

RESOLUTION DECLARING FIRE RESTRICTIONS 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 the ORDINANCE CONCERNING THE RESTRICTION OF OPEN FIRES, CONTAINED OPEN FIRES, FIREWORKS, PUBLIC DISPLAYS OF FIREWORKS AND USE OF COMBUSTIBLE DEVICES 2022, and

WHEREAS, the Ordinance Concerning The Restriction Of Open Fires, Contained Open Fires, Fireworks, Public Displays Of Fireworks And Use Of Combustible Devices, as amended on May 26, 2022, authorizes the Board to impose a restriction or ban upon any or all types of open fires, open burning, the sale, use or possession of fireworks, and/or the use of combustible devices in the unincorporated territory of Larimer County, or any defined portions thereof, 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 Concerning The Restriction Of Open Fires, Contained Open Fires, Fireworks, Public Displays Of Fireworks And Use Of Combustible Devices 2022 defines certain terms as follows:

1. **Combustible Devices** shall mean any object which is flammable, explodes or is designed to or may cause fire. This includes sky lanterns, exploding ammunition, exploding targets, and tracer ammunition.
2. **Open Fires** shall include both contained open fires, uncontained open fires and gas or liquid fueled fires.
 - a. “Contained Open Fires” shall mean open fire that is in a permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion. Contained Open Fires shall not include fireplaces or wood stoves located inside a permanent structure, such as a residential dwelling or commercial business.
 - b. “Uncontained Open Fires” shall mean any fire (including but not limited to: campfire, fireplace, recreational fire, bonfire, firepit, etc...), coal, wood or pellet stove, fireplace,

any type of charcoal, wood, or pellet fueled cooking, uncontained fire of any type in an undeveloped area including camp and cooking fires, welding, or operating acetylene or other torches with open flames.

- c. "Gas or Liquid Fueled Fires" shall mean fires fueled by bottled gas or pressurized liquid, which shall include but is not limited to: portable heaters, cooking stoves, heating stoves, hiking/camping stoves, grills, firepits, fireplaces, etc....)

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 permissible fireworks defined in C.R.S. 24-33.5-2001(11).

a. **Fireworks does not include:**

- i. 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;
- ii. Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
- iii. 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;
- iv. Fireworks that are used in testing or research by a licensed explosives laboratory.

4. **Public fireworks displays** shall mean any display of fireworks conducted by a qualified pyrotechnic operator in compliance with the International Fire Code, as amended, and conducted only after the approval by the local fire authority, and in compliance with any conditions imposed by the local fire authority.

WHEREAS, the Larimer County Sheriff's Office has determined that the fire danger is high based on fire danger assessment factors such as drought conditions, active local fire incidents, limited regional and national resources, and forecasted continued hot and dry conditions, therefore 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 there is hereby a prohibition and ban on:

- Use of Combustible Devices (definition 1)
- Contained Open Fires (definition 2a)
- Uncontained Open Fires (definition 2b)
- Use of Fireworks (definition 3)
- Public Fireworks Display (definition 4)

in the unincorporated territory of Larimer County, which shall be imposed effective **on the date and time this Resolution is approved by the Board as reflected on the signature line below and continue through 08:00 a.m. August 31, 2024.**

BE IT FURTHER RESOLVED, the Sheriff of Larimer County is authorized to exempt from such ban any gas or liquid fueled fire, use of fireworks or public fireworks displays 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 31st day of July 2024, at 4:13 am/pm

BOARD OF COMMISSIONERS OF LARIMER COUNTY, COLORADO

By: John Kefalas
John Kefalas, Chair

ATTEST:

[Signature]
Deputy Clerk to the Board



Approved as to form:

Winters
County Attorney