

ORDINANCE NO. 2000 - 5**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO, PROVIDING FOR THE
ENFORCEMENT OF FIRE BANS WITHIN ARCHULETA COUNTY**

WHEREAS, 30-15-401.5 C.R.S. provides that the Board of County Commissioners may adopt Fire Safety Standards; and

WHEREAS, 30-15-401(1)(n.5) C.R.S. authorizes Boards of County Commissioners to adopt, by majority vote, bans on the open burning of fires when the danger of forest or grass fires is found to be high; and

WHEREAS, 30-15-402 C.R.S. provides for criminal 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. That the following Fire Safety Standard is hereby adopted for all of the unincorporated areas of Archuleta County, Colorado, pursuant to 30-15-401.5 and 30-15-401(1)(n.5) C.R.S.
 - a. The Board of County Commissioners of Archuleta County, Colorado, by majority vote, may ban open fires within the unincorporated areas of County when danger of forest or grass fires is found to be high pursuant to 30-15-401(1)(n.5) C.R.S.
 - b. When the Board of County Commissioners has adopted a fire ban pursuant to 30-15-401(1)(n.5) C.R.S. 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. The penalty assessment procedure as provided in 16-2-201 C.R.S. may be followed by any authorized enforcement officer. In addition to the fine, persons convicted of a violation are subject to a surcharge of ten dollars pursuant, and subject to, the provisions of 30-15-402(2) C.R.S.
 - c. Enforcement of, and citation for, violation of the provisions of the Ordinance may be pursuant to the provisions of 30-15-410 C.R.S., and, in addition thereto, authorized officers from the fire protection district within Archuleta County shall also have authority to enforce, and cite for, violations of the Ordinance.

d. That the fire ban shall be in effect until one of the following shall occur:

- (1) The Sheriff, acting as Fire Marshall, may request that the Board of County Commissioners remove the fire ban from all or part of the county;
- (2) The Sheriff, acting as Fire Marshall, may grant written permission to allow open fires upon request provided that it is proven to his satisfaction that such exception to the fire ban does not constitute a high danger of forest or grass fires; or
- (3) The conditions of high danger of forest or grass fires shall materially change as determined in a review of competent evidence by the Board of County Commissioners of Archuleta County.

2. That due to the extreme fire conditions in western Colorado, the public health, safety and welfare of the citizens of Archuleta County, Colorado, require that the provisions of this Ordinance shall be effective immediately upon its adoption.

APPROVED AND ADOPTED in Pagosa Springs, Colorado this 27th day of July, 2000.

**BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO**

ATTEST

June Madrid by Gerson Henderson
June Madrid Deputy County Clerk + Recorder
County Clerk & Recorder

Gene Crabtree
Gene Crabtree, Chairman

Wm M Downey
Wm. M. Downey

Ken Fox
Ken Fox

ATTEST:

STATE OF COLORADO)
)
COUNTY OF ARCHULETA)

I, June Madrid, County Clerk and Recorder of the county of Archuleta, State of Colorado, do hereby certify that the foregoing Ordinance No. 2000-5 constitutes a true and correct copy of the Ordinance adopted by the Board of County Commissioners of said County at its regular meeting held on the 27th day of June, 2000, held at the Archuleta County Courthouse, and that in regard to said Ordinance, the following proceedings were had and actions taken:

1. Ordinance No. 2000-5 was introduced and read in full at the regular meeting of the Board of County Commissioners on the 27th day of June, 2000.
2. Ordinance No. 2000-5 was published in full in the Pagosa Springs Sun, being a newspaper of general circulation published within Archuleta County, on the 15th day of June, 2000.
3. Notice of Public Hearing concerning the adoption of Ordinance No. 2000-5 was published in the Pagosa Springs Sun on the 15th day of June, 2000.
4. A Public Hearing concerning Ordinance No. 2000-5 was held before the Board of County Commissioners of Archuleta County, Colorado on the 27th day of June, 2000 at the place, date and time as contained within the Notice to in paragraph 3 above.
5. Ordinance No. 2000-5 was duly adopted by the majority vote of the Board of County Commissioners of Archuleta County, Colorado at the regular meeting of the Board on the 27th day of June, 2000

June Madrid by Cheryl Henderson
June Madrid Deputy County Clerk & Recorder
County Clerk and Recorder
Archuleta County

- Distribution:
- Fire Districts
 - County Sheriff
 - County Attorney
 - Clerk and Recorder