

DECREE NO. 2025-01

A DECREE DECLARING A STAGE TWO [II] FIRE BAN FOR THE TOWN OF MOFFAT, COLORADO, DUE TO EXTREME FIRE DANGER, AND PROHIBITING CERTAIN ACTIVITIES TO PROTECT PUBLIC SAFETY AND PROPERTY.

WHEREAS, the Town of Moffat, Colorado, is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), the principal executive officer of a political subdivision has the authority to issue a local disaster declaration if a local disaster is occurring or appears imminent; and

WHEREAS, C.R.S. § 29-22.5-103 grants authority and responsibilities regarding wildland fires, including empowering local fire chiefs and sheriffs to manage wildland fires within their jurisdictions; and

WHEREAS, C.R.S. § 30-10-512 and § 30-10-513 designate the County Sheriff as the fire warden for the county for prairie or forest fires, and grant authority to take charge of efforts to extinguish such fires, indicating a clear state interest in wildfire prevention and mitigation at the local level; and

WHEREAS, the Town of Moffat recognizes its inherent authority under general municipal powers to protect the health, safety, and welfare of its residents and property; and

WHEREAS, current weather conditions, including but not limited to, prolonged drought, high temperatures, low humidity, and predicted strong winds, have resulted in extremely dry fuels and an elevated to extreme fire danger rating within the Town of Moffat and surrounding areas, as determined by the National Weather Service, the Colorado Division of Fire Prevention and Control, and local fire authorities; and

WHEREAS, these conditions create an imminent threat of significant wildland fires, which could endanger lives, devastate property, and exhaust emergency response resources; and

WHEREAS, the need for immediate action to mitigate the risk of catastrophic wildfire is critical;

NOW, THEREFORE, BE IT DECREED BY THE [MAYOR/BOARD OF TRUSTEES] OF THE TOWN OF MOFFAT, COLORADO, AS FOLLOWS:

Section 1. Declaration of Fire Ban. A Stage [I/II/III] Fire Ban is hereby declared for all lands within the incorporated limits of the Town of Moffat, Colorado, effective immediately. The stage of the fire ban (I, II, or III) indicates the severity of restrictions as detailed below.

Section 2. Prohibited Activities. During the duration of this fire ban, the following activities are hereby prohibited within the Town of Moffat:

(A) Stage I Fire Ban (Moderate Restrictions):

1. **Open burning of any kind:** This includes bonfires, campfires, warming fires, and charcoal grills outside of developed recreation sites.
2. **Use of fireworks:** All fireworks, including those otherwise legal for sale, are prohibited.
3. **Smoking outdoors:** Smoking is prohibited except within an enclosed vehicle or building, or in a developed recreation site clear of all flammable materials for at least three feet in all directions.
4. **Use of explosives:** Any type of explosive is prohibited.
5. **Operating a chainsaw without a spark arrestor and fire extinguisher:** Chainsaws must be equipped with a working spark arrestor, and a fire extinguisher must be readily available.

(B) Stage II Fire Ban (Severe Restrictions - *In addition to Stage I prohibitions*):

1. **All outdoor fires and campfires:** This includes charcoal grills.
2. **Use of propane or liquid fuel devices:** Unless used within an area at least ten (10) feet in diameter that is barren or cleared of all combustible vegetation.
3. **Blasting, welding, or other activities generating sparks or flame:** Unless an appropriate fire watch is established and appropriate fire suppression equipment is readily available.
4. **Operating internal combustion engines without a spark arrestor:** This includes off-road vehicles.

(C) Stage III Fire Ban (Extreme Restrictions - *In addition to Stage I and II prohibitions*):

1. **ALL outdoor burning and open flames of any kind, including propane or liquid fuel devices.**
2. **Any activity that could reasonably cause a fire, including but not limited to, the use of all-terrain vehicles (ATVs), motorcycles, and other off-road vehicles in undeveloped areas.**
3. **Target shooting with firearms.**
4. **Smoking outdoors is strictly prohibited in all areas, including vehicles, unless stationary on paved or graveled surfaces free of combustible materials.**

(Select the appropriate Stage (I, II, or III) and remove the other stages, or provide a mechanism for the Town to declare different stages as conditions change. For a direct "fire ban," Stage II or III is most common.)

Section 3. Exemptions. The following are exempt from the prohibitions of this Decree:

1. Fires within liquid-fueled or gas-fueled stoves, lanterns, or heating devices, provided they are used within an area barren or cleared of all combustible vegetation for at least ten (10) feet in all directions, and are constantly attended.
2. Any federal, state, or local officer, or member of a fire protection district, in the performance of official duty.

3. Fires for agricultural purposes that are part of a permitted burn plan reviewed and approved by the local fire department and/or agricultural extension office, and which are conducted with appropriate safeguards and fire suppression equipment.
4. Industrial or agricultural operations that require the use of open flames or spark-producing equipment, provided such operations are conducted with adequate fire prevention and suppression measures in place, and are approved in advance by the Town of Moffat or its designated fire authority.

Section 4. Enforcement and Penalties. Any person, firm, or corporation that violates any provision of this Decree shall be subject to the penalties as set forth in C.R.S. § 30-15-402(1) (or other applicable local ordinances) and any other applicable state statutes. Each incident shall constitute a separate violation. Law enforcement officers, including but not limited to the Saguache County Sheriff's Office, and authorized Town officials, are hereby authorized to enforce the provisions of this Decree.

Section 5. Duration and Termination. This Decree shall become effective immediately upon its adoption. It shall remain in full force and effect until such time as the risk of extreme fire danger has substantially abated, as determined by the [MAYOR/BOARD OF TRUSTEES] of the Town of Moffat in consultation with relevant fire authorities, at which time a subsequent decree or public notice will be issued to lift or modify the fire ban.

Section 6. Public Notification. The Town Clerk shall cause this Decree to be posted in at least three public places within the Town of Moffat, and shall disseminate information regarding this fire ban through local media outlets, the Town's official website, and social media platforms to ensure widespread public awareness.

ADOPTED AND APPROVED BY THE [MAYOR/BOARD OF TRUSTEES] OF THE TOWN OF MOFFAT, COLORADO, THIS [DAY] DAY OF [MONTH], [YEAR].

TOWN OF MOFFAT, COLORADO

By:

Melinda Myers

[MAYOR'S NAME] Mayor

ATTEST:

Matt Litrenta

[TOWN CLERK'S NAME] Town Clerk