

Sheriff Pelle Orders Outdoor Fire Restrictions; Board of County Commissioners Adopt "Red Flag Fire Ordinance

MEDIA RELEASE

Tuesday, March 10th, 2009

TO: Boulder County Area Media

FROM: Cmdr. Phil West #303-441-3621
Fire Management Officer Jay Stalnacker #303-441-3642

RE: Sheriff Pelle Orders Outdoor Fire Restrictions; Boulder County Commissioners Adopt "Red Flag" Fire Ordinance #2009-1.

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Colorado is currently experiencing one of the driest late winter seasons in recent history. The danger of wildfire has increased rapidly over the course of the last few months. The moisture content of large fuels (i.e logs and trees) has fallen to a dangerous level of 10%. Dead grasses have cured and have minimal levels of moisture left. Large wildfires have erupted in neighboring Larimer and Jefferson Counties in the past few weeks, to say nothing of January's spectacular Olde Stage fire here in Boulder County. The stage is set for a catastrophic wildfire.

Responding to that threat, Sheriff Joe Pelle has enacted a Level 1 Restriction on open burning and the discharge of any and all fireworks in unincorporated Boulder County. This specifically includes all areas **EAST** of State Highway 72 (Peak to Peak Highway).

The restriction allows for small, attended fires in maintained campground fire pits, liquid or gas fuel stoves, fireplaces in buildings, and charcoal grills at private residences. It bans all other open fires and the use of any kind of fireworks. Agricultural and forestry burning will be exempted as permitted pursuant to Boulder County Ordinance 2009-1, enacted by the Board of County Commissioners this morning.

The restrictions will take effect at noon on Tuesday, March 10th. A copy of the Sheriff's order is attached to this media release. Advisory signs will be posted on roadways countywide by the end of this week.

The restrictions will remain in effect until the hazardous fire conditions subside.

Anyone found in violation of the restrictions of the order may be convicted of a class 2 petty offense and may be subject to a \$500 fine. Higher fines may be imposed for subsequent offenses.

Coincident with the Sheriff's order, the Board of County Commissioners adopted Boulder County Ordinance 2009-1, the "Red Flag" burning ordinance. This resolution requires that anyone planning to conduct an agricultural ditch, field, or slash fire in unincorporated Boulder contact the Boulder County Sheriff's Office Communications Center at #303-441-4444 and provide information regarding the planned fire. Citizens must provide the location of the planned burn, the expected duration of the fire and anticipated completion time. Failure to do so can result in a \$50.00 fine for a first offense. Fines may escalate for subsequent violations. **The ordinance took effect at noon on Tuesday, March**

10th.

Additionally, the ordinance provides that no individual ignite any outdoor fire on days when the National Weather service has declared a "Red Flag" fire weather warning. Violations may result in a \$500.00 fine upon conviction. Subsequent offenses may result in higher fines. The ordinance does not apply to small campfires, barbeques, etc.

Under state law, if a fire escapes your control and causes damage to a neighboring property, you may be charged with Arson and held financially liable for the cost of fighting the fire and any damages.

Information and daily updates on "Red Flag" fire weather warnings are available from the Boulder County Sheriff's Office Communications Center, local media, and the National Weather Service.

The text of the new ordinance may be found at: www.bouldercounty.org/bocc/Ordinances

This media release may be found on the Boulder County Sheriff's Office web-site at: www.bouldersheriff.org

DECLARING LEVEL 1 FIRE RESTRICTIONS IN BOULDER COUNTY

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes the Board of County Commissioners of Boulder County impose fire restrictions and to ban open fires within the unincorporated areas of the county when the danger of forest or grass fires is found to be high; and

WHEREAS, Boulder County Ordinance **2006-2** states that the Board of County Commissioners of the County of Boulder or the Boulder County Sheriff shall, whenever the danger of forest or grass fires is found to be high, and without further proceedings or resolution, have the authority to declare an open fire ban, which may include the prohibition on the sale of fireworks; and

WHEREAS, the Boulder County Sheriff has found that the danger of forest or grass fires is indeed high; and

WHEREAS, in addition to the powers granted to the Board and Sheriff to impose fire restrictions and ban of fires, C.R.S. §24-32-2109(1), provides that the principal executive officer of the county may declare a local disaster defined at C.R.S. §24-32-2103 to mean "the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire..."; and

WHEREAS, conditions of extreme fire hazard now exist in Boulder County; and,

WHEREAS, the Boulder County Emergency Operations Plan provides for imposition of fire restrictions under these circumstances;

NOW, THEREFORE, IT IS ORDERED THAT:

1. Level 1 Fire Restrictions are now in effect and open burning and the sale and use of fireworks prohibited in **all areas EAST of State Highway 72 (Peak to Peak) in unincorporated Boulder County**. Open burning is permitted only under the conditions described in paragraph 2, below.
2. For purposes of this order, "open burning" shall be defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires. This order excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires or permanent fire pits or fire grates at private residences, and permanent fire pits or fire grates located on developed picnic grounds and campgrounds. This order also excludes agricultural prescribed burning of fence rows, irrigated ditches and fields as permitted pursuant to Boulder County Ordinance 2009-1, and any federal, state, or local officer or member of an organized rescue, police or firefighting agency in the performance of an official duty.
3. Because sparks and hot ashes from any source contribute to the fire danger, the discharge of a fireworks including permissible fireworks, as defined in C.R.S. §12-28-101(8), as amended, incorporated city limits and within the unincorporated areas of Boulder County described in paragraph 1, is prohibited. In addition smoking outside incorporated city limits is strongly discouraged except

within an enclosed motor vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

4. These Level 1 Fire Restrictions, including a ban on open burning and the sale and discharge of fireworks in Boulder County, shall be in effect beginning at **12:00 p.m.** on **Tuesday, March 10, 2009** and shall remain in effect unless amended or rescinded by the Boulder County Sheriff or the Board of County Commissioners of Boulder County.
5. Any person who violates these Level 1 Fire Restrictions commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500) for a first offense, seven hundred and fifty dollars (\$750) for a second offense, and one thousand dollars (\$1000) for a third or any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S. shall be followed by the arresting Sheriff's Deputy or other officer for any violation of these Level 1 Fire Restrictions, and the graduated fine schedule set forth herein shall be followed when issuing a summons and complaint in accordance with such procedure.

ADOPTED this 10th day of March, 2009.

BOULDER COUNTY SHERIFF

Joseph K. Pelle



Detective Commander Phil West
Boulder County Sheriff's Office
303-441-3621
