

RESOLUTION NO. 2018- 17

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, IMPLEMENTING STAGE 2 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 Article 11 of Title 30 of the Colorado Revised Statutes to provide for the health, safety and welfare of the citizens of Archuleta County and to manage the business and concerns of the County; and

**WHEREAS**, pursuant to C.R.S. 30-15-401(1)(n.5)(l), 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**, on May 1<sup>st</sup>, 2018, the Board of County Commissioners of Archuleta County enacted stage I fire restrictions pursuant to the adoption of Resolution No. 2018-13; and

**WHEREAS**, the criteria for a stage 2 restrictions (commonly known as a fire ban) 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 an extreme 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 2 fire restrictions for all private lands in unincorporated areas of Archuleta County.

**WHEREAS**, the Town of Pagosa Springs, the Southern Ute Indian Tribe, the San Juan National Forest, are also in the process of instituting stage 2 restrictions within a similar geographic area; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF ARCHULETA COUNTY, COLORADO;**

1. Immediate Stage 2 fire restrictions are necessary to reduce the danger of wildfires within all private land in the unincorporated areas of Archuleta County and within all land owned by Archuleta County.
2. The following acts are prohibited until further notice:
  - a) Open burning, burn barrels and agricultural burning within all private land in the unincorporated areas of Archuleta County and within all land owned by Archuleta County.
  - b) 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. Mechanical stoves and appliances fueled by bottled or liquid gas (such as gas grills), which allow the operator to control and extinguish the flame with a valve are permitted.
  - c) Smoking is prohibited except within an enclosed vehicle or building.
  - d) Using explosive materials: (i.e. fireworks of all types, including sparklers; blasting caps, or incendiary devices that may result in the ignition of flammable materials). Public fire works displays celebrating July 4, 2018 may be permitted with written authorization from the Archuleta County Sheriff. Blasting in development areas or construction areas with a continuous fire watch will be permitted after notification of the Archuleta County Sheriff via Archuleta County Combined Dispatch.
  - e) Welding or operating an acetylene or similar torch with open flame. Welding and cutting will be permitted with the following requirements, a 20-foot radius safe zone free of vegetation, one (1) 2-1/2 gallon pressurized fire extinguisher or a 5lb. An ABC extinguisher or a pressurized water supply and proper hand tools must be on site, and a fire watch individual must be standing by continuously. Oil and gas welding and cutting operations, which are required to comply with the requirements of the Colorado Oil and Gas Conservation Commission Rules for Fire Prevention and Production, Rule 606A(o), shall be conducted with a 40-foot diameter safe zone.
  - f) Flaring for production wells and production facilities may be allowed with the approval from the designated fire chief (or his designee) for that district, or in the event no fire district exists for the location of the proposed flaring, the Archuleta County Sheriff's Office. Any flaring from established gas processing plants or facilities is exempted. In addition, any gas escaping from a well during drilling operations shall be, so far as practical, conducted to a safe distance from the well site and flammable vegetation, and burned. Operators are also required to notify Archuleta County Combined Dispatch at 970 731-2160 in advance of any flaring when it is anticipated, and in all other cases as soon as possible, but no more than two hours after the flaring has occurred.
  - g) Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:

- i. Department of Agriculture, Forest Service Standard 5100-1a; or
  - ii. Appropriate Society of Automotive Engineer (SAE) recommended practice J335 (b) and J350 (a).
- h) Operating a chainsaw without a chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight, and one size 0 or larger round pointed shovel with an overall length of at least 36 inches. The extinguisher shall be with the chainsaw operator. The shovel may be kept with the fueling supplies but readily available.
- 3. The fire restrictions hereby proclaimed are effective May 29, 2018 at 12:00 pm and shall remain in effect until amended or rescinded by the Archuleta County Sheriff or the Archuleta Board of County Commissioners.
- 4. The following is exempt from said restrictions:
  - a) Any local, state, or federal officer, or member of an organized emergency operation (ie. fire, search and rescue, law, etc) in the performance of official duty.
- 5. 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
- 6. 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 restriction can be immediately effective. A discussion of the action will be promptly scheduled for a regular Board of County Commissioners meeting, at which time; the Board shall either confirm or rescind the said action.
- 7. This resolution supersedes Resolution No. 2018-13 adopted May 1, 2018.

**READ APPROVED AND ADOPTED**, this 29<sup>th</sup> day of May, 2018.

ATTEST:

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June Madrid, County Clerk

BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO

  
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Steve Wadley, Chair