This does not include any device that burns solid fuels such as wood or charcoal that are not immediately extinguished with a shut off-valve.

NON-COMBUSTIBLE MATERIAL: A material that, under the conditions anticipated, will not ignite or burn when subjected to fire or heat. Examples: Stone, rock, gravel, concrete, asphalt, steel, and bare mineral soil devoid of vegetation.

OPEN FIRE: Outdoor fire burning rubbish or debris, recreational fire, cooking fire, charcoal barbecue, campfire, and bonfire that occur in designated parks, campgrounds, picnic areas, and recreation sites or on private property for cooking, pleasure, ceremonial, or clean-up purposes. Fires lit in chimineas, fire pits, fire bowls, and similar free-standing devices, fall under this definition.

RECREATIONAL FIRE: An outdoor fire burning material other than rubbish or debris, i.e. wood, and it is not contained in an incinerator, where the fuel being burned is for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

UNDEVELOPED AREAS: 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.

WELDING AND CUTTING TORCH APPLIANCES: Gas cylinder mixtures, electric and/or portable powered welders and cutting appliances which produce heat, flame, sparks, molten metal slag, etc.

WOOD PELLET GRILLS: Wood pellet grills, sometimes referred to as pellet smokers, are outdoor cookers that use natural hardwood pellets as the fuel source that provides direct or indirect heat to smoke, grill, or bake.

Enforcement

Failure to comply with this Resolution is subject to penalties contained in C.R.S. §25-1-516 and C.R.S. §18-1.3-501 including a fine of up to five thousand dollars (\$5,000.00) and imprisonment in the County Jail for up to eighteen (18) months.

Additionally, C.R.S. §13-21-105 *et.al* provides further incentive to not violate the fire restrictions or bans or cause a fire generally. A person violating our fire restrictions or ban would be either strictly liable or per se negligent and liable under this statute. Any person violating the fire restrictions or ban causing a fire would be liable for the actual damages to anyone injured including personal or real property damage or loss of life and the costs to any fire department, district, or other emergency responders or resources responding to the incident. Costs of fighting a fire can easily exceed one million dollars (\$1,000,000.00) in the first day alone.