

RESOLUTION 2020-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF DURANGO WEST METROPOLITAN DISTRICT NO. 2 ESTABLISHING RESTRICTIONS ON OPEN BURNING WITHIN THE DISTRICT.

WITNESSETH:

WHEREAS, the Durango West Metropolitan District 2 (the "District") is a Colorado Special District organized pursuant to the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* (the "Act"); and

WHEREAS, the District owns, operates and maintains a water supply and distribution system (the "District Water System) which provides water for domestic use and fire protection; and

WHEREAS, the District owns and maintains certain properties in the District which are designated or dedicated on plats as Greenbelts, Out Lots or Golf Course (collectively called "Greenbelts"); and

WHEREAS, wildland fire poses a significant threat to residential areas which could exceed to available resources to control or extinguish; and

WHEREAS, the residential area within the District and the Greenbelts are forested and are susceptible to the rapid spread of wildland fire; and

WHEREAS, the Board of Directors (the "Board") of the District has previously determined that the Southwest is experiencing a long-term climate trend toward drought conditions which increase the likelihood of wildland fire within the District; and

WHEREAS, a wildland fire within the District would threaten the Greenbelts and would rapidly deplete available water reserves of the District when substantial amounts of water would be needed for fire suppression; and

WHEREAS, District allocates a significant portion of its General Funds to fire mitigation in the Greenbelts to reduce the potential for wildland fire; and

WHEREAS, the potential for wildland fire within the District can also be significantly reduced with reasonable restrictions on open burning; and

WHEREAS, the Board has determined that the restrictions adopted herein are necessary to protect the District Greenbelts and preserve a safe, adequate and reliable water supply for its residents and for fire protection.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Durango West Metropolitan District No. 2:

1. Open Burning Prohibited. Building, maintaining, attending, or using a fire, campfire, stove fire, burn barrel or trash fire within the boundaries of the Durango West Metropolitan District No. 2 is prohibited.

2. Exceptions. The prohibition on open burning does not apply to (i) grilling or cooking food using charcoal, wood, propane or natural gas in appliances designed for cooking or grilling; or (ii) patio wood or gas-burning units such as a chiminea, patio warmer, or other wood or gas-burning device used for outdoor recreation and/or heating. Building, maintaining, attending, or using any fire within the open space and greenbelt areas of Durango West Metropolitan District No. 2 is prohibited without exception.

3. Enforcement. If a violation of the open burning prohibition occurs, the following charges shall be imposed:

- i. First violation after warning: **\$50.00**
- ii. Second violation after warning: **\$100.00**
- iii. Third and all additional violations after warning: **\$250.00**

All unpaid charges shall constitute a perpetual lien against the property until paid as provided by the Colorado Special District Act.

4. Burn Permits. This resolution shall be furnished to the Durango Fire Protection District with a request that burn permits not be issued within the District.

5. Prescribed Burns. A prescribed burn within the Greenbelts to reduce the threat of wildland fire may be allowed by the Board with a prescription to meet planned fire or land management. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

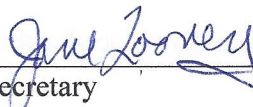
6. Effective Date. This Resolution shall be effective immediately upon its adoption and approval.

ADOPTED this 17th day of June, 2020.

DURANGO WEST METROPOLITAN DISTRICT NO. 2

By: 
President

ATTEST:


Secretary