

**DRAFT**

**BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN**

**RESOLUTION IMPOSING TEMPORARY STAGE 1 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**, by the reason of extremely dry fire conditions prevailing for the past month, an emergency exists because of extreme fire danger; and

**WHEREAS**, the Board of County Commissioners of the County of Gilpin has deemed it necessary and appropriate that temporary Stage 1 fire restrictions be imposed upon determination of such emergency by Gilpin County Sheriff Kevin Armstrong; and

**WHEREAS**, the Board of County Commissioners has deemed it necessary and appropriate to amend the Stage 1 fire restrictions by prohibiting shooting or discharging firearms for recreational purposes on public lands, to align with neighboring counties and the US Forest Service. The prohibition does not include hunting with a valid and current hunting license which is allowed as stated in the attached **Exhibit A**; and

**WHEREAS**, Gilpin County Sheriff, Kevin Armstrong, did in fact make such determination, and has imposed temporary Stage 1 fire restrictions in Gilpin County effective 12:00 p.m., Thursday, April 21, 2022; and

**WHEREAS**, these fire restrictions do not apply within the municipal boundaries of the City of Black Hawk or the City of Central. Persons interested in knowing what, if any, fire restrictions are in effect in those two Cities should contact those Cities for information; 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 1 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as described in the attached **Exhibit A** are in effect and shall remain in effect in Gilpin County until suspended or repealed.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.

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 1**

**Prohibited Items**

- Building, maintaining, attending, or using an open fire, campfire, or stove fire (including charcoal barbecues and grills) in dispersed camping areas on public land;
- Any fire not within a permanently constructed fire pit, ring, or grate on Private land including Tiki torches and bon fires;
- Use of all personal fireworks;
- Smoking, unless in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least 3 feet in diameter consisting of non-combustible material;
- Operating a chainsaw without a USDA or SAE-approved spark arrestor properly installed and in effective working order. A chemical, pressurized fire extinguisher must be kept with the operator, and at least one round-point shovel with an overall length of at least 35 inches must be readily available for use;
- Welding or operating an acetylene or other open-flame torch, except in an area on non-combustible material at least 30 feet in diameter, and with a chemical, pressurized fire extinguisher immediately available for use;
- Shooting or discharging firearms for recreational purposes.

**Exemptions – Allowed Actions and Items**

- Building, maintaining, attending, or using a recreational fire in permanent fire pits, fire grates, portable outdoor fireplaces only within developed recreation sites which charge fees (see below), and on private land. Such recreation sites include: Kelly Dahl, Cold Springs, Pickle Gulch Group Campground, Pickle Gulch Picnic Area, Columbine Campground, Reverends Ridge, Aspen Meadows, Rifleman Phillips, Works Ranch, Kriley Ponds, Base Camp, Denver West / Central City KOA Holiday, developed campgrounds and picnic areas within Golden Gate Canyon State Park;
- Hunting with a valid and current hunting license;
- Mechanical stoves and appliances fueled by bottle or liquid gas which allows the operator to control and extinguish the flame with a shut off-valve, are permitted provided that such devices are approved by Underwriters Laboratory, Inc. (UL);
- Charcoal barbecues must be surrounded by a 3-foot non-combustible perimeter;

- Permitted fires by persons with a permit specifically authorizing the prohibited act such as professional fireworks display. Contact must be made with the permitting authority to verify the status of permits issued prior to the establishment of burn restrictions;
- Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use when the burning is supervised by the fire protection district;
- Fire Department / District training fires;
- Open fires or open burning by any federal, state, or local officer in the performance of official fire suppression functions;

Individuals operating under any of the above exemptions shall take adequate measures to prevent uncontrolled fires. Possible measures include, but are not limited to: (1) Containers of adequate water or dry soil nearby; (2) Shovels, fire extinguishers, or other extinguishing agents nearby; (3) Coordination with the local fire department or district to be on scene or standby during an activity.

These fire restrictions are for Gilpin County. If you live within, or are visiting Black Hawk or Central City, please check with those two Cities directly to see what, if any, fire restrictions are in effect.

## **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).

**LIQUID OR GAS FUELED APPLIANCES:** Appliances such as fire pits, grills, camp stoves, and Tiki torches that burn liquid or gaseous fuels and can be shut off. This does not include any device that burns solid fuels such as wood or charcoal and which must be extinguished.

**OPEN FIRE AND OPEN BURNING:** Any outdoor fire larger than a recreational fire and not contained within a portable outdoor fireplace. This includes but is not limited to campfires, bonfires, warming fires, the lighting of any fused explosives, permissible fireworks, the use of model rockets, lanterns, and the burning of fence lines or rows, grasslands, fields, farm lands, ditches, rangelands, and wild lands. Permits from the fire district are required for open fires.

**PORTABLE OUTDOOR FIREPLACE:** A commercially purchased portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top. These devices must be operated according to the manufacturer's instructions with all covers, screens, spark arresters, and grates in place. Portable outdoor fireplaces shall not be operated within 20 feet of a structure and have a 3-foot non-combustible perimeter surrounding the fire.

**RECREATIONAL FIRE:** An outdoor fire burning material other than rubbish or debris, i.e. clean dry wood, where the fuel being burned is not contained in a portable outdoor fireplace, or barbecue grill and has a total fuel area of 3 feet or less in diameter and 3 feet or less in flame height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. This includes fires in fixed, permanent outdoor fireplaces; and barbecue pit fires. Recreational fires shall not be constructed within 20 feet of a structure and have a 3-foot non-combustible perimeter surrounding the fire.

**BONFIRE:** Any fire that exceeds the size limitation and height of a recreational fire.

**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. violations of these prohibitions, upon conviction, is punishable by a fine of not more than \$600.00.

**PERMANENT FIRE RING:** A fire ring is designed to contain a fire that is built directly upon the ground, such as a campfire. Fire rings have no bottom, and are simply circles made of forged metal, stones, concrete, etc. which surround and contain a fire.

**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.

### **ENFORCEMENT**

Failure to comply with this Resolution is a crime subjecting the perpetrator to fines and jail time as described as follows:

#### **On Public Property**

C.R.S. §18-9-117 (1)(g) Unlawful Conduct on Public Property (M-2)

Up to a \$1,000.00 fine and/or up to 12 months imprisonment.

#### **On Private Property**

C.R.S. §18-8-102(1) Obstructing Government Operations (M-3)

Up to a \$750.00 fine and/or up to 6 months imprisonment.

### **CIVIL LIABILITY**

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 \$1,000,000.00 in the first day alone.