

ORDINANCE

An Ordinance Adopting Policy Part 3, Chapter 6, Section 2 Authorizing the Declaration of Open Fire Bans.

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy and Procedure 5.96 Authorizing the Declaration of Open Fire Bans is hereby deleted and replaced with the following:

Title: Regulatory Policy Authorizing the Declaration of Open Fire Bans	Policy No. Part 3, Regulations Chapter 6, Persons Section 2
	Effective Date January 24, 2011
Policy Custodian Sheriff	Adoption/Revision Date December 14, 2010

Adopting Resolution(s): CC10-500

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

Purpose: An Ordinance allowing the declaration of an open fire ban for the immediate preservation of the public health and safety because the danger of forest or grass fires is found to be high.

Policy: Authorizing the Declaration of Open Fire Bans

A. Fire Ban Declaration

Pursuant to the authority granted in Section 30-15-401, C.R.S., the Jefferson County Board of County Commissioners or the Jefferson County 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.

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 C.R.S. §16-2-201, 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 C.R.S. §16-2-201 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 for the immediate preservation of the public health, safety, and welfare.