STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2012-015

EXECUTIVE ORDER

Ban on Open Burning in the State of Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and C.R.S. § 23-31-308, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order banning open burning in the State of Colorado.

I. Background and Need

High temperatures and dry conditions have resulted in high fire danger throughout much of Colorado. Already this year, 344 wildfires have been reported in the state. These wildfires have burned over 120,000 acres in areas across the state. These weather conditions and circumstances attest to the continuing threat to life, health and property posed by wildfires on Colorado's public and private lands. As of the date of this Executive Order, the High Park Fire in Larimer County is not contained and has burned over 49,000 acres and destroyed or damaged well over 120 structures. And various types of fire bans are currently in place in at least 57 of Colorado's 64 counties.

Given the high fire danger throughout the state, the Colorado State Forest Service, in consultation with federal land management agencies, has requested an immediate ban on open burning in Colorado. The Larimer County Commissioners have requested a fireworks ban in parts of Northern Colorado where extreme fire danger exists. In response to these and other requests for an effective, uniform response to the high fire danger across the state, this Executive Order bans open burning in the State of Colorado.

Our staff has been working with County Sheriffs, Colorado Counties, Inc., the Colorado Municipal League, and the Colorado State Fire Chiefs Association to ensure the appropriate application and the proper implementation of this Executive Order.

II. Directive

A. Open burning is hereby prohibited in all counties in the State of Colorado.

B. For purposes of this order, "open burning" means any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, fused explosives, fireworks, and any other activity that poses a significant risk of starting a fire.

C. For purposes of this order, "open burning" does not include fires in:

i. liquid-fueled or gas-fueled stoves;

ii. fireplaces contained within buildings;

iii. charcoal grills at private residences;

iv. constructed, permanent fire pits or fire grates within developed camp and picnic grounds or recreation sites;

v. commercial, professional and municipal fireworks displays where specific written approval has been granted by the sheriff of the county in which the fireworks display is to occur; and

vi. connection with prescribed or controlled burns for agricultural or irrigation purposes along ditches located within and completely surrounded by irrigated farmlands where such burning is necessary for crop survival and specific written approval has been granted by the sheriff of the county in which the prescribed burn is to occur.

D. Pursuant to C.R.S. § 23-31-306, this Executive Order shall be enforced by county sheriffs or by the administering agencies of the federal lands located within the state. This Executive Order is not intended to supersede more comprehensive or inclusive open burning restrictions that have been or may be established by Colorado counties, municipalities and/or other political subdivisions of the state. Where permitted by law, counties and other local governments may ban any or all of the open burning exemptions listed in section II.C. when local officials determine that a more restrictive ban is appropriate and warranted given fire danger conditions in their localities. An exemption to the opening burning restrictions set forth in this order may be granted only by county sheriffs or, within federal lands, by the administering federal agency, and only if the proposed burn is deemed by said sheriff or agency to be safe and subject to mitigation. Should a wildfire occur as the

result of the granting of an exemption to this order, the State of Colorado may, and likely would, deny access to state funds to pay for the costs of such a wildfire.

III. Duration

This Executive Order shall be effective at 2:00 PM on June 14, 2012, and shall remain in effect until amended or rescinded by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado this fourteenth day of June, 2012.

John W. Hickenlooper
Governor