

**TRES VALLES WEST OWNERS
ASSOCIATION POLICIES AND
PROCEDURES
REGARDING WILDFIRE HAZARDOUS ACTIVITIES**

SUBJECT: Adoption of a policy and guidelines to be followed regarding hazardous activities resulting in wildfire.

PURPOSE: To adopt a standard policy, definitions, guidelines and restrictions on hazardous activities that may result in the creation of a wildfire.

AUTHORITY: The Declaration, Bylaws and Articles of Incorporation of the Association and Colorado law.

EFFECTIVE

DATE: August 22, 2020

RESOLUTION: The Association hereby adopts the following policy:

1. Declaration of Covenants. The following text is taken directly from the Second Amended and Restated Declaration of Covenants and Restrictions of Tres Valles West, 6/28/2011:

Section 6.1 1 No Hazardous Activities. No activities shall be conducted on the Property or within improvements constructed on or within the Property which are or might be unsafe or hazardous to any person or property. Owners shall hold the Association harmless from any claim resulting from any action of the Owner, and his or her tenants, guests, or other invitees which results from any such activities conducted in violation of this Section.

2. Background.
The Spring Creek Fire in 2018 is a startling example of the magnitude of the devastation that can occur when fire risk is extreme and human negligence occurs. This policy is intended to reduce the risk of human caused wildfire on Tres Valles West by specifying restrictions on hazardous activities that could result in wildfire.
3. Fire Restrictions
 - 3.1. Property owners are responsible for knowing which fire restrictions are in place before any fire-related activity commences. Examples of available resources regarding fire conditions are:

- 3.1.1. Check the Huerfano County website to determine if Fire Restrictions have been issued. (<https://www.huerfano.us/>).
- 3.1.2. Check with the National Weather Service for our area to determine if Red Flag Warnings have been issued.
(http://forecast.weather.gov/MapClick.php?x=141&y=193&site=pub&zmx=&zmy=&map_x=140&map_y=193#.XvJE9dVKhEY)
- 3.1.3. Check for notices of fire restriction that are e-mailed to owners and posted on the TVW website.
- 3.1.4. Check for notifications at the front gate that indicate which fire ban / conditions are in effect.
- 3.1.5. Enroll in the CodeRED program on the Huerfano County website to be informed of emergency situations and critical community alerts.

3.2. Year-round Fire Restrictions

- 3.2.1. Small recreational fires are allowed when contained in permanent fire pits or fire grates, or the residential use of charcoal grills, fires in chimineas or other portable fireplaces or patio fire pits. The fire must be within a 10-foot diameter circle that is barren or cleared of all flammable materials. A spark arresting screen is required over wood burning fires. Fire must be constantly supervised. Fire suppression equipment must be on hand (e.g. chemical fire extinguisher, shovels, spark arrester, water hose, etc.).
- 3.2.2. No open fires or small recreational fires within 15' of a building, structure, or flammable vegetation.
- 3.2.3. Never leave any fire unattended. Extinguish the fire and embers with water until cold.
- 3.2.4. No small recreational fires during windy periods
- 3.2.5. No fireworks of any kind at any time
- 3.2.6. Exercise extreme caution at all times when discharging any firearms. Discharging firearms is strongly discouraged when fire restrictions or Red Flag warnings are issued.
- 3.2.7. Never discharge a firearm using incendiary or tracer ammunition or using exploding targets.
- 3.2.8. No prescribed burning
- 3.2.9. Pile burning only by qualified personnel with approved permit from La Veta Fire Protection District and approved by the TVW Board of Directors.

3.3. **RED FLAG WARNINGS.** A red flag warning is a forecast warning issued by the National Weather Service to inform the public, firefighters, and land management agencies that conditions are ideal for wildland fire combustion, and rapid spread. Once issued, these must be adhered to and the TVW Owner is responsible for compliance. These are current examples.

- 3.3.1. No outdoor fires including BBQs and small recreational fires. Propane BBQs are allowed if there is an On /Off switch to turn the flame off instantly.

- 3.3.2. No smoking except within an enclosed vehicle or building
- 3.3.3. No fireworks
- 3.3.4. No chainsaws or activities that generate flame or sparks (brush hogs and lawn mowers)
- 3.3.5. No open burning whatsoever
- 3.3.6. No off-road travel through dry grass
- 3.3.7. No dragging chains

3.4. Huerfano County Fire Restriction Stages.

These following restrictions are currently in place as of the date of this Policy. It is the Owner's responsibility to know the currently updated restrictions

3.4.1. STAGE I FIRE RESTRICTIONS

The Stage I Fire Restrictions are imposed by Huerfano County when there is an increasing fire danger and/or an increasing preparedness level. Stage I imposes relatively minor restrictions aimed at preventing the start of wildfires based on human activities that are known to be high risk.

- 3.4.1.1. Gas and charcoal BBQs are allowed if they are constantly supervised and shut down properly as soon as food is cooked. BBQ must have a cover and fire suppression equipment must be at hand. For example: chemical fire extinguisher, shovels, water hose, etc.
- 3.4.1.2. The following acts are prohibited:
 - 3.4.1.2.1. No wood burning BBQ
 - 3.4.1.2.2. No building, maintaining, attending, or using a fire or small recreational fires
 - 3.4.1.2.3. No smoking, except within an enclosed vehicle or building
 - 3.4.1.2.4. No fireworks
 - 3.4.1.2.5. No operating a chainsaw, blasting, welding or other activities that generate flame or flammable material for any purpose other than mitigation or recovery work. Those engaged in permitted essential wildfire mitigation or flood recovery work must have fire suppression equipment on hand (e.g. chemical fire extinguisher, shovels, spark arrester, water source, etc.). Huerfano County Dispatch must be notified before and after the work.

3.4.2. STAGE II FIRE RESTRICTIONS

As the wildfire risks increase, the County may choose to move to Stage II.

This stage intensifies the restrictions from Stage I by focusing on activities that have a relatively high risk of causing a fire start.

- 3.4.2.1. All restrictions of Stage I
- 3.4.2.2. No charcoal BBQs

3.4.2.3. Only gas BBQs are allowed if there is an On /Off switch to turn the flame off instantly, and gills must have a cover to douse the flame and fire suppression equipment must be at hand.

3.4.2.4. The discharge of all firearms is strongly discouraged.

3.4.3. STAGE III FIRE RESTRICTIONS.

Stage III is closure of public lands. This stage is selected when there are very high risks and the ability to manage those risks using Stage I or II restrictions is no longer viable. The social, economic, and political impacts of implementing a closure at this point are outweighed by the benefits associated with virtually eliminating the potential for human-caused fire.

4. Compliance and Enforcement.

4.1. Compliance and enforcement of this Policy shall be in accordance with Section 9.1 Compliance and Enforcement, of the Second Amended and Restated Declaration of Covenants and Restrictions of Tres Valles West, 6/28/2011.

4.2. Call 911 to report any use of fire that is restricted by Huerfano County.

4.3. Call 911 to report all wildfires.

5. Attachments. The following documents are attached to this Policy:

Attachment 1. Tres Valles West Fire Restrictions and Guidelines

6. Amendment. Information in this Policy is current as of the date of adoption. This Policy may be amended from time to time.

**ATTACHMENT 1.
TRES VALLES WEST
FIRE RESTRICTIONS / GUIDELINES**

Year-Round Fire Safety

- Check for fire restrictions before any burning
- Never use fireworks
- Fires only in permanently constructed fire pit with protective screen to reduce embers and sparks, or a chimenea or outdoor fireplace with screen and spark arrester on chimney.
- Have a fire extinguisher on hand or a charged garden hose
- Never leave a fire unattended.
- Extinguish the fire with water until out cold
- Off-road vehicles must be equipped with properly installed spark arrester
- Check for dragging chains under vehicles that could cause sparks
- Never discharge a firearm using incendiary or tracer ammunition, nor using exploding targets.

Fire Restrictions

Device Type or Activity	Stage I Fire Restrictions	Stage II Fire Restrictions	Red Flag Warning
Fireworks	PROHIBITED	PROHIBITED	PROHIBITED
Open Burning of Trash/Refuse/Vegetation	Permit Only	PROHIBITED	PROHIBITED
Chainsaw or flame generating equipment	NO¹	NO¹	PROHIBITED
Smoking	NO²	NO³	NO²
Small Recreational Fire / Firepit	NO⁴	NO⁴	PROHIBITED
BBQ - Wood burning	PROHIBITED	PROHIBITED	PROHIBITED
BBQ - Charcoal	ALLOWED	PROHIBITED	PROHIBITED
BBQ - Propane	ALLOWED	ALLOWED⁵	ALLOWED
Chimenea or Outdoor Fireplace	ALLOWED⁶	PROHIBITED	PROHIBITED

¹ No operating a chainsaw, blasting, welding or other activities that generate flame or flammable material for any purpose other than mitigation or recovery work. Those engaged in essential wildfire mitigation or flood recovery work must have fire suppression equipment on hand. For example: chemical fire extinguisher, shovels, spark arrester, water source, etc. Stage II Huerfano County Dispatch must be notified before and after the work.

² Except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.

³ Except within an enclosed vehicle or building, or within a large vegetation-free area at least 50 feet in diameter.

⁴ Except within a permanent constructed fire grate in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.

⁵ Only gas BBQs are allowed as long as there is an On/Off switch to turn the flame off instantly and must have a cover to douse the flame. Fire suppression equipment must be at hand.

⁶ Must be 15 feet away from flammable material or structure and have spark screens on front and spark arrester on chimney

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Tres Valles West Owners Association, a Colorado nonprofit corporation, certifies that the foregoing was approved by the Owners of the Association, at a duly called and held meeting of the Owners on August 22, 2020, and in witness thereof, the undersigned has subscribed his/her name.

TRES VALLES WEST OWNERS ASSOCIATION,
a Colorado nonprofit corporation

By:



Forrest Dykstra
President, Tres Valles West Owners Association