

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-66

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
ADOPTING AND CONSENTING TO THE APPLICATION AND ENFORCEMENT FOR
THE SUMMIT COUNTY FIRE BAN WITHIN THE CORPORATE LIMITS OF THE
TOWN OF KEYSTONE**

WHEREAS, the Town of Keystone, Colorado, authorizes the Town Council to ban open fires within the own limits when the danger of fire is found to be high; and

WHEREAS, conditions of extreme fire hazard now exist in Summit County including properties in and around the Town of Keystone; and

WHEREAS, by the express language of C.R.S. §30-15-401(8), a county ban is not applicable or enforceable within the corporate limits of a municipality; and

WHEREAS, C.R.S. § 30-15-401(8) provided that a county resolution adopted in accordance with the authority of such section may be made applicable to and enforceable within the corporate limits of a municipality in the event that the governing body of the municipality "consents" to such applicability and enforcement within the corporate limits of the municipality. Further, such state law provides that, if the municipality so consents, the application and enforcement of such county resolution shall be uniform within the municipality and in the applicable unincorporated areas of the county, unless the county and the municipality agree otherwise pursuant to an intergovernmental agreement; and

WHEREAS, the Town Keystone desires to implement the authority provided by C.R.S. § 31-15-401(1)(q)(1) and C.R.S. § 31-15-601(1)(j.5) to control, limit, and regulate fires within the corporate limits of the Town of Keystone; and

WHEREAS, the Town Keystone desires to implement the authority provided by C.R.S. § 30-15-401(8) and consent to the application and enforcement of the Summit County fire ban effective immediately, within the limits of the Town of Keystone.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town of Keystone consents to the application of the following fire ban, as shown in exhibit A, to all properties within the Town of Keystone:

Summit County

Section 2. Any temporary suspensions or other similar administrative decisions made in the administration of the fire ban by Summit County, or the Summit County Sheriff

Town of Keystone
Resolution No. 2024-64
Page 2

shall also observe within the Town of Keystone without need for the further action by the Town.

Section 3. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of 7 in favor and 0 against, this 8TH day of October 2024.

Signed by:
By: Kenneth D. Riley
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Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

DocuSigned by:
By: Madeline Siebo
04E4BE3F50A1424...
Town Clerk

Signed by:
By: Jennifer Madsen
89751994A1B74EC...
Town Attorney

Exhibit A – Fire Ban as Issued by Summit County

I. Stage 1 Fire Restriction

Summit County shall enter into Stage 1 Fire Restrictions as described herein as of 12:01 a.m. on October 11, 2024. Any open fire is prohibited pursuant to these Stage 1 Fire Restrictions unless such open fire is expressly authorized, maintained, and extinguished as described in Section III below.

II. Prohibited Activities:

The following activities are prohibited during Stage 1 Fire Restrictions unless such activities are expressly authorized in Section III:

1. Open Fires: Open Fires, except those that have been permitted in compliance with Section III. For purposes of these Stage 1 Fire Restrictions, Open Fires shall be defined as any outdoor fire, including but not limited to campfire, warming fires, bonfires, or the prescribed burning of fence rows, fields, wildlands, trash and debris.
2. Smoking: Smoking, except in an enclosed vehicle or building, designated outdoor areas where smoking is permitted, or while stopped in an area that is at least three feet in diameter and is barren or cleared of all flammable material.
3. Fireworks: The use and/or sale of recreational fireworks.
4. Explosives: The use of tracer ammunition, including recreational use of any projectile containing explosive material, incendiary material, or other chemical substance. The use of recreational explosives, including explosive targets.
5. Disposal: Disposal of any burning object outdoors, including without limitation, any cigarette, cigar or match.
6. Chainsaws: Operation of a chainsaw is prohibited without a USDA or Society of Automotive Engineers (SAE) approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) kept with the

operator, and one round point shovel with an overall length of at least 35 inches readily available for use.

7. Commercial and Industrial Operations: Blasting, grinding, welding, or operating acetylene or other torch with open flame without being in a cleared area of at least 10 feet in diameter and keeping a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) with the operator.

III. **Permitted Activities**

In order to reduce the danger of wildfires while allowing certain limited fires and otherwise prohibited activities to continue during Stage 1 Fire Restrictions, the following open fires and activities that are otherwise prohibited are permitted so long as they are conducted in strict compliance with this section:

1. Solid-Fuel Burning Fires (Wood or Charcoal) - Igniting, building, and maintaining fires on private property must be permitted by the applicable local fire protection district and meet the following requirements:
 - a. The fire is contained to:
 - i. A permanent outdoor fireplace or fire ring with a screen to reduce the spread of embers; or
 - ii. A portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer's instructions with a screen to reduce the spread of embers. For purposes of these restrictions, a portable outdoor fireplace means a portable, outdoor, solid-fuel-burning (wood or charcoal) fireplace that is constructed of steel, concrete, clay or other noncombustible material; or
 - iii. A commercially designed chiminea with a screen to reduce the spread of embers.
 - b. The area directly underneath the fire is barren;
 - c. The fire is at least fifteen (15) feet from any flammable material and/or structure;

- d. The size of the fire is no larger than (3) feet wide and (2) feet tall;
AND
 - e. Safety measures are in place as required by subsection f below.
 - f. The occurrence of any permissible fire, as detailed above in subsection 1, must also include the following safety measures:
 - i. The fire must be constantly attended by a responsible adult;
and
 - ii. The fire must be extinguished and cool to the touch prior to being left unattended; and
 - iii. The supervising adult must have available for immediate utilization a minimum of:
 - 1. (1) one portable fire extinguisher with a minimum 2A10BC rating; OR
 - 2. A minimum 5-gallon water container; OR
 - 3. A charged garden hose.
2. Liquid or Gas-Fueled Devices: heating devices, stoves, grills, lanterns, fire pits, fireplaces or fire tables that include shut-off valves are permitted allowed when used in an area at least three or more feet from flammable materials such as grasses or pine needles.
3. Fires Contained Inside Permanent Structures: Any fire contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure.
4. Developed Recreational Site: Any fire within a campground or picnic area (developed recreation site) contained to a permanent metal or concrete fire pit or grate that the USDA Forest Services has installed and maintained.
5. Grills, Stoves and Smokers: Use of gas, charcoal and/or wood pellet grills, smokers and barbecues, coal and wood burning stoves and shepherd's stoves.

6. Agricultural and Large Pile Burns: with the appropriate permits from the local fire protection district and the Colorado Department of Public Health and Environment.
 7. Slash Burns: with the appropriate permit from the local fire protection district.
 8. Administrative Fires: Fires administered by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
 9. Hot Air Balloons: Inflation or propulsion of a hot air balloon.
 10. Off-Highway Vehicles: Use of an “off-highway vehicle” in compliance with C.R.S. 33-14.5-101 et. seq. and Summit County Ordinance No. 09
- IV. This Resolution shall be enforced by the Summit County Sheriff’s Office and violations hereof shall be punished in accordance with the terms of Summit County Ordinance No. 14
- V. This Resolution is necessary for the preservation of the public health, safety and welfare due to the high to extreme fire danger in Summit County and western region of the United States and shall take effect at 12:01 a.m. on October 11, 2024, and shall remain in effect until amended or rescinded by subsequent resolution