

CUSTER COUNTY RESOLUTION
No. 06-10

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
CUSTER COUNTY, COLORADO TO BAN OPEN BURNING IN THE
UNINCORPORATED PORTIONS OF THE COUNTY.**

WHEREAS, this Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chiefs throughout the County have advised the Board of County Commissioners of Custer County that the lack of snow or rainfall and current high-wind weather conditions have created a threat of fire in forests and grasslands of Custer County and that a current state of emergency exists with respect to fire danger; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County is high and a fire danger emergency does exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, that effective June 16, 2010.

1. No open fires in rural areas will be permitted during the fire ban. This includes the burning of trash in containers. Any violation of the fire ban shall result in any penalties provided by the Ordinance.
 - a. Special Circumstances Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at that time, the Sheriff in consonance with the Fire Chiefs, may issue a one time, period limited written permit for an open burn. The permit will specify the time of the requested burn and the permit recipient will notify the Sheriff's Department when the burn is started and when it is completed.
2. Gas-powered camp stoves and gas-powered barbecue grills, charcoal grills and campfires are permitted. Any open flame must be attended at all times. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.

3. No airborne fireworks or those that explode or consist of any incendiary device or can result in secondary burns will be permitted except as otherwise provided by CRS Section 12-28-103.
4. Federal authorities may also impose fire restrictions, on all public lands in Custer County. As a result, building, maintaining, attending or using a fire, campfire, charcoal, coal and wood burning stove may be prohibited on all national forest and grasslands areas. Also smoking may be limited except in an enclosed vehicle or building or on developed recreation sites. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.
5. The Fire Chiefs or and Fire District or Fire Organization for purposes of all areas within the official boundaries of their jurisdiction or the Sheriff for all areas of the unincorporated area of the County not within such boundaries may recommend to the Board of County Commissioners that such fire bans be lifted in their respective areas of jurisdiction when they deem it appropriate and make recommendations to the Board for the re-imposition of the fire ban when a new fire danger emergency exists.
6. During periods wherein fire bans are rescinded, the Sheriff, with input from competent fire authorities may impose temporary, limited fire bans during periods of officially declared "Red Flag" days.
7. The Sheriff's department can issue citations to any person who violates Custer County Ordinance 2002-1 (CRS Section 30-15-402).

BE IT FURTHER RESOLVED that the Sheriff of Custer County is hereby directed to enforce the provisions of this Resolution until such time as it is rescinded.

RESOLVED, ADOPTED AND SIGNED THIS 16th DAY OF JUNE, 2010:

SIGNED:
CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery
Chairman

Jim Austin
Vice-Chairman

Carole J. Custer, Ph.D.,
Commissioner

Attest:

Debbie Livengood
Clerk and Recorder