

RESOLUTION No. 2006-044

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO TO BAN OPEN FIRES WITHIN THE
UNINCORPORATED AREAS OF OURAY COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) 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 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 No. 02-01 on June 3, 2002 entitled “Ordinance Concerning the Ban of Open Fires, Contained Open Fires and Fireworks”; and

WHEREAS, the Board has received competent evidence that there exists within the unincorporated areas of Ouray County, Colorado a high danger of forest and grass fires; and

WHEREAS, the weather conditions and lack of precipitation have caused a threat of fire in the forests and unincorporated areas of Ouray County, Colorado and a current state of emergency exists with respect to fire danger; and

WHEREAS, the Ouray County Sheriff has recommended that the Board impose a ban on all open fires and fireworks within the unincorporated areas of Ouray County, Colorado;

WHEREAS, Governor Bill Owens has issued Executive Order D 013 06 banning open burning and fireworks on state lands in Colorado; and

WHEREAS, such Executive Order defines “open burning” as any outdoor fire, including but not limited to campfires, warming fires, and charcoal grill fires;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. All open fires, fireworks and public fireworks displays are banned within the unincorporated areas of Ouray County, Colorado. “Open Fire” is defined in Ordinance No. 02-01 as:

“Open fires shall mean: any open burning, including camp and cooking fires; except smoking within an enclosed vehicle or building, a developed recreation site, or while in an area at least ten feet (10’) in diameter that is barren or cleared of all flammable material; or welding, or operating an acetylene or other torch with open flame. Open fires shall not include:

a. Fires in camp stoves or grills, fueled by bottle gas or pressurized liquid, and specifically designed for cooking or heating purposes.

b. Fires in permanently constructed stationary masonry or metal fire-places specifically designed for the purpose of combustion.

c. Fires in commercially operated wood and/or charcoal fired grills designed for cooking.”

“Fireworks” is defined in Ordinance No. 02-01 as:

“Fireworks shall mean: any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.”

“Public Fireworks display” is defined in Ordinance No. 02-01 as:

“Public fireworks displays shall mean: - any display of fireworks conducted by a qualified pyrotechnic operator conducted only after approval by the local fire authority and in compliance with any conditions imposed by the local fire authority.”

2. Notwithstanding the provisions of Ordinance No. 02-01, because of the very high fire danger and the provisions of the Governor’s Executive Order, and pursuant to the Board’s authority contained in C.R.S. § 30-15-401(1)(n.5), a ban on charcoal grill fires is also imposed.

3. This fire ban shall be effective as of 12:00 p.m. June 26th, 2006 and shall remain in effect until August 31, 2006.

4. Notwithstanding the provisions of this fire ban Resolution, the Ouray County Sheriff is authorized to exempt from the fire ban any open fire, approved in advance by the Sheriff, after inspection of the containment structure, surrounding vegetation and the potential fire fuel and the immediate availability of fire suppression apparatus.

APPROVED AND ADOPTED THIS 26th DAY OF JUNE 2006.

Board of County Commissioners of
Ouray County, Colorado

Heidi Albritton, Chair

Don Batchelder

Kristi Westfall

ATTEST:

Michelle Nauer
Ouray County Clerk and Recorder
By: Linda Munson-Haley,
Deputy Clerk of the Board