

**AMENDMENT TO DECLARATION OF LEVEL 2 FIRE RESTRICTIONS IN  
BOULDER COUNTY PURSUANT TO EXECUTIVE ORDERS D2020-37, D2020-62  
AND COMPETENT EVIDENCE AND REPEALING AND SUPERCEDING  
DECLARATION OF LEVEL 2 FIRE RESTRICTIONS  
ENTERED ON JULY 10, 2020**

**Recitals**

- A. The Governor of the state of Colorado and the President of the United States, declared state and national emergencies on March 10, 2020 and March 13, 2020 respectively; and
- B. On March 14, 2020, the Board of County Commissioners (BOCC) of Boulder County declared a disaster pursuant to C.R.S. § 24-33.5-709 as a result of the ongoing COVID-19 pandemic; and
- C. As a result of the pandemic, the Governor entered certain Executive Orders allowing for the ban of open fires through the suspension of certain statutory requirements to help quell the need for response of fire and law enforcement resources. The Governor rescinded those Executive Orders suspending statutory requirements; therefore a fire ban may not be declared pursuant to those orders; and
- D. Colorado Revised Statutes § 30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Boulder (“Board”) to impose fire restrictions and to ban open fires within the unincorporated areas of Boulder County when the danger of wildfire, forest or grass fires is found to be high; and
- E. Boulder County Ordinance 2018-1 states that the Board of County Commissioners of the County of Boulder or the Boulder County Sheriff (“Sheriff”), shall whenever the danger of wildfire, 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 and/or use of fireworks and the prohibition of recreational shooting, and
- F. Competent evidence exists necessitating implementing Level 2 restrictions in the mountain areas of Boulder County which include:
  - 1000hr fuels: 7.45%;
  - KBDI: 500;
  - ERCs: 84 (97<sup>th</sup> percentile)
  - Forecasted weather: dry, hot, wind intermixed;
  - Fire danger between High and Extreme;
  - COVID-19 complications and resource availability;
  - Planning levels for Ft. Collins zone in PL4 due to large fire activity; and
- G. The Board of County Commissioners and the Boulder County Sheriff has determined that the following measures are necessary to reduce the danger of wildfire, forest or grass fires in unincorporated Boulder County.

**THEREFORE, IT IS ORDERED THAT:**

1. The Declaration of Level 2 Fire Restrictions in Boulder County entered on July 10, 2020, is hereby repealed and superseded and the Declaration of Level 2 Fire Restrictions signed on this date and contained herein shall take its place.
2. **The Level 2 Fire Restrictions are now in effect and include ALL areas of unincorporated Boulder County, including the plains and mountain areas within Boulder County.**
3. Definitions.
  - **Open Fires:** For the purposes of this order, “open fires” shall mean any activity that produces or maintains, or attempts to produce or maintain, spark or flame or ignition. “Open fires” does not include fires wholly contained within an enclosed building or vehicle that are used in a safe manner and that do not permit any flame, spark or burning or ignited material to exit such building or vehicle.
  - **Mountain Area:** The mountain area includes any and all unincorporated areas of Boulder County west of Colorado Highway 93 from its intersection with the southern boundary of Boulder County up to and including its intersection with Colorado Highway 119; west of Broadway Avenue in the City of Boulder from its intersection with Colorado Highway 119 up to and including its intersection with United States Highway 36; west of United States Highway 36 from its intersection with Broadway Avenue up to its intersection with the northern boundary of Boulder County; west of the western boundary of Rabbit Mountain Open Space up to and including United States Highway 36; and all of Rabbit Mountain Open Space.
  - **Plains:** Any and all unincorporated areas of Boulder County east of Colorado Highway 93 from its intersection with the southern boundary of Boulder County up to and including its intersection with Colorado Highway 119; east of Broadway Avenue in the City of Boulder from its intersection with Colorado Highway 119 up to and including its intersection with United States Highway 36; east of United States Highway 36 from its intersection with Broadway Avenue up to its intersection with the northern boundary of Boulder County; east of the western boundary of Rabbit Mountain Open Space up to and including United States Highway 36; and all of Rabbit Mountain Open Space.
  - **Undeveloped Lands:** Lands that are not groomed, manicured, or watered, where grasses, brush and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non- manicured park lands, and other areas where the fire hazard presented by the vegetation is determined to be an undue wildland fire hazard.

## 1. PROHIBITIONS

- a. Building, maintaining, attending, or using an open fire, campfire, or stove fire. This includes charcoal barbecues and grills.

**EXCEPT:** the use of portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel or a fully enclosed (shepherd type) stove with a ¼” spark arrester type screen is permitted.

- b. Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.
- c. Operating a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher kept with the operator and one round point shovel with an overall length of at least 35 inches readily available for use.
- d. Shooting or discharge of firearms for recreational purposes except for hunting with a valid and current hunting license on public and private lands.

**EXCEPT:** private and public shooting ranges on the plains, as described in the definitions, where the projectile impact is entirely clear of vegetation and all combustible materials at least 10 feet in diameter.

- e. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a chemical pressurized fire extinguisher.
- f. Using an explosive.

2. These Level 2 Fire Restrictions shall be in effect from the date of adoption until such time as this Resolution is rescinded or amended by the Board of County Commissioners of Boulder County, except that these restrictions shall not remain in effect for more than one year after the date of adoption.

3. These Level 2 Restrictions shall not be construed as diminishing or reducing restrictions enacted by incorporated municipalities, the State of Colorado, or state or federal land management agencies regarding areas of Boulder County under their respective control or management.

4. Any person who violates this fire ban 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 and any subsequent offense. The penalty assessment procedure provided in Colorado Revised Statutes § 16-2-201 shall be followed by the arresting deputy sheriff or other officer for any

violation of this fire ban, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.

5. These Level 2 Fire Restrictions shall be enforced by the Boulder County Sheriff.
6. Nothing in this order shall apply to an officer of federal, state, or local government or to a member of an organized rescue, police, or firefighting agency in the performance of an official duty.

Signed and effective this 12<sup>th</sup> day of October 2020, at 12:00 p.m.

**BOARD OF COUNTY  
COMMISSIONERS OF BOULDER  
COUNTY:**



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Deb Gardner, Chair

ATTEST:



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Cecilia Lacey, Clerk to the Board

BOULDER COUNTY SHERIFF



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Joseph K. Pelle, Sheriff