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

Chair, Board of County Commissioners

Jefferson County Clerk and Recorder