



COLORADO

**Division of Fire
Prevention & Control**

Department of Public Safety

Declaring that Conditions of Extreme Fire Hazard Exist and Ordering Temporary Fire Restrictions in the State of Colorado

[D 2020 168](#)

Frequently Asked Questions

1. Where do Colorado's fire restrictions apply?

The Governor's Executive Order establishes statewide fire restrictions on all State and private land in Colorado, with some exceptions -- see Section II.D of the Executive Order for those exceptions.

Additionally, we expect the federal government to enact fire restrictions on all federal National Forests and Grasslands in Colorado by Aug. 24. These federal restrictions will either match the restrictions in the Governor's Executive Order, or will be more restrictive.

Local governments and federal land management agencies may have more restrictive requirements than the Governor's Executive Order. You must abide by those more restrictive requirements when in those areas.

So, no matter what type of property you are on, you will at minimum need to follow the fire restrictions set out in the Executive Order, and you may need to follow even more restrictive rules.

As you make recreation plans, please check local and federal fire restrictions before you go. Here are some resources:

<https://www.fs.usda.gov/visit/know-before-you-go/fire>

<http://www.coemergency.com/p/fire-bans-danger.html>

<https://www.fs.usda.gov/r2/>

2. What are the exceptions to the statewide fire restrictions?

The exceptions are stated in Section II.D. of the Executive Order. The fire restrictions **do not** include fires in:

- Liquid-fueled or gas-fueled stoves;
- Fireplaces contained within buildings;
- Charcoal grills at private residences;
- Constructed, permanent fire pits or fire grates within developed camp and picnic grounds or recreation sites;
- Portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel, or a fully enclosed (shepherd type) stove with a one-quarter (0.25) inch spark arrester type screen; and
- Fires in 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 where specific written approval has been granted by the sheriff of the county where the prescribed burn will occur.

3. What if my county or the land I'm on has stricter fire restrictions in place? Which rules should I follow?

Local and federal entities may impose more restrictive requirements, including eliminating any or all of the exemptions listed in Section II.D of the Executive Order.

If you are on land that falls under more restrictive requirements than those in the Executive Order, you are required to adhere to those more restrictive requirements. So, for example, if your county has more strict fire restrictions in place, you must follow your county's rules.

4. If a county does not have high fire danger, can the county permit open burning?

Pursuant to Section II.G. of the Executive Order, a county sheriff or administering federal agency may exempt a specific fire restriction only if the proposed burn is deemed to be safe and subject to mitigation.

5. Does the Governor's Executive Order ban both legal and illegal fireworks or just illegal fireworks? Does it only ban fireworks for personal use or are commercial fireworks displays banned under this order?

The Executive Order restricts the use of **all** fireworks. This includes fireworks of any type for personal or commercial use. Use of illegal fireworks is never permitted.

6. Does the Governor's Executive Order ban the sale of fireworks?

No. The Executive Order restricts the use of fireworks, not the sale or possession of fireworks.

7. Are fire pits on private property allowed?

No.

8. Charcoal grills at private residences are allowed. Are electric, propane, or other gas-fueled grills also allowed?

Yes, unless they are otherwise prohibited by local authorities.

9. Why does the Executive Order call on county sheriffs to act and not county commissioners or fire districts?

Pursuant to C.R.S. § 24-33.5-1223, county sheriffs shall enforce the Executive Order and all State forest fire laws.

Please note that enforcement on federal lands is generally carried out by State or local authorities.

10. What charges could be filed against a person who violates the restrictions in the Executive Order?

The Governor's Executive Order has the force of law. County sheriffs will enforce the Executive Order.

Multiple criminal laws may apply to violations of the Executive Order:

- [C.R.S. § 18-4-101](#), *et seq.* outlines the definitions and penalties associated with arson.
- [C.R.S. § 18-13-109](#) criminalizes setting fire to woods or prairie in certain circumstances without lawful authority.
 - A person that knowingly, recklessly, or with criminal negligence, sets on fire any woods, prairie, or grounds of any description, other than his or her own, or who, knowingly, recklessly, or with

criminal negligence, permits a fire, set or caused to be set by such person, to pass from his or her own grounds to the injury of any other person commits a class 2 misdemeanor.

- If a person knows or reasonably should know that setting a fire violates any applicable order, rule, or regulation lawfully issued by a governmental authority that prohibits, bans, restricts, or otherwise regulates fire during periods of extreme fire hazards and that is designed to promote the safety of persons and property, the person commits a class 6 felony.
- [C.R.S. § 18-13-109.5](#) prohibits the intentional setting of a wildfire.
 - “A person commits the crime of intentionally setting a wildfire if he or she intentionally and without lawful authority sets on fire, or causes to be set on fire, any woods, prairie, or grounds of any description, other than his or her own; or intentionally permits a fire, set or caused to be set by such a person, to pass from his or her own grounds to the grounds of another and by doing so, places another in danger of death or serious bodily injury or places any building or occupied structure of another in danger of damage.” This offense is a class 3 felony.

The Executive Order puts individuals on notice that setting a fire could result in physical injury or property damage. Therefore, setting a fire could violate one or more criminal statutes.

11. Why does the Executive Order restrict certain types of ammunition and targets?

The Executive Order includes a restriction on the use of tracers and exploding targets. These items pose a high risk of ignition and therefore increase the risk of sparking a fire. The Lake Christine Fire in 2018 near Basalt was caused by the use of tracer rounds at a shooting range. This fire grew to 12,588 acres, destroyed 3 homes, and cost over \$17 million to suppress.