

ORDINANCE 2011-2

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

WHEREAS, pursuant to CRS § 30-15-401(i)(n.5), the Board of County Commissioners of the County of Dolores has the power to ban open fires to a degree and in a manner that the Board deems 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 based upon competent evidence; and

WHEREAS, pursuant to CRS § 30-15-401(i)(n.7) the Board of County Commissioners of the County of Dolores has the power to prohibit or restrict the sale, use and possession of fireworks, including permissible fireworks, where the danger of forest or grass fires is found to be high based upon competent evidence; and

WHEREAS, it has come to the attention of the Board of County Commissioners that the conditions in the spring, summer or fall frequently warrant the imposition of an open fire restriction and/or a restriction on fireworks, due to the high danger of grass or forest fires; and

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

SECTION I. DECLARATION OF AN OPEN FIRE BAN

The Board of County Commissioners of the County of Dolores or the Dolores 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 restrictions on the sale, use, and possession of fireworks. Any such declaration made pursuant to this section shall specify the duration of the fire ban and the parameters of the fire ban, as determined to be necessary and appropriate.

SECTION II. PUBLICATION OF NOTICE

In the event that the Board of County Commissioners of the County of Dolores or the Dolores 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 duration of the fire ban and the parameters of the fire ban, shall promptly be placed in the official publication of Dolores County. Further, the ban shall be noticed upon the agenda for the next regularly scheduled meeting of the Board of County Commissioners. At that meeting, the Board shall either confirm, rescind, or modify said ban.

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 of this Ordinance. It shall be unlawful for any person

to sell, use, or possess fireworks in violation of a fire ban declared pursuant to Section I of this Ordinance.

SECTION IV. APPLICABILITY

This Ordinance shall apply to all portions of unincorporated Dolores County.

SECTION V. ENFORCEMENT

The Dolores County Sherriff shall enforce the provisions of this Ordinance.

SECTION VI. VIOLATIONS

Consistent with and pursuant to CRS § 30-15-402, any person who violates this Ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00) on the first offense, two hundred and fifty dollars (\$250.00) for a second offense, and one thousand dollars (\$1,000.00) for every offense thereafter. Arresting law enforcement officers are hereby authorized to utilize the penalty assessment procedures provided in CRS § 16-2-201.

SECTION VII. DISPOSITION OF FINES

All fines for violation of this Ordinance shall be deposited into the general fund of Dolores County.

SECTION VIII. SEVERABILITY

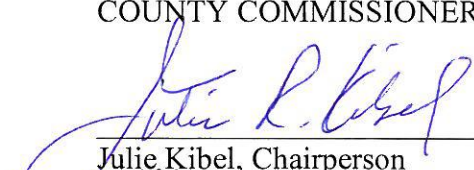
If one or more provisions of this Ordinance are determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions.

SECTION IX. SAFETY CLAUSE


The Board of County Commissioners of the County of Dolores hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

INTRODUCED AND READ September 6, 2011, AND ORDERED PUBLISHED IN THE DOVE CREEK PRESS.

THE DOLORES COUNTY BOARD OF
COUNTY COMMISSIONERS


Julie Kibel, Chairperson

ATTEST:


Margaret Javes
Deputy Clerk to the
BOCC



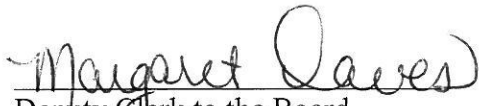
Deputy Clerk to the Board

ADOPTED ON SECOND AND FINAL READING ON OCTOBER 3, 2011.

THE DOLORES COUNTY BOARD OF
COUNTY COMMISSIONERS


Julie Kibel, Chairperson

I ATTEST THAT THE SUBJECT WAS PUBLISHED IN THE DOVE CREEK PRESS
AT LEAST TEN DAYS PRIOR TO ADOPTION BY THE BOARD THIS DATE:


Deputy Clerk to the Board

