

**RESOLUTION
2008 BCC29**

BAN OF OPEN FIRES WITHIN UNINCORPORATED AREAS OF MORGAN COUNTY

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

WHEREAS, pursuant to C.R.S. 30-15-401(1)(n.5) and Morgan County Ordinance 2002-1, 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 forest or grass fires is found to be high, based on competent evidence, and

WHEREAS, because of above average warm temperatures and well below average precipitation, creating a 15% or less moisture level in thousand hour fuels, there exists an extremely high fire danger for all unincorporated areas of Morgan County, and

WHEREAS, the Morgan County Sheriff has recommended that the Board adopt this resolution, for the purpose of banning open fires in the unincorporated areas of Morgan County.

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

1. Competent evidence exists to believe that there exists an extremely high fire danger for all the unincorporated areas of Morgan County.
2. As a result of the extremely high fire danger, pursuant to C.R.S. § 30-15-401(1)(n.5) and Morgan County Ordinance 2002-1, the Board hereby bans open fires in the unincorporated areas of Morgan County.
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. Within the boundaries of any fire protection district the Morgan 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 (green, yellow, or red) as defined in Exhibit A of this resolution and the geographic area of the ban.

In any area of Morgan County outside the area of any Fire Protection District, the Morgan County Sheriff and the Morgan County Emergency manager shall jointly have the authority to determine the level of fire danger and restriction (green, yellow, or red) as defined in Exhibit A of this resolution and the geographic area of the ban.

Resolution 2008 BCC29

Page 2

5. The following activities are hereby deemed to be "open fires: for the purposes of this Resolution and are subject to the ban:
 - 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 Resolution:
 - A. Persons with a valid permit from the Morgan County Sheriff 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, charcoal or propane grill fires at private residences.
 - D. Burning of irrigation ditches located within and completely surrounded by irrigated farmlands, where such burning is necessary for crop survival.
 - E. Campfires or bonfires required on religious ceremonies, and for which a valid written permit has been granted in advance by the Morgan County Sheriff.
 - F. The burning of household or other trash except 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.

7. This open fire ban is effective upon passage of this resolution and shall remain in effect to and until December 31, 2008 unless previously rescinded by a resolution of the Board of County Commissioners.

DATED this _____ day of July, 2008.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

(SEAL)

Tony Carlson, Chairman

Connie Ingmire
County Clerk To The Board

Kenneth Anderson, Commissioner

Jon Becker, Commissioner

EXHIBIT A

LEVELS OF BURNING RESTRICTIONS

LEVEL 1 – NO BURNING RESTRICTIONS (Condition Green)

LEVEL 2 – RESTRICTIONS REQUIRED DUE TO SEVERE DRY CONDITIONS (Condition Yellow)

The following acts are prohibited in unincorporated Morgan 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 Morgan County Sheriff 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, charcoal or propane grill fires at private residences.
- D. Burning of irrigation ditches located within and completely surrounded by irrigated farmlands, where such burning is necessary for crop survival.
- E. Campfires or bonfires required on religious ceremonies, and for which a valid written permit has been granted in advance by the Morgan County Sheriff.
- F. The burning of household or other trash except 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.

LEVEL 3 – EXTREME CONDITIONS, NO OPEN BURNING ALLOWED (Condition Red)

The following acts are prohibited in unincorporated Morgan 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.
2. Disposing of burning material such as cigarette or cigar butts, live coals, or any other material hot enough to ignite weeds or grass.
3. Use of fireworks of any type.
4. The burning of household or other trash except 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. clear of all flammable material within a radius of ten feet (10').

EXEMPTIONS:

- A. Persons with a valid written permit from the Morgan County Sheriff 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. Burning of irrigation ditches located within and completely surrounded by irrigated farmlands, where such burning is necessary for crop survival, and a specific written permit has been granted by the Morgan County Sheriff.