## Commissioner Odom moved that the following Resolution be adopted:

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## OF THE COUNTY OF JEFFERSON

## STATE OF COLORADO

## RESOLUTION NO. CC12-239

RE: Sheriff - Ordinance Adopting Policy 3.6.2 Authorizing the Declaration of Open Fire and/or Firework Sale, Use or Possession Bans

The Board of County Commissioners (BCC) of Jefferson County hereby finds that the amendments to the Ordinance Authorizing the Declaration of Open Fire and/or Firework Sale, Use or Possession Bans are necessary for preserving the public peace and protecting the public health, safety and welfare of the citizens of Jefferson County.

Be It Ordained by the BCC that the ordinance attached hereto is hereby adopted subject to the conditions set forth below and the Chairman of the BCC is authorized to authenticate the ordinance by his/her signature on the face thereof.

Be It Further Resolved that a public hearing for consideration of the adoption of this ordinance was held on June 26, 2012 at 8:00 a.m.

Be It Further Resolved that the Clerk and Recorder shall authenticate the ordinance by the Clerk's signature and shall have the ordinance published by title only, or entirely if any sections were amended after the first publication, in the Golden Transcript.

Be It Further Resolved that the Clerk and Recorder shall record this Ordinance in a book kept for that purpose.

Be It Further Resolved that the existing Ordinance 3.6.2 adopted December 14, 2010 is hereby rescinded and replaced with the Ordinance as amended at the June 26, 2012 public hearing, effective immediately as this ordinance is necessary to the immediate preservation of the public health and safety to reduce the danger of wildfires because the danger of forest or grass fires is high.

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Commissioner Griffin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner John Odom Aye Commissioner Faye Griffin Aye Commissioner Donald Rosier, Chairman Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: June 26, 2012

#### **ORDINANCE**

# An Ordinance Adopting Policy Part 3, Chapter 6, Section 2 Authorizing the Declaration of Open Fire and/or Firework Sale, Use or Possession Bans

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy 3.6.2 Authorizing the Declaration of Open Fire Bans is hereby deleted and replaced with the following:

Title: Regulatory Policy	Policy No.
Authorizing the Declaration of Open Fire	Part 3, Regulations
and/or Firework Sale, Use or Possession	Chapter 6, Persons
Bans	Section 2
	Effective Date
	June 26, 2012
Policy Custodian	Adoption/Revision Date
Sheriff	June 26, 2012

Adopting Resolution(s): CC12-239

**References (Statutes /Resos/Policies):** C.R.S. §16-2-201, §30-15-401, §12-28-101; CC96-541, CC97-433, CC10-500

**Purpose:** An Ordinance allowing the declaration of an open fire ban or a ban on the sale, use or possession of fireworks for the immediate preservation of the public health and safety when the danger of forest or grass fires is found to be high.

**Policy:** Authorizing the Declaration of Open Fire and/or Firework Sale, Use or Possession Bans

#### A. Declarations

## 1. Fire Ban Declaration

Pursuant to the authority granted in Section 30-15-401, C.R.S., the Jefferson County Board of County Commissioners (BCC) or the Jefferson County Sheriff (Sheriff) shall have the authority to declare an open fire ban in accordance with the Open Fire Restriction Guidelines for Colorado, or other parameters deemed necessary and appropriate, as set forth in the Annual Operating Plan published by the State Forest Service annually on or before May 1.

2. Firework Sale, Use or Possession Ban Declaration Pursuant to the authority granted in Section 30-15-401, C.R.S., the BCC or the Sheriff shall have the authority to declare a ban on the sale, use or possession of fireworks, including permissible fireworks as defined in Sections12-28-101(3) and (8), C.R.S., when the BCC or Sheriff determine that the danger of forest or grass fires is high based on competent evidence as defined in Section 30-15-401(n.5), C.R.S.

## B. Penalties and Enforcement

- 1. Violations of any provision of the Ordinance shall be a class 2 Petty Offense and the penalty for a violation of any provision of this Ordinance shall be a fine of not more than six hundred dollars (\$600) for each separate violation.
- 2. The penalty assessment procedure provided in Section 16-2-201 C.R.S., shall be followed by any law enforcement officer in enforcing the provisions of this Ordinance, except where a violation of law not subject to the penalty assessment provisions of Section 16-2-201 C.R.S. is also charged.

## C. Disposition of Fines

All fines imposed and collected pursuant to this ordinance shall be paid to the Treasurer of Jefferson County.

#### D. Procedure

All prosecutions for all offenses under this Ordinance shall be by the District Attorney according to the applicable Colorado Rules of Criminal Procedure.

## E. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## F. Public Health, Safety, and Welfare

This Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public health and safety to reduce the danger of wildfires because the danger of forest or grass fires is high and it shall take effect immediately upon its adoption.