

**ORDINANCE NO. O-012-004**

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE RESTRICTING OPEN FIRES, OPEN  
BURNING AND FIREWORKS IN THE UNINCORPORATED  
AREAS OF DOUGLAS 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 wild fires 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 finds, based upon competent evidence, that the danger of forest or grass fires is high within the unincorporated areas of the county, but that the danger tends to subside with seasonal and weather changes, such that the ban on Open Fires may reasonably be suspended from time to time; and

*WHEREAS*, the Douglas County Sheriff (“Sheriff”) is authorized pursuant to sections 30-10-512 and 30-10-513, C.R.S., to act as fire warden of the county in certain circumstances in case of prairie or forest fires, and to assume charge or assist other governmental entities in controlling or extinguishing forest or prairie fires; and

*WHEREAS*, the Board finds that the Sheriff, in his or her capacity as fire warden, is the appropriate person, within his or her discretion, to determine whether a ban on Open Fires should be suspended during times of decreased fire danger, or elevated to Stage 2 in times of extreme fire danger, as further described herein; now therefore,

**BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY**, as follows:

**Section 1. Title.** This ordinance shall be known and referred to as the “**Douglas County Open Fire and Open Burning Restriction Ordinance**” and may be cited and referenced as such.

**Section 2. Purpose.** The purpose of this ordinance is to preserve and protect the public health, safety and welfare of the citizens of Douglas County, Colorado, by restricting Open Fires, Open Burning, and the Use of Fireworks, in the unincorporated areas of Douglas

County in order to prevent forest and grass fires when a high danger of such fires exists as a result of atmospheric and natural fuel conditions, including lack of moisture and other local conditions in Douglas County.

**Section 3. Application.** Unless suspended by the Sheriff, the restrictions set forth in Section 6 and 7, below, shall be known as a Stage 1 Fire Ban and shall apply throughout the unincorporated areas of Douglas County including public, private, state and federal lands. In addition to the power to suspend the Stage 1 Fire Ban, the Sheriff shall also have the power to elevate the Fire Ban to Stage 2, as set forth in Section 8, below.

In exercising the discretion to suspend the Stage 1 Fire Ban or elevate the Fire Ban to Stage 2, the Sheriff shall consider, but not be bound by or limited to, weather conditions, lack of precipitation, and heavy fuel loading that creates a threat of fire in the forests and prairies of Douglas County, and that further creates in the discretion of the Sheriff a state of emergency with respect to fire danger; as verified by the following process according to the County's Annual Operating Plan (AOP);

- Douglas County uses the Fire Restriction Evaluation Guidelines checklist developed by the U.S. Forest Service to determine whether or not Douglas County should implement or rescind fire restrictions.
- These guidelines include the following criteria as part of the assessment process as measured by our weather station: 1000 hour fuels, Energy Release Component, Fire Danger Adjective Rating, Availability of suppression resources, High occurrence of human caused fires, Adverse fire weather conditions predicted to continue, Local fire preparedness level, and Input from local fire officials.
- When the County has completed the above evaluation and is confident that fire restrictions should be implemented, the County notifies the Colorado Division of Fire Prevention and Control, surrounding Counties and US Forest Service and when possible, requests that a teleconference be convened so that we can compare assessments and attempt to minimize discrepancies.

**Section 4. Definition of Open Fire or Opening Burning.** For purposes of this ordinance, "Open Fires" or "Open Burning" shall be defined as any outdoor fire, including, but not limited to, campfires, warming fires, the lighting of any explosives and fireworks of any kind or brand, the lighting of model rockets, and the burning of fence lines or rows, fields, farm lands, range lands, wildlands, trash and debris.

**Section 5. Definition of Fireworks.** For purposes of this ordinance, "Fireworks" shall be defined as set forth in section 12-28-101(3), C.R.S., and specifically shall include "permissible fireworks" as defined in section 12-28-101(8), C.R.S. **Any devices that meet the statutory definition of fireworks referenced herein, but that are not "permissible fireworks" shall remain prohibited at all times.**

**Section 6. Unlawful Acts. (a)** Except as provided in Section 7 or 8 below, when restrictions on Open Fires, Open Burning, and Use of Fireworks are enacted, it shall be unlawful for any person to build, maintain, attend or use an Open Fire, conduct Open Burning, or to Use Fireworks in the unincorporated areas of Douglas County including public, private, state and federal lands. This includes; the operation or use of any internal combustion engine (e.g., chainsaw, etc.) without a spark arresting device properly installed, maintained and in effective working order and; the operation of any pest control equipment which relies upon the ignition of flammable gases or liquids.

(b) It shall also be unlawful for any person to offer for sale any Fireworks, as defined in Section 5, in the unincorporated areas of Douglas County including public, private, state and federal lands; provided however, that it shall not be a violation of this Section 6, if the person offering Fireworks for sale prominently displays a public notice sign at each point of sale location which is clearly visible to purchasers. Each such public notice sign shall measure not less than two (2) feet by three (3) feet and shall consist of a white background with black lettering. Letter size shall be a minimum of 3 inches high. The public notice sign shall read:

**PUBLIC NOTICE**

When Douglas County Fire and Burning Restrictions are in effect, the use of all Fireworks is strictly prohibited. Information on current restrictions can be found at the Sheriff's Office website at [www.DCSheriff.net](http://www.DCSheriff.net).

**Section 7. Stage 1 - Exceptions.** Except where the Sheriff has elevated Fire and Burning restrictions to Stage 2 (enacted in cases of most extreme fire danger), the following shall be excepted from Section 6 of this ordinance during Stage 1 restrictions:

- a. Permitted Fires. Fires for which a permit has been obtained from a local fire protection district during Stage I restrictions only.
- b. Gas and liquid fuel powered appliances. Fires contained within liquid-fueled or gas-fueled stoves, grills, fire pits or other gas or liquid fueled appliances.
- c. Fireplaces, wood burning stoves. Fires contained within fireplaces and wood burning stoves within buildings only.
- d. Explosive Waste. Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district.
- e. Suppression Fires. Open fires or open burning by any federal, state or local officer, or member of an organized fire protection district or department in the performance of an official duty.

- f. Professional Fireworks Displays. If permitted according to section 12-28-103 C.R.S.
- g. Small Recreational Fires. At developed picnic or campground sites contained in a fixed permanent metal/steel fire pit (rock fire rings are considered temporary, and not permanent) with flame lengths not in excess of four feet, or the residential use of charcoal grills, tiki torches, fires in chimineas or other portable fireplaces or patio fire pits, so long as said fires are supervised by a responsible party at least 18 years of age. These "Recreational Fires" shall burn materials other than rubbish and shall have a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes, and shall in no event be construed to include Fireworks as defined in Section 5.

**Section 8. Stage 2 - Exceptions.** The Sheriff may impose Stage 2 Fire and Burning restrictions in cases of the most extreme fire danger. When Stage 2 restrictions are imposed, the only exceptions to Section 6 of this ordinance are:

- a. Gas and liquid fuel powered appliances. Fires contained within liquid-fueled or gas-fueled stoves, grills, fire pits or other gas or liquid fueled appliances.
- b. Fireplaces, wood burning stoves. Fires contained within fireplaces and wood burning stoves within buildings only.
- c. Explosive Waste. Burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district.
- d. Suppression Fires. Open fires or open burning by any federal, state or local officer, or member of an organized fire protection district or department in the performance of an official duty.
- e. Charcoal Grills. Residential use of charcoal grills when such use is supervised by a responsible party at least 18 years of age. Extreme care and caution should be used to ensure that charcoal coals are extinguished completely after use.

**Section 9. Administration and Enforcement.** The Douglas County Sheriff shall be responsible for the administration and enforcement of this ordinance. All inquiries regarding the current status of fire restrictions in Douglas County should be directed to the Sheriff's Office. Most information about current fire ban restrictions can be obtained at the Sheriff's Office website at [www.dcsheriff.net](http://www.dcsheriff.net).

**Section 10. Penalty for Violations.** Any person who violates this ordinance from its effective date commits a class 2 petty offense under section 30-15-402(1), C.R.S. and, upon conviction thereof, shall be punished by a fine of not more than \$1000.00 for each separate violation, plus a surcharge of \$10 under section 30-15-402(2), C.R.S.

**Section 11. Penalty Assessment Procedure.** The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the arresting officer for any such violation of this ordinance:

- Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of one hundred dollars (\$100.00), plus a ten dollar (\$10) surcharge for a first time violation of any of the provisions of this Ordinance.
- Subsequent offenses shall be subject to a fine of two hundred dollars (\$200.00) for a second offense, five hundred dollars (\$500.00) for a third offense and one thousand dollars (\$1000.00) for each additional offense, plus applicable surcharges.
- If the penalty assessment procedure is not utilized by a person cited for violating this Ordinance, and the alleged offender is ultimately found guilty by the Douglas County Courts, court costs and any additional financial requirements deemed necessary or appropriate to the Court may be assessed in addition to the fine.

**Section 12. Disposition of Fines and Forfeitures.** All fines and forfeitures for the violation of this ordinance shall be paid to the Treasurer of Douglas County.

**Section 13. Additional Remedies.** The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including, but not limited to, prosecution under section 18-13-109, C.R.S., or any other applicable statute, ordinance, rule, order or regulation.

**Section 14. Severability.** If any section, subsection, clause, sentence or phrase of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this ordinance which can be given effect without such invalid provision.

**Section 15. Emergency.** The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Douglas County, Colorado. This ordinance shall take effect immediately upon adoption on second and final reading.

**Section 16. Effective Date.** This ordinance shall be effective immediately and shall remain in effect until such time as this ordinance is amended, temporarily suspended or repealed. The Sheriff, by Executive Order, may temporarily suspend this ordinance from time to time should the fire danger in Douglas County decrease. Likewise, the Sheriff may reinstate this ordinance by Executive Order after it has been temporarily suspended.

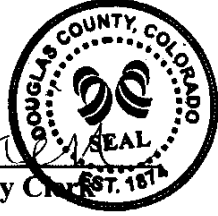
**Section 17. Repeal.** Ordinance No. 0-996-001, Ordinance No. 0-997-003, Ordinance No. O-011-002, and Ordinance No. O-003-001 are hereby repealed.

INTRODUCED, READ AND ADOPTED ON FIRST READING, on the 20 day of Nov, 2012, and ordered published in full in the Douglas County News-Press in Castle Rock, Douglas County, Colorado.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY: [Signature]  
Jack Hilbert, Chair

ATTEST:  
[Signature]  
Melissa Pelletier, Deputy Clerk



ADOPTED ON SECOND AND FINAL READING, ~~AS AMENDED~~, on the 18 day of Dec, and ordered published in its entirety in the Douglas County News-Press.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY: [Signature]  
Jack Hilbert, Chair

ATTEST:  
[Signature]  
Melissa Pelletier, Deputy Clerk

