

OPEN FIRE BANS

ORDINANCE NO. 2000-2

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**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 Arapahoe County 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), matters of local concern include a ban on open fires 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 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 Arapahoe County, that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should take the following action:

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

SECTION I. DECLARATION OF AN OPEN FIRE BAN

The Arapahoe County Board of County Commissioners or the Arapahoe 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. 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 Arapahoe County Board of County Commissioners or the Arapahoe County Sheriff declares a fire ban pursuant to Section 1 of this Ordinance, notice that a fire ban has been declared along with statement as to the duration of the ban and the parameters of the ban, shall be promptly published in the County 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.

SECTION IV. APPLICABILITY.

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

SECTION V. ENFORCEMENT

The Arapahoe 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 Arapahoe 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.

BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

John A. Brackney, Chairman

I, Tracy K. Baker, Clerk and Recorder of Arapahoe 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 15th day of August, 2000. At a public hearing held on the 5th day of September 2000, the Ordinance, with proposed amendments, was taken under advisement. The Ordinance was adopted with amendments, approved and ordered published as adopted on September 5, 2000.

ATTEST:

Tracy K. Baker
Tracy K. Baker, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED ON THE 15th day of August, 2000 at a regular meeting of the Board of County Commissioners.

Date of initial publication: August 24, 2000

TAKEN UNDER ADVISEMENT, WITH PROPOSED AMENDMENTS, AFTER PUBLIC COMMENT AT A PUBLIC HEARING HELD on the 5th day of September 2000.

ADOPTED WITH AMENDMENTS, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 5th day of September 2000.

Date of publication after adoption: September 21, 2000.

Tracy K. Baker
Tracy K. Baker, Clerk to the Board

