

June 20, 2013

SPECIAL MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on June 20, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 10:00 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Jody Blausner, Chief Deputy Clerk.

APPROVAL OF AGENDA

Commissioner Norden moved to approve the agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

NEW BUSINESS

1. Consideration of a Resolution adopting specific findings to and banning the sale, use, and possession of fireworks.

Sheriff Beicker does not take this issue lightly. He knows this will impact businesses. It does not seem right to allow vendors to sell these fireworks knowing the use is prohibited. As the Fire Marshall for Fremont County he believes there are very limited resources to fight another fire. The Sheriff then updated the Commissioners on the latest fire burning in Fremont County call the "Bull Gulch" fire. Many of the resources fighting this fire have been sent to fight the "Spanish Peaks" fire. Approximately 28 residents have had to evacuate due to this new fire. Commissioner Norden asked if the City of Canon City and the City of Florence are going to prohibit the use of fireworks as well. Commissioner Bell has been in contact with Doug Dotson at the City of Canon City. The City of Canon City will not be implementing a ban inside the city limits. Sheriff Beicker said this will make enforcement very difficult. Citizens will be able to legally purchase fireworks in the city limits, but it will be illegal to possess or use them in unincorporated Fremont County.

Commissioner Norden moved to approve Resolution #29 prohibiting the sale, use and possession of fireworks in the unincorporated areas of Fremont County in accordance with Fremont County Ordinance, Number 1, Series of 2012. Commissioner Payne seconded the motion noting this Resolution will take effect at 10:15 a.m. today. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #29 is attached.

Chairman Bell adjourned the meeting at 10:13 A.M.

June 20, 2013

908774 Pages: 1 of 2
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Katie E. Barr, Clerk and Recorder, Fremont County, CO

RESOLUTION NO. 29, SERIES OF 2013

**A RESOLUTION PROHIBITING THE SALE, USE AND POSSESSION
OF FIREWORKS IN THE UNINCORPORATED AREAS OF FREMONT COUNTY
IN ACCORDANCE WITH
FREMONT COUNTY ORDINANCE NUMBER 1, SERIES OF 2012**

WHEREAS, on June 26, 2012, Fremont County adopted Ordinance Number 1, Series of 2012 (2012-1), which imposed county-wide fire restrictions in Fremont County; and

WHEREAS, Section 6 of the Fire Restrictions Ordinance and Section 30-15-401(1)(n.7), C.R.S., allows for the Board of County Commissioners to prohibit the sale, use and possession of fireworks between May 31 and July 5, provided the Board makes a written express finding that all, or a portion of Fremont County is in a state of high fire danger, based on competent evidence; and

WHEREAS, On June 12, 2013, the Board of Commissioners lifted the suspension of the Fire Restriction Ordinance, thereby imposing fire restrictions throughout the unincorporated areas of Fremont County, which are presently in Stage One; and

WHEREAS, Sheriff James Beicker has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that the sale, use and possession of fireworks should be banned to reduce the threat and risk of wild fires within the County and the Board of Commissioners defers to his determination; and

WHEREAS, according to the National Interagency Fire Center, the intensity of the drought for Fremont County and the State of Colorado ranges between severe to exceptional and is expected to persist or intensify in future months; and

WHEREAS, on June 11, 2013, Fremont County suffered the Royal Gorge wildfire, which consumed more than 3200 acres of drought-stricken forest together with most of the structures and attractions at the Royal Gorge Bridge; and

WHEREAS, the Royal Gorge wildfire was declared a local disaster by resolution 28, Series of 2013 signed by the Board of County Commissioners on June 13, 2013 (effective June 11, 2013) and was declared a disaster emergency by executive Order D 2013-009, signed by Governor John Hickenlooper on June 12, 2013; and

WHEREAS, the Bull Gulch fire, a wildfire in the Texas Creek area, started on June 19, 2013, in an area that contains dead and beetle damaged trees in rough terrain which inhibits the ability to suppress and contain the fire; and

WHEREAS, the National Weather Service has placed Fremont County under Red Flag warnings for fire danger frequently over the past several weeks and this level of fire danger is expected to continue for an indefinite period of time; and

June 20, 2013

908774 06/20/2013 10:37 AM
Page 2 of 2

WHEREAS, natural fuels contributing to high fire danger are prevalent throughout Fremont County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY that based upon the findings and competent evidence set forth herein, and pursuant to Ordinance Number 2012-1 the SALE, USE and POSSESSION of all fireworks, including those deemed permissible under §12-28-103, C.R.S., in the unincorporated areas of Fremont County, are hereby PROHIBITED and BANNED.

The Board of Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to comply with all terms and conditions of the Fire Restrictions, and to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wildfires.

This Resolution shall become effective at 10:15 a.m. on Thursday, June 20, 2013.

Commissioner Norden moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie L. Bell	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Edward H. Norden	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: June 20, 2013 Time: 10:13 a.m.

Debbie Bell
Chairman

Attest: Katie E. Bau
Clerk