

RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO
RESOLUTION NO. 2020-R- 314

RESOLUTION CONCERNING STAGE I OPEN FIRE RESTRICTIONS

WHEREAS, Delta County is subject to extreme fire conditions resulting from extended hot, dry and windy weather in the Delta County, Colorado, area. It is recognized that such conditions often result in fire occurrences and the possibility exists for rapid fire spread; and

WHEREAS, Mark Taylor, Delta County Sheriff, has requested that the Board of County Commissioners of Delta County (the Board) ban open fires in Delta County, Colorado, until further order; and

WHEREAS, the Delta County Commissioners specifically find that such a restriction is in the best interests of the residents of Delta County, Colorado; and

WHEREAS, pursuant to § 30-15-401(1)(n.5) Colorado Revised Statutes and Ordinance No. 003, enacted by the Board on July 22, 1996, the Board has authority to adopt a resolution to ban open fires to an extent deemed necessary to reduce the danger of wildfires in Delta County.

WHEREAS, due to extreme fire conditions, it is in the best interests of the residents of Delta County to adopt this resolution, in conjunction with Ordinance No. 2012-01 which is entitled "Ordinance to Repeal Ordinance 2007-02; Ordinance Authorizing the Identification of "Red Flag" and/or High Wind Advisory Fire Days; Requiring Notification to Delta County Communications Before Initiating a Ditch, Field, or Agricultural Burn; and Establishing Penalties for Initiating a Ditch, Field, or other Agricultural Burn on a "Red Flag" and/or High Wind Day," which Ordinance is focused on agricultural burns and not other open fires.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County, as follows:

1. By order of the Board, all open fires are prohibited in Delta County, Colorado, until further order of such Board. This prohibition applies to all public lands and private property in Delta County except:

- a. Land within the boundaries of the Grand Mesa, Uncompahgre and Gunnison National Forests, federal land managed by Bureau of Land Management (BLM) and Colorado State Parks at Sweitzer Lake and Crawford Reservoir.
- b. Any property not owned by Delta County within municipalities which have adopted their own burning regulations.

2. For purposes of this order, "open fires" shall be defined as all outdoor fires, including, but not limited to agricultural burning, campfires, warming fires, fused explosives, fireworks of all kinds and

brands (except with a permit issued pursuant to state or municipal laws) and the prescribed burning of fence rows, wildlands, trash, and debris, but do not include gas barbecues and charcoal fires in enclosed firepans of permanent fireplace locations.

3. The Delta County Sheriff or his designee is authorized to issue permits for agricultural burning or other open fires, as an exception to this ban, if he determines that such burning is not likely to cause damage to persons or other property.

4. Also prohibited is the operation of a chain saw without a USDA or SAE approved spark arresting device properly installed and in effective working order, and having a chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight, and possessing one large size pointed shovel with an overall length of at least 36 inches. The extinguisher shall be with the chain saw operator. The shovel may be kept with the fueling supplies but readily available for quick use.

5. Persons found violating the restriction may be cited into Delta County Court and, upon conviction, incur fines and costs. In addition, should the violation of this resolution result in a fire the violator shall be responsible to reimburse the expenses incurred in extinguishing the fire.

6. By such action, the Delta County Commissioners hope to avoid as many human-caused fires as possible and request outdoor users to be extremely careful with all burnable materials, especially cigarettes.

7. The following statutes of the State of Colorado are applicable:

- a. § 18-13-109, C.R.S. FIRING WOODS OR PRAIRIE LANDS
- b. § 18-9-117, C.R.S. UNLAWFUL CONDUCT ON PUBLIC PROPERTY
- c. § 30-15-201, C.R.S. LEAVING AN UNATTENDED CAMPFIRE
- d. § 18-8-102, C.R.S. OBSTRUCTING GOV'T OPERATIONS

8. The effective date hereof shall be the date of the adoption of this Resolution.

ADOPTED this 6th day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: J. Mark Roeber
J. Mark Roeber, Chair

Don Suppes
Don Suppes, Vice Chair

Mike Lane
Mike Lane, Commissioner

ATTEST:

Teri Stephenson
Teri Stephenson
Delta County Clerk and Recorder

[SEAL]

