



ORDINANCE NO. 2003-8

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO PROVIDING FOR THE
ENFORCEMENT OF FIRE BANS WITHIN THE UNINCORPORATED
AREAS OF ARCHULETA COUNTY, COLORADO**

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes Boards of County Commissioners to ban open fires to a degree and in a manner deemed necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado ("Board") previously adopted a fire ban ordinance on July 7, 2000, Ordinance No. 2000-05, however, certain minor modifications to such fire ban ordinance have become necessary, including a new statutory provision that permits the Board to ban the sale of fireworks, if necessary; and

WHEREAS, C.R.S. §30-15-402 provides for certain penalties for violation of County Ordinances; and

WHEREAS, it is necessary to the immediate preservation of the public health, safety and welfare that lawful means of enforcing fire bans be enacted;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO:

1. The Board, upon adoption by a majority vote of a resolution setting forth the terms and conditions of a fire ban, may ban open fires within the unincorporated areas of Archuleta County when, based upon competent evidence, the danger of forest or grass fires is deemed to be high. Such ban on open fires may include a prohibition on the sale of fireworks within the unincorporated areas of Archuleta County, Colorado.
2. When the Board has adopted a fire ban pursuant to C.R.S. §30-15-401(1)(n.5) and this Ordinance, the violation of the terms thereof shall constitute a Class 2 petty offense and upon conviction thereof shall be punished by a fine of not more than one thousand dollars for each separate violation. In addition to any other penalty, persons convicted of a violation of this Ordinance shall be subject to a surcharge of \$10.00 paid to the Clerk of the Court for credit to the victims and witnesses assistance and law enforcement fund for the Sixth Judicial District, pursuant to C.R.S. §30-15-402(2).
3. Any Level I peace officer, as such term is defined in C.R.S. §18-1-901(I), as the same

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may be amended from time to time, is authorized to enforce the terms of this Ordinance and in addition thereto, authorized officers of any fire protection district within Archuleta County shall have the authority to enforce and cite for violations of this Ordinance.

4. Once a fire ban is adopted by Resolution, it shall be in effect until:
 - (a) The Sheriff, acting as the Fire Marshall, requests that the Board take action to remove the fire ban from all or part of the county and the Board may take such action by adopting an appropriate Resolution; or
 - (b) The conditions of high danger of forest or grass fires shall materially improve, as determined by the Board in a review of competent evidence presented to the Board and the Board acts to remove the fire ban by adoption of an appropriate Resolution.
5. Notwithstanding any other provision of this Ordinance, the Sheriff, acting as the Fire Marshall, may grant written permission to allow an open fire(s) for a specific, limited purpose, provided that it is proven to the Sheriff's satisfaction that such exception to the fire ban will not create a danger of forest or grass fires occurring.
6. Notwithstanding any other provision contained herein, no person or entity shall permit or allow any open burning to occur on any private property within the unincorporated areas of Archuleta County without first having notified the Archuleta County Sheriff's Office by telephoning dispatch at 970-264-2131 and advising that open burning will occur and the date, approximate time and location of such burn and confirming that there are no restrictions on open burning in Archuleta County. If there are restrictions on open burning, dispatch shall advise such person calling that restrictions exist on open burning and such person shall comply with any such restrictions. In the event that a fire ban has been ordered as provided herein, dispatch shall advise such person that no open burning is permitted within Archuleta County.
7. If any one or more of the provisions of this ordinance are determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.
8. All fines paid upon conviction of any violation of this ordinance shall be paid into the General Fund for Archuleta County.
9. Upon final adoption of this Ordinance, all prior Ordinances, including Ordinance 2000-05, and Resolutions on issues contained herein are repealed and no longer in

force or effect.

- 10. Due to the possibility of extreme fire conditions in Archuleta County, Colorado, the public health, safety and welfare of the citizens of Archuleta County, Colorado, require that the provisions of this Ordinance shall become effective immediately upon final adoption by the Board.

APPROVED AND ADOPTED THIS 5th DAY OF June, 2003.

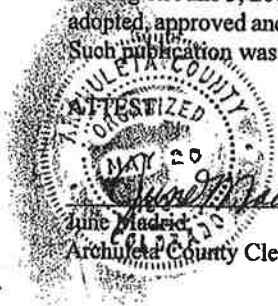
**Board of County Commissioners
Archuleta County, Colorado**

Alden Ecker
Alden Ecker, Chairman

Mamie R. Lynch
Mamie R. Lynch

Wm. M. Downey
Wm. M. Downey

I, June Madrid, Clerk and Recorder of Archuleta County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read and ordered published at a regular meeting of the Board of County Commissioners on the 6th day of May, 2003. The Ordinance was published in full in the Pagosa Sun on May 15th, 2003. At a public hearing on June 3, 2003, the Ordinance was taken under advisement and on June 3rd, 2003, was adopted, approved and those portions that were amended were ordered published in the Pagosa Sun. Such publication was made on June 19th, 2003.



June Madrid
June Madrid
Archuleta County Clerk and Recorder

INTRODUCED, READ AND ADOPTED ON FIRST READING on May 6, 2003, and ordered published in the PAGOSA SUN. Published on May 15, 2003.

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT AT A PUBLIC HEARING held on June 3, 2003.



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6/17/2003 8:15:00 AM
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June Madrid

ADOPTED and APPROVED on 6/5/03 and those amended portions of the
Ordinance ordered published in the PAGOSA SUN. Published on 6/19/03.