

RESOLUTION NO. 2018 - 13

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, IMPLEMENTING FIRE RESTRICTIONS, AUTHORIZING THE SHERIFF TO ALLOW EXCEPTIONS, AND AUTHORIZING THE SHERIFF OR THE BOARD OF COUNTY COMMISSIONER TO IMMEDIATELY AMEND, RESCIND, OR ENACT FIRE RESTRICTIONS FOR THE YEAR 2018

WHEREAS, the Board of County Commissioners of Archuleta County 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 of County Commissioners of Archuleta County 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 2003-8 on June 5, 2003 entitled “An Ordinance of the Board of County Commissioners of Archuleta County, Colorado, Providing for the Enforcement of Fire Bans Within the Unincorporated Areas of Archuleta County, Colorado”; and

WHEREAS, the criteria for a Stage 1 Fire Restriction is set forth in the “2018 Southwest Annual Operating Plan” and the “Southwest Colorado Fire Danger Operating Plan”; *and*

WHEREAS, the Board of County Commissioners of Archuleta County has received competent evidence that there exists a high danger of forest, grass or other wildland fires within the unincorporated areas of Archuleta County; and

WHEREAS, the Archuleta County Sheriff and the Fire Chiefs of the County’s Fire Protection Districts have requested that the Board impose Stage 1 Fire Restrictions for all private lands in unincorporated areas of Archuleta County.

WHEREAS, the Town of Pagosa Springs, the Southern Ute Indian Tribe, San Juan National Forest, are also in the process of instituting Stage 1 restrictions within the same boundaries; and

WHEREAS, the enactment of this Resolution is necessary for the preservation of public health, safety, and welfare throughout Archuleta County.

NOW, THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC MEETING HELD THIS 1st DAY OF MAY 2018, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO THAT:

1. Fire restrictions are necessary on all private lands in unincorporated areas of Archuleta County and will go into effect at 15:30 on Tuesday, May 1, 2018.

2. Fire restrictions prohibiting open burning, burn barrels, and agricultural burning in the unincorporated areas of Archuleta County are hereby enacted. Provided, further, this resolution is not intended to have and force or effect on land owned by the United States Forest Service, or the Southern Ute Indian Tribe.
3. The following acts are prohibited until further notice:
 - (a) Building, maintaining, attending, or using a fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler, or open fire of any type in undeveloped areas. The fire restrictions do not include charcoal fires in suitable containers or gas grills for barbecues at private residences or fires within designated campground pits with protective grates; however, such fires should not be left unattended and should be fully extinguished after use. The fire restriction also does not include camp stoves, grills, or lights fueled by bottled gas, or pressurized liquid fuel, specifically designed for the purpose of camp cooking or illumination which shall not be left unattended and shall be fully extinguished after use.
 - (b) Agricultural Burning. Burning of crop land, fields, rangeland, debris burning, slash piles, prescribed burning and weed burning are prohibited.
 - (c) Smoking, except within an enclosed vehicle or building, in a developed recreation site, or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable vegetation.
 - (d) Using explosive material (i.e., fireworks, blasting caps, or any incendiary device which may result in the ignition of flammable material). The fire restrictions do not include local community fireworks displays that have been, or may be, approved and permitted by the Archuleta Country Sheriff.
 - (e) Operating or using any internal combustion engine is prohibited unless it is equipped with a working spark-arresting device. The device must be properly installed, maintained and must meet either:
 - i. Dept. of Agriculture, Forest Service Standard 5100-1a; or
 - ii. Appropriate Society of Automotive Engineers (SAE) recommended practice J355(b) and J350(a)
 - (f) The following requirements apply to all welding and cutting operations. Firefighting hand tools shall be readily available. During welding, a combination of fire extinguishers with a combined capacity of 40 lbs or a pressurized water supply shall be immediately accessible. When welding or cutting in an area that a fire may ignite, a person shall be designated as a fire watch. The area surrounding the work shall be inspected at least one (1) hour after the hot work is completed.
 - (g) Oil and gas operations are required to comply with the requirements of the Colorado Oil and Gas Conservation Commission Rules for Fire Prevention and Protection, Rule 606A.

5. The fire restrictions hereby proclaimed are effective May 1, 2018 at 15:30 and shall remain in effect until amended or rescinded by the Archuleta County Sheriff or the Archuleta Board of County Commissioners.
6. The Sheriff may grant written permission to allow open fires upon request, provided that it is proven to their satisfaction that such exception to the fire restrictions does not constitute a high danger of forest, grass, or other wildland fire; or
7. For the year 2018, the Archuleta Board of County Commissioners or the Archuleta County Sheriff may immediately amend, rescind, or instate any fire restrictions within unincorporated Archuleta County with a public statement as to the parameters of the fire restriction. The fire restriction can be immediately effective. A discussion of the fire restriction will be promptly scheduled for a regular Board of County Commissioners meeting, at which time; the Board shall either confirm or rescind the said restriction.

APPROVED AND ADOPTED this 1st day of May, 2018.

ATTEST:

Clerk to the Board

(SEAL)

BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO



Steve Wadley, Chair

APPROVED AS TO FORM:



Archuleta County Attorney