

A SECOND AMENDED PROCLAMATION DECLARING THAT CONDITIONS OF EXTREME FIRE HAZARD CONTINUE TO EXIST WITHIN THE TOWN OF BRECKENRIDGE; REPEALING FIRE RESTRICTIONS PREVIOUSLY IMPOSED WITHIN THE TOWN; AND IMPOSING NEW, LESS RESTRICTIVE TEMPORARY RESTRICTIONS WITHIN THE TOWN TO REDUCE THE CHANCE OF WILDFIRE

Background and Need

On July 7, 2018 Eric S. Mamula, the Mayor of the Town of Breckenridge, Colorado issued a proclamation entitled “An Amended Mayoral Proclamation Declaring That Conditions Of Extreme Fire Hazard Exist Within The Town Of Breckenridge; And Imposing Temporary Restrictions To Reduce The Chance Of Wildfire” (“**Amended Proclamation**”). The Amended Proclamation declared a Fire Hazard Emergency to exist within the Town, and imposed certain fire restrictions.

I have been informed by the Police Chief and other emergency management personnel that recent rainfall has greatly reduced the threat of a wildfire within the Town, and that the fire restrictions imposed by the Amended Proclamation are no longer needed to protect public health, safety, and welfare.

However, I have also been advised that although the Board of County Commissioners of Summit County, Colorado have also recently ended their “Stage 2 Fire Restrictions” in the unincorporated areas of the County, the Board of County Commissioners reimposed their “Stage 1 Fire Restrictions” in the unincorporated areas of the County. I have determined that given the weather conditions currently prevailing in the Town, it is necessary to impose certain new, less restrictive temporary fire restrictions within the Town. Doing this will make the Town’s restrictions consistent with the County’s “Stage 1 Fire Restrictions” in the unincorporated areas of the County, and thereby avoid confusion among the many residents of and visitors to the Town as to what actions are now permitted in the Town, and which actions are prohibited.

Section 5-5-5-1 of the Breckenridge Town Code, in pertinent part, empowers the Mayor of the Town of Breckenridge, upon a finding that conditions of extreme fire hazard exist within the Town, by declaration to prohibit or limit burning or other acts on public or private lands within the Town to such a degree and in such ways as he or she deems necessary to reduce the danger of forest fire.

Findings

I find and determine that conditions of extreme fire hazard currently continue to exist within the Town of Breckenridge. I also find and determine that while the fire restrictions contained in the Amended Proclamation are no longer necessary, it is necessary and appropriate, in the interest of public health, safety, and welfare, and to reduce the danger of forest fire, to impose the hereafter described temporary fire restrictions within the corporate limits of the Town of Breckenridge, Colorado.

Proclamation

Now, Therefore, I, Elisabeth Lawrence, Mayor Pro Tem of the Town of Breckenridge, Colorado declare as follows:

Section 1. Declaration That The Fire Hazard Emergency Continues to Exist. The fire hazard emergency within the Town of Breckenridge, Colorado, as declared by the Amended Proclamation, is found and determined to continue to exist.

Section 2. Fire Restrictions in Amended Proclamation Terminated. The fire restrictions imposed by the Amended Proclamation are repealed, and are no longer of any force or effect.

Section 3. Effect of Repeal of Amended Proclamation. The repeal of the fire restrictions imposed by the Amended Proclamation does not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of the Amended Proclamation prior to this Second Amended Proclamation taking effect.

Section 4. Temporary Fire Restrictions Imposed. The following temporary fire restrictions are hereby declared to be in effect within the corporate limits of the Town of Breckenridge:

- A. Open fires are prohibited. As used herein, an “Open Fire” shall be defined as any outdoor fire, including but not limited to, campfires, warming fires, bonfires, and the prescribed burning of fence rows, fields, wildlands, trash, and debris;
- B. The use and/or sale of fireworks or explosives are prohibited;
- C. Smoking is prohibited in undeveloped areas of the Town except in an enclosed vehicle or building, a developed recreation site (including, but not limited to the Town of Breckenridge Golf Course), a designated outdoor area where smoking is permitted, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material;
- D. Operation of 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 at least one (1) round point shovel with an overall length of at least thirty five (35) inches readily available for use; and
- E. Welding or operating acetylene or other torch with open flame outdoors, except in cleared areas of at least ten (10) feet in diameter and with a chemical pressurized fire extinguisher on site.

Section 5. To clarify the temporary fire restrictions imposed by Section 4 of this Second Amended Proclamation, the following uses and activities are hereby specifically permitted within the corporate limits of the Town of Breckenridge:

- A. Fire contained within liquid fueled or gas fueled stoves;
- B. Fires in fireplaces or stoves within all buildings;
- C. Fires contained within chimeneas;
- D. Charcoal fueled fires contained within grills;
- E. Charcoal fueled fires within permanent fire pits on privately owned property if:
 - 1. Such contained charcoal fire is under constant supervision;
 - 2. Adequate fire suppression apparatus is available at the location of the contained charcoal fire;
 - 3. Notice of the contained charcoal fire has been provided to the Red, White and Blue Fire Protection District; and
- F. Fires used to inflate and propel hot air balloons.

Section 6. Duration of Proclamation. This Second Amended Proclamation shall continue in full force and effect until the Mayor finds and declares that the conditions of extreme fire hazard no longer exist within the Town.

Section 7. Enforcement. Pursuant to Section 5-5-5-1 of the Breckenridge Town Code it is unlawful and a misdemeanor offense for any person to violate the terms, conditions, and limitations of this Second Amended Proclamation. The penalties and other remedies provided for in Section 5-5-6 of the Breckenridge Town Code applies to any violation of the terms, conditions, and limitations of this Second Amended Proclamation.

Section 8. Authority of Mayor Pro Tem. Because of the absence of the Mayor of Breckenridge from the Town at the time of the issuance of this Second Amended Proclamation, this Second Amended Proclamation is issued by the Mayor Pro Tem of the Town of Breckenridge pursuant to the authority granted to her by Section 4.4 of the Breckenridge Town Charter.

Section 8. Notifications. By my signature to this Second Amended Proclamation I certify that I will notify the other members of the Town Council of the Town of Breckenridge, and the Town Manager of the Town of Breckenridge, of my issuance of this Second Amended Proclamation as required by Section 5-5-5-1 of the Breckenridge Town Code.

Section 9. Effective Date and Time. This Amended Proclamation is issued and is effective this ____ day of August, 2018 at _____ o'clock __. M.

TOWN OF BRECKENRIDGE

By: _____
Elisabeth Lawrence, Mayor Pro Tem

ATTEST:

Helen Cospolich
Town Clerk