

RESOLUTION DECLARING FIRE BAN IN LARIMER COUNTY

WHEREAS, section 30-15-401(1) (n.5), C.R.S., authorizes the Board of County Commissioners (“Board”) to adopt an ordinance banning Open Fires to a degree and in a manner that the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and;

WHEREAS, section 30-15-401(1)(n.7), C.R.S., authorizes the Board to prohibit the sale, use and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the county; and

WHEREAS, the Board of County Commissioners of Larimer County adopted Ordinance No. 007-001 CONCERNING THE BAN OF OPEN FIRES, CONTAINED OPEN FIRES, FIREWORKS AND INCENDIARY DEVICES, and

WHEREAS, Ordinance 007-01, as amended on October 7, 2014, authorizes the Board to impose a restriction upon open fires, contained open fires, the use of fireworks and/or public firework displays in the unincorporated territory of Larimer County by adopting a resolution at any regularly scheduled or special meeting of the Board; and

WHEREAS, the Board finds, based upon competent evidence, that the danger of forest or grass fires is high within the unincorporated areas of the county, and

WHEREAS, Ordinance 007-01 defines certain terms as follows:

1. **Open fires** shall mean: any open burning, including camp and cooking fires; or welding, or operating an acetylene or other torch with open flame or smoking outside of an enclosed vehicle, building or otherwise as defined by Ordinance 007-01.
2. **Contained open fires** shall mean: fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion; or operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either Department of Agriculture, Forest Service Standard 5100-1c or appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). Contained open fires shall not include fireplaces or wood stoves located inside permanent structures.
3. **Fireworks** shall mean any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks, or display fireworks.
4. **Fireworks does not include:**
 - a. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;
 - b. Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;

c. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;

d. Fireworks which are used in testing or research by a licensed explosives laboratory.

5. **Public fireworks displays** shall mean: any display of fireworks conducted by a qualified pyrotechnic operator in compliance with article 78, section 7802 – fireworks – of the uniform fire code, as amended, and conducted only after the approval by the local fire authority, and compliance with any conditions imposed by the local fire authority.

6. **Incendiary devices shall mean;** any object which is combustible, flammable, explodes or is designed to or may cause fire. This includes sky lanterns, exploding ammunition, exploding targets and tracer ammunition.

WHEREAS, the Board finds that due to unusually dry conditions and extreme fire behavior, and based on the recommendations of the Larimer County Sheriff and other competent evidence as defined by C.R.S. 30-14-401(1)(n.5)(V)(A), the danger of wildfire, forest and grass fires is very high to extreme in Larimer County.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that it is in the best interest of the people of Larimer County and to further their safety and welfare, that a prohibition of open fires (definition 1), contained open fires (definition 2), the use of fireworks (definitions 3, 4), public fireworks displays (definition 5), and the use of incendiary devices (definition 6) in the unincorporated territory of Larimer County shall be imposed effective 12:00 p.m. August 18, 2020 through 12:00 p.m. September 18, 2020.

BE IT FURTHER RESOLVED, the Sheriff of Larimer County is authorized to exempt from such ban any open fire or use of incendiary devices approved in advance by the Sheriff, after inspection of the containment structure, surrounding vegetation and potential fire fuel, and the immediate availability of fire suppression apparatus.

Adopted and effective this 18th day of August 2020.

BOARD OF COMMISSIONERS OF LARIMER COUNTY,
COLORADO

By: Steve Johnson
Steve Johnson, Chair

ATTEST:

Ephraim LaRocca
Deputy Clerk to the Board

