

ORDINANCE 2006-2

AN ORDINANCE AUTHORIZING THE DECLARATION OF OPEN FIRE BANS BY THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY SHERIFF

WHEREAS, pursuant to Section 30-15-401, C.R.S., the Board of County Commissioners of the County of Boulder has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, pursuant to Section 30-15-401(1)(n.5), C.R.S., matters of local concern include a ban on open fires, which may include a prohibition on the sale of fireworks, when the danger of forest or grass fires is found to be high; and

WHEREAS, it has come to the attention of the Board of County Commissioners of the County of Boulder that conditions in the spring, summer or fall frequently warrant the imposition of an open fire ban on an expedited basis; and

WHEREAS, it is the opinion of the Board of County Commissioners of the County of Boulder, that in order to preserve the public peace, health, safety and welfare of the citizens of Boulder County, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of the County of Boulder, the following:

SECTION I. DECLARATION OF AN OPEN FIRE BAN

The Board of County Commissioners of the County of Boulder or the Boulder County Sheriff shall, whenever the danger of forest or grass fires is found to be high, and without further proceedings or resolution, have the authority to declare an open fire ban, which may include the prohibition on the sale of fireworks. Any declaration of an open fire ban made pursuant to this section shall specify the duration of the fire ban and the parameters of the fire ban, as deemed necessary and appropriate.

SECTION II. PUBLICATION OF NOTICE

In the event that the Board of County Commissioners of the County of Boulder or the Boulder County Sheriff declares a fire ban pursuant to Section I of this Ordinance, notice that a fire ban has been declared along with a statement as to the duration of the fire ban and the parameters of the fire ban, shall promptly be scheduled for a business meeting with the Board of County Commissioners of the County of Boulder, at which meeting the Board shall either confirm said ban or rescind it. In addition, a press release shall be issued to the media in Boulder County, including the official newspaper.

SECTION III. UNLAWFUL CONDUCT

It shall be unlawful for any person to start or maintain a fire that is in violation of a fire ban declared pursuant to Section I, above. It shall be unlawful for any person to sell fireworks in violation of a fire ban declared pursuant to Section I, above.

SECTION IV. APPLICABILITY.

This ordinance shall apply to all portions of unincorporated Boulder County.

SECTION V. ENFORCEMENT

The Boulder County Sheriff shall enforce the provisions of this ordinance.

SECTION VI. VIOLATIONS

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500) for a first offense, seven hundred and fifty dollars (\$750) for a second offense, and one thousand dollars (\$1000) for a third and any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S. shall be followed by the arresting Sheriff’s Deputy or other officer for any violation of this ordinance, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.

SECTION VII. DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Boulder County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

SECTION IX. SAFETY CLAUSE

The ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to the need to control activity subject to this ordinance as soon as possible, and because of existing high fire danger.

INTRODUCED, READ AND ADOPTED ON FIRST READING February 23, 2006,
and ordered published in the LONGMONT TIMES-CALL.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Ben Pearlman, Chair

ATTEST:

Clerk to the Board

ADOPTED ON SECOND AND FINAL READING on March 9, 2006.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Ben Pearlman, Chair

ATTEST:

Clerk to the Board