

RESOLUTION 2022 - 43

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 COMMISSIONERS TO IMMEDIATELY AMEND, RESCIND, OR ENACT FIRE RESTRICTIONS FOR THE YEAR 2022

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 18-2017 on September 3, 2018 entitled “Amended and Restated Ordinance for the Regulation of Open Burning in the Unincorporated Areas of Archuleta County”; 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; and,

WHEREAS, the Town of Pagosa Springs, the Southern Ute Indian Tribe, and 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, 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 9:00 a.m. on Wednesday, May 18, 2022.**
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 any 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. **FIRE:** The building, maintaining, attending, or using any fire, campfire, coal or wood burning stove, any type of charcoal fueled broiler, or open fire of any type in undeveloped areas, is NOT authorized during Archuleta County fire restrictions (refer to Paragraph 4 for exemptions).
- b. **BURN PERMITS:** Burn permits issued shall not be authorized during the fire restriction period.
- c. **FIREWORKS:** The use of ALL fireworks is prohibited in a fire ban. This includes "permissible fireworks" such as, but not limited to small fireworks devices designed to produce audible or visual effects by combustion, fountains, cones, spinners, sparklers, poppers, snake or glow worm pellets and other trick noisemakers. Please see the complete listing as defined below.

DEFINITION: Fireworks as defined in section 12-28-101(3) C.R.S, and shall specifically include "permissible fireworks" as defined in section 12-28-101(8) C.R.S.

- d. **OPEN BURNING:** Agricultural burning of crop land, fields, rangeland, weed burning, debris burning, slash piles, prescribed burning and any open burning including 'bon fires' that require a permit from the fire authority having jurisdiction, will not be allowed during Archuleta County fire restrictions.
- e. **SHOOTING:** Shooting tracer rounds or explosive type targets are prohibited. The use of an explosive initiation system requiring a burning fuse line is prohibited.
- f. **SMOKING:** Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area of at least six feet diameter that is barren or cleared of all combustible material is NOT authorized during Archuleta County fire restrictions.

4. The following acts are approved exemptions during fire restrictions:

- a. **FIRE:** Recreational fires will be limited to appliances fueled by bottled gas, or pressurized liquid fuel, at developed parks, campground, private residence, or picnic area and not closer than 30 feet from an undeveloped area.

Recreational fires within a permanently constructed fire grate in a developed park, campground, private residence, or picnic area and not closer than 30 feet from an undeveloped area.

DEFINITION: Liquid or Gas-Fueled Appliances such as grills, camp stoves, and Tiki torches that burn liquid or gaseous fuels and can be shut off. Recreational camp fires will also be limited to burning material other than rubbish or debris where the fuel being burned is not contained in a portable outdoor fireplace or barbeque grill and has a total fuel area of 2 ft wide x 2 ft long x 2 ft high, protected by a permanent fire ring structure and covered by a steel grate, for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. This includes fires in barrels and drums; fixed, permanent outdoor fireplaces; and barbeque pit fires.

- b. **CHAINSAW:** Operating a chain saw with 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 eight (8) ounces capacity by weight, and possessing one large size pointed shovel with an overall length of at least thirty-six (36) inches is allowed during fire restrictions. The extinguisher shall be with the chain saw operator. The shovel may be kept with the fueling supplies, but readily available for quick use.
- c. **CHARCOAL GRILLS:** Charcoal grills use either charcoal briquettes or all-natural lump charcoal as their fuel source. The charcoal, when burned, will transform into embers radiating the heat necessary to cook food.

Charcoal grill fires at private residences or within a permanently constructed fire ring structure covered by a steel grate in a developed park, campground, or picnic area are allowed during fire restrictions.

Charcoal barbeque grills shall not be closer than 30 feet from an undeveloped area.

- d. **CHIMINEAS OR PORTABLE OUTDOOR FIREPLACE:** A chiminea or a portable outdoor fireplace at private residences or within a developed park, campground, or picnic area and are not closer than 30 feet from an undeveloped area and not closer than 15 feet of a structure or combustible material, with covers, screens, spark arresters, and grates is allowed during Archuleta County fire restrictions.

DEFINITIONS: A chiminea is a freestanding front-loading fireplace or oven with a bulbous body and usually a vertical smoke vent or chimney. Fires start very quickly in chimineas after ignition with papers and small pieces of wood. When in full burn after just 15 minutes, they give off tremendous heat due to their design which allows much more air to be drawn in than, for example, a fire basket.

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 manufacturers' instructions with all covers, screens, spark arresters, and grates in place. Portable outdoor fireplaces shall not be operated within 30 feet of a structure or combustible material.

- e. **HEATING DEVICES:** Any fires contained within liquid-fueled or gas-fueled stoves, lanterns or heating devices are allowed during fire restrictions.

DEFINITION: Liquid or Gas-Fueled 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.

- f. **PERMIT FIRES:** Exemptions approved under this temporary fire restriction includes the following permitted fires:
- i. Permitted fires by persons with a permit specifically authorizing the prohibited act such as professional firework displays. Contact must be made with the permitting authority to verify the status of permits issued prior to the establishment of burn restrictions.
 - ii. Fire Department/District training fires.
 - iii. Burning of explosive wastes by manufacturers of explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district.
 - iv. Open fires or open burning by any federal, state, or local officer in the performance of official fire suppression functions.
 - v. 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

- g. **TIKI TORCHES:** Tiki torches at private residences or within a developed park, campground, or picnic area and are not closer than 30 feet from an undeveloped

area and not closer than 15 feet of a structure or combustible material is allowed during Archuleta County fire restrictions.

DEFINITION: Liquid or Gas-Fueled 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.

- h. **WELDING & CUTTING TORCHES**: Welding or operating an acetylene or other torch with an open flame within an area that is barren or cleared of all combustible material at least 10 feet on all sides from the equipment is allowed during fire restrictions.

Welding and cutting torch appliances, as described below in the definition section, may only be operated in an area no closer than 30 feet from an undeveloped area.

DEFINITION: Welding and Cutting Torch Appliances: Gas cylinder mixtures, electric and/or portable powered welders and cutting appliances that produce heat, flame, sparks, molten metal slag, etc.

- i. **WOOD PELLET GRILLS**: Approved wood pellet grills are exempt under these temporary fire restrictions.
- j. **OIL AND GAS INDUSTRY**: 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.

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.

- 5. The fire restrictions hereby proclaimed are effective Wednesday, May 18, 2022 at 9:00 a.m. and shall remain in effect until amended or rescinded by the Archuleta County Sheriff or the Archuleta Board of County Commissioners.
- 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 2022, 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 18th day of May, 2022.

ATTEST:

Kristy Archuleta
by Mary Helminski,
Deputy Clerk

Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO

Alvin Schuaf

Alvin Schuaf, Chair

(SEAL)

