

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on July 18, 2012, there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

ORDINANCE #2012-01 It was moved by Commissioner Lyons and seconded by Commissioner Beedy to adopt the following ordinance:

**DESIGNATING LEVELS OF FIRE RESTRICTIONS WITHIN
UNINCORPORATED AREAS OF LINCOLN COUNTY**

WHEREAS, the Board of County Commissioners of Lincoln County, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of Lincoln County, Colorado; and

WHEREAS, pursuant to C.R.S. 30-15-401(1) (n.5) and Lincoln County Ordinance 2002-01, the Board has the authority to ban open fires to a degree and in any manner it deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the County where the danger of grass fires is found to be high, based on competent evidence; and

WHEREAS, Lincoln County frequently experiences conditions where below average precipitation and low humidity levels creates high fire dangers for all unincorporated areas of Lincoln County; and

WHEREAS, the Lincoln County Sheriff has recommended that the Board adopt this Ordinance for the purpose of restricting or banning open fires during times of high fire danger in the unincorporated areas of Lincoln County.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO that

1. Competent evidence exists to believe that during certain periods of adverse weather, a high to extreme fire danger may exist for all the unincorporated areas of Lincoln County.
2. As a result, pursuant to C.R.S. § 30-15-401(1)(n.5) and Lincoln County Ordinance 2002-01 the Board hereby restricts open fires in the unincorporated areas of Lincoln County when certain weather conditions cause fire danger to be high or extreme.
3. Definitions:
 - A. "Open fires": **any** open burning, including camp and cooking fires; except smoking, except within an enclosed building or vehicle. Open fires shall **NOT** include:

- 1) Fires in camp stoves or grills, fueled by bottled gas or pressurized liquid fuels, and specifically designed for cooking or heating purposes.
- 2) Fires in permanently constructed stationary masonry or metal fireplaces or grates specifically designed for the purposes of combustion.
- 3) Fires in commercially operated wood and/or charcoal fired grills designed for cooking.

B. "Fireworks": any item so defined in C.R.S. §12-28-101

4. As weather and moisture levels can change within short periods of time, the Board allows the level of fire restrictions to be changed without further resolution of the Board, within the ruling of this Ordinance.

Within the boundaries of any fire protection district the Lincoln County Sheriff and the Fire Chief of such Fire Protection District shall jointly have the authority to determine the level of fire danger and restriction (Level 1, Level 2, Level 3), as defined in Exhibit A of this resolution and the geographic area of the ban. Fire Districts throughout Lincoln County may be on different levels depending on the current conditions.

5. The following activities are hereby deemed to be "open fires" for the purposes of this Ordinance and are subject to the restriction:
 - A. Building, maintaining, attending or using any open fire to burn trash, debris, fence rows, or vegetation, any campfire, warming fire, or charcoal grill, except in a fireplace or grill designed for such fires.
 - B. Lighting of fireworks of any kind.
 - C. Disposing of any burning material or material hot enough to cause the ignition of weeds or grass such as cigarette or cigar butts or hot coals except in a fireproof receptacle designed for such disposal.
6. The following persons and acts shall be exempted from the provisions of this Ordinance:
 - A. Persons with a **valid permit** from the Lincoln County Sheriff and Fire Chief that specifically authorizes the otherwise prohibited act.
 - B. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 - C. Any fires contained within a liquid fuel or gas stove, fireplaces within buildings, and charcoal or propane grill fires at **private** residences.

7. Any person who initiates in Lincoln County an open fire during a stage 2 restriction without having first called the Lincoln County Sheriff's Dispatch Center and requested a permit for such a fire or burns during a stage 3 restriction commits a class 2 petty offence and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. 30-15-402. The penalty assessment procedure provided in C.R.S. 16-2-201 is authorized to be followed by any arresting law enforcement officer for any such violation.
8. This open fire ban is effective upon passage of this Ordinance and shall remain in effect unless rescinded by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Lyons, Yes; Commissioner Beedy, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

DATED this 18th day of July 2012

**BOARD OF COUNTY COMMISSIONERS
LINCOLN COUNTY, COLORADO**

Steve Burgess, Chairman

Gary Beedy, Vice Chairman

Ted Lyons, Commissioner

Corinne Lengel
Clerk to the Board

EXHIBIT A

LEVELS OF BURNING RESTRICTIONS

LEVEL 1 – NO BURNING RESTRICTIONS

Controlled Burns have to be called into the Lincoln County Dispatch 719-743-2426

LEVEL 2 – RESTRICTIONS REQUIRED DUE TO SEVERE DRY CONDITIONS/

The following acts are prohibited in unincorporated Lincoln County until further notice:

1. Building, maintaining, attending, or using any fire or campfire, except a fire within a permanent constructed fire grate in a developed campground.

EXEMPTIONS:

- A. Persons with a **VALID WRITTEN PERMIT** from the Lincoln County Sheriff and Fire Chief that specifically authorizes the otherwise prohibited act.
- B. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- C. Any fires contained within a liquid fuel or gas stove, fireplaces within buildings, and charcoal or propane grill fires at private residences.
- D. The burning of household trash when contained within a fireproof container sufficiently maintained to prevent escaping flame or burning material from the bottom or sides and screened sufficiently on top to prevent the release of burning material and located in the center of an area at least ten feet (10') in diameter from which all flammable material has been removed.

NOTE: Declarations of “FIRE WEATHER WATCH**” by the National Weather Service for Lincoln County will automatically place fire restrictions to LEVEL 2.**

LEVEL 3 – EXTREME CONDITIONS, NO OPEN BURNING ALLOWED

No open burning is allowed until further notice. Those having burn permits issued by the Lincoln County Sheriff's Office can NOT burn during Level 3.

NOTE: Declarations of “RED FLAG WARNING**” by the National Weather Service for Lincoln County will automatically place fire restrictions to LEVEL 3.**