

GUIDE TO FIRE RESTRICTIONS IN CUSTER COUNTY

(Referenced from Ordinance No. 19-02)

Open fire: For purposes of this Ordinance, open fires shall be defined as any outdoor fire, including, but not limited to, bonfires, campfires, warming fires, charcoal grill fires, fires in wood- burning stoves, the use of explosives, outdoor welding, or operating acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, burn barrels, the outdoor burning of trash and debris. No permit is required for open fires of these types.

Open Burning: The intentional ignition of unwanted fuels, in place or collected, for the purpose of eliminating those fuels. **Open burning is further defined by Stage I, Stage II and Stage III restrictions as set forth in this Ordinance. An open burn permit is required for fires of these types.**

Agricultural Open Burning: The burning of cover vegetation for the purpose of preparing the soil for crop production, weed control, maintenance of water conveyance structures related to agricultural operations, and other agricultural cultivation purposes. The open burning of animal parts or carcasses is not agricultural open burning, nor is the open burning of household trash, wood, and yard debris on agricultural land.

Burn Manager: An individual who obtains a valid open burning permit in order to plan, build, control, extinguish, and otherwise supervise the open burning of slash.

Burn Boss: An individual who has completed the Colorado Department of Fire Prevention and Control or National Wildfire Coordinating Group (NWCG) Certified Burner course and is a registered Certified Prescribed Burn Boss in accordance with Senate Bill 13-083, ("Colorado Prescribed Burning Act").

Fireworks: As defined in C.R.S. §12-28-101(3)(a), including any composition or device designed to produce visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks (per Section 12-28-101(8)(a)), or display fireworks.

Open Burn Permit: A permit issued by the Wet Mountain Fire Protection District on a form furnished by the Fire District and completed by an applicant for such a permit.

Open Burn Management Policy: Refers to a unified plan adopted by the Board of County Commissioners for the management of open burns within the Wet Mountain Fire Protection District and within the unincorporated areas of Custer County. A copy of this Open Burn Management Policy may be obtained from the Custer County Sheriff's Office or their website, [custercoloradosheriff.com](http://www.custercoloradosheriff.com) or may be viewed on the Custer County website: <http://www.custercountygov.com/index.php?pg=oem>

Slash: Woody material less than six inches in diameter consisting of limbs, branches and stems that are free of dirt. "S lash" does not include tree stump s, roots, or any other material.

Incorporated areas of Custer County: Shall mean, for purposes of this Ordinance, the incorporated Towns of Silver Cliff and Westcliffe, which are included within the boundaries of the Wet Mountain Fire Protection District. It does not refer to the Wet Mountain Fire Protection District as an incorporated political entity.

STAGE I RESTRICTIONS: Prohibit the following activities:

- A. Open burning, building, maintaining, attending, or using a fire, or campfire, charcoal grills, pellet grills, and wood or coal burning stoves or fireplaces in undeveloped areas. Areas cleared of all flammable materials, and those within permanently constructed fire grates or developed campgrounds and picnic grounds are excepted as noted in Section 9 (Unlawful Acts).
- B. Campfires and gas fire pits contained in constructed permanent fire pits or fire grates within a

developed recreation area **shall be allowed**.

- C. Grills using propane, pellets, and other bottled fuels shall be allowed, but only in areas free of flammable vegetation and other flammable materials, and such fires must be used and maintained in such a manner that no fire danger is presented to the surrounding area.
- D. All open fires allowed by subparagraphs (B) and (C) above must be attended at all times, and an adequate water supply and/or a fire extinguisher shall be on site at all times while such an open fire is burning.
- E. All burning of trash, refuse or debris shall be temporarily suspended.
- F. Smoking shall be temporarily suspended except within an enclosed vehicle, building, or outdoor smoking area that is hard-surfaced or barren or otherwise cleared of all flammable vegetation or material. Discarding smoking materials in a receptacle not designed for disposal of smoking materials, discarding smoking materials from a moving or stationary motor vehicle, and discarding smoking materials in any other outdoor location is expressly prohibited at all times.
- G. The use of explosive materials including fireworks, solid fuel rockets, blasting caps, or any other incendiary device which may result in the ignition of flammable materials shall be temporarily suspended.
- H. Outdoor welding, grinding, or use of any type of torch in any area which presents the possibility of igniting vegetation or other combustible material shall be temporarily suspended unless there is an adequate water supply and/or fire extinguisher on site.
- I. Operating any outdoor equipment or machinery with an internal combustion engine in an undeveloped area shall be temporarily suspended unless said equipment or machinery is equipped with a spark arresting device properly installed, maintained, and in good working order.
- J. The sale, possession and use of fireworks, including permissible fireworks as defined in C.R.S. §30-15-401(l)(n.7).

STAGE II RESTRICTIONS: Prohibit the following activities:

All the prohibited activities set forth in the Stage I Fire Ban shall be in effect and, in addition, the following restrictions shall also be in effect:

- A. Building, maintaining, attending, or using a fire, campfire, coal-burning or wood- burning stove, charcoal-fueled or wood-fueled cooking, or other open fires of any type at any location shall be temporarily suspended.
- B. Grills using propane, pellets, or other bottled fuels shall be allowed only in areas free of flammable vegetation and other flammable materials and must be used in a manner which presents no fire danger to the surrounding area. Portable stoves, gas grills, and propane gas devices are still permitted on forest land. Aka - propane fire pits with on/off valves.
- C. No grill in use shall be left unattended, and there shall be an adequate water supply and/or a fire extinguisher on site during such use.
- D. Use of a coal-burning or wood -burning stove or fireplace in a private residence shall be allowed only if the flue pipe, chimney, or other exhaust structure is equipped with a properly installed NFPA*-approved spark arrestor such as a chimney cap.
- E. Off-road use or parking of a motor vehicle in an area which presents the possibility of sparks or exhaust

heat igniting surrounding flammable vegetation shall be temporarily suspended during the period of time a Stage II Fire Ban is in effect.

STAGE III RESTRICTIONS: Prohibit the following activities:

All the restrictions set forth in the Stage I and Stage II Fire Bans shall be in effect, and all open burning of any kind shall be prohibited. In addition, the Board of County Commissioners shall have the authority to temporarily close an area to entry or use.

Areas of public lands subject to a Stage III Fire Ban shall be closed to all entry except for individuals carrying written permits from the Custer County Sheriff, federal state and local officers , members of organized search and rescue or firefighting forces performing official duties, and resident landowners and lessees and their invitees and agents.

EXCEPTIONS TO STAGE ONE, TWO AND THREE RESTRICTIONS

The following shall be exceptions to the prohibited activities:

- A. Agricultural burning by an agricultural producer on property owned by the agricultural producer unless there is a Red Flag Warning in effect as determined by the National Weather Service.
- B. Fireworks displays properly permitted pursuant to §30-15-401, C.R.S.
- C. 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 official fire suppression, prevention, training function, or other duties.