



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY**

ORDINANCE NO. 20

**AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS.
14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES
AND IDENTIFICATION OF "RED FLAG" FIRE DAYS**

WHEREAS, on June 18, 2002, the Gunnison County Board of County Commissioners adopted Ordinance No. 14, amending Ordinance No. 8[a] and establishing a permanent process to periodically ban open fires and imposing associated penalties;

WHEREAS, on April 20, 2004, the Gunnison County Board of County Commissioners adopted Ordinance No. 16, authorizing the identification of "red flag" fire days and imposing certain related requirements and penalties;

WHEREAS, the Colorado Legislature, through passage of Senate Bill 21-271, amended the penalties associated with violation of certain types of county ordinances, effective March 1, 2022; and

WHEREAS, because of this change in the law, the Gunnison County Board of County Commissioners has determined the need to amend Ordinance Nos. 14 and 16 to conform the penalties with the changes to C.R.S. § 30-15-402 made as a result of Senate Bill 21-271, and, where appropriate, to increase same in order to modernize the penalties associated with violations of the aforementioned ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

Section 1. Amendment of Ordinance No. 14.

Paragraph 3, which in turn amends Section 3 of Ordinance 8[a], is hereby amended as follows:

Any person who violates this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, commits a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate offense. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, may be followed by any arresting law enforcement officer for any such violation. That penalty assessment procedure shall provide for a fine of five hundred dollars (\$500.00) for each separate offense and a fine of one thousand dollars (\$1000.00) for any repeat offense by the same individual. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a



violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or as otherwise provided by law.

All other provisions of Ordinance No. 14 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 2. Amendment of Ordinance No. 16.

Paragraph 4 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County a ditch, field, trash or slash fire without having first, on the same day, notified Gunnison Regional Communications Center of the intent to initiate such a fire commits a civil infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

Paragraph 5 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County an open fire, as that term is defined in Section 1 of Gunnison County Ordinance No. 14, on a day identified by the National Weather Service as a "red flag" fire day in any part of unincorporated Gunnison County commits a civil infraction and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison



County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

All other provisions of Ordinance No. 16 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 3. Certification.

The County Clerk shall certify the passage of this Ordinance and make not less than three (3) copies of this Ordinance available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A PUBLIC HEARING AND SIGNED THIS 5th DAY OF July, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**

Jonathan Houck, Chairperson

Roland Mason, Commissioner

Elizabeth Smith, Commissioner

Attest:

Deputy County Clerk





CLERK'S CERTIFICATION

I, Kathy Simillion, Clerk and Recorder of Gunnison County, Colorado, do hereby attest and certify that the Ordinance set forth above was introduced, read and ordered published at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado on June 7, 2022. The Ordinance was then published in the *Gunnison County Times* on June 16, 2022. It was thereafter passed at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado on July 5, 2022 and published in the *Gunnison Country Times* on July 7, 2022.

A handwritten signature in cursive script, reading "Kathy Simillion", is written over a horizontal line.

Kathy Simillion
Clerk and Recorder of Gunnison County



Proof of Publication
6/16/2022

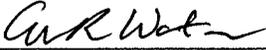
Gunnison County Attorney's Office
200 E. Virginia Ave.
Gunnison CO 81230

STATE OF COLORADO
County of Gunnison

I, Alan Wartes, do solemnly swear that I am Publisher of THE GUNNISON COUNTRY TIMES; that the same is a weekly newspaper printed in whole or in part in the County of Gunnison, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Gunnison for a period of more than 52 consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under provisions of the Act of March 3, 1879, and any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the legal notice or advertisement of which the attached is a full, true and correct copy, was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 issue(s); and that the first publication of said notice was in the issue of said newspaper dated 6/16/2022, and that the last publication of said notice was in the issue of said newspaper dated 6/16/2022.

In witness whereof I have hereunto set my hand this 16th day of June, A.D. 2022.



Alan Wartes, Publisher

Subscribed and sworn to before me, a notary public in and for the County of Gunnison, State of Colorado, this 16 day of June, A.D. 2022.



Notary Public this date of 6/16/2022

JASON RUGGERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20194047281
MY COMMISSION EXPIRES DEC. 19, 2023

RECEIVED
JUN 27 2022
COUNTY ATTORNEY



Proof of Publication 6/16/2022

cont. Gunnison County Attorney's Office

Order No: 4562

PUBLIC NOTICE

NOTICE is hereby given of a public hearing before the Board of County Commissioners of the County of Gunnison, Colorado, at 8:30 a.m. of the 5th day of July, 2022, in the Board of County Commissioners Meeting Room, Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, Colorado for the purpose of adopting Ordinance No. 20, an ordinance amending the penalties set forth in Ordinance No. 14 and Ordinance No. 16, "An Ordinance Amending the Penalties Set Forth in Ordinance Nos. 14 and 16 Regarding Process to Periodically Ban Open Fires and Identification of "Red Flag" Fire Days".

Ordinance No. 20 is hereby published in full pursuant to C.R.S. § 30-15-406.

This notice given and published by the order of the Board of County Commissioners.
Dated this 7th day of June, 2022.
Published as a Public Notice in the June 16, 2022 edition.

COUNTY OF GUNNISON, COLORADO

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY

ORDINANCE NO. 20

TITLE: AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS. 14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES AND IDENTIFICATION OF "RED FLAG" FIRE DAYS

WHEREAS, on June 18, 2002, the Gunnison County Board of County Commissioners adopted Ordinance No. 14, amending Ordinance No. 8[a] and establishing a permanent process to periodically ban open fires and imposing associated penalties;

WHEREAS, on April 20, 2004, the Gunnison County Board of County Commissioners adopted Ordinance No. 16, authorizing the identification of "red flag" fire days and imposing certain related requirements and penalties;

WHEREAS, the Colorado Legislature, through passage of Senate Bill 21-271, amended the penalties associated with violation of certain types of county ordinances, effective March 1, 2022; and

WHEREAS, because of this change in the law, the Gunnison County Board of County Commissioners has determined the need to amend Ordinance Nos. 14 and 16 to conform the penalties with the changes to C.R.S. § 30-15-402 made as a result of Senate Bill 21-271, and, where appropriate, to increase same in order to modernize the penalties associated with violations of the aforementioned ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

Section 1. Amendment of Ordinance No. 14.

Paragraph 3, which in turn amends Section 3 of Ordinance 8[a], is hereby amended as follows:

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All other provisions of Ordinance No. 14 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 2. Amendment of Ordinance No. 16.

Paragraph 4 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County a ditch, field, trash or slash fire without having first, on the same day, notified Gunnison Regional Communications Center of the intent to initiate such a fire commits a civil infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

Paragraph 5 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County an open fire, as that term is defined in Section 1 of Gunnison County

Ordinance No. 14, on a day identified by the National Weather Service as a "red flag" fire day in any part of unincorporated Gunnison County commits a civil infraction and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

All other provisions of Ordinance No. 16 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 3. Certification.

The County Clerk shall certify the passage of this Ordinance and make not less than three (3) copies of this Ordinance available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 2022.

Gunnison County Times
Gunnison, Colorado
Publication date of June 16, 2022

4562



Proof of Publication
6/16/2022

Name	Gunnison County Attorney's Office
Order Number	4562
Order Date	6/14/2022
Number Issues	1
Pub Count	1
First Issue	6/16/2022
Last Issue	6/16/2022
Order Price	\$180.40
Publications	Gunnison Country Times
Publication Dates	Gunnison Country Times: 6/16/2022



218 N. Wisconsin, Gunnison, Colorado 81230 970.641.1414

Proof of Publication
7/7/2022

Gunnison County Attorney's Office
200 E. Virginia Ave.
Gunnison CO 81230

STATE OF COLORADO
County of Gunnison

I, Alan Wartes, do solemnly swear that I am Publisher of THE GUNNISON COUNTRY TIMES; that the same is a weekly newspaper printed in whole or in part in the County of Gunnison, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Gunnison for a period of more than 52 consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under provisions of the Act of March 3, 1879, and any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the legal notice or advertisement of which the attached is a full, true and correct copy, was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 issues(s); and that the first publication of said notice was in the issue of said newspaper dated 7/7/2022, and that the last publication of said notice was in the issue of said newspaper dated 7/7/2022.

In witness whereof I have hereunto set my hand this 7th day of July, A.D. 2022.



Alan Wartes, Publisher

Subscribed and sworn to before me, a notary public in and for the County of Gunnison, State of Colorado, this 7 day of July, A.D. 2022.



Notary Public this date of 7/7/2022

JASON RUGGERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20194047281
MY COMMISSION EXPIRES DEC. 19, 2023



Proof of Publication
7/7/2022

Name	Gunnison County Attorney's Office
Order Number	4838
Order Date	7/5/2022
Number Issues	1
Pub Count	1
First Issue	7/7/2022
Last Issue	7/7/2022
Order Price	\$28.16
Publications	Gunnison Country Times
Publication Dates	Gunnison Country Times: 7/7/2022



Proof of Publication
7/7/2022

cont. Gunnison County Attorney's Office

Order No: 4838

PUBLIC NOTICE

NOTICE is hereby given that upon a vote at a regular meeting the Board of County Commissioners of the County of Gunnison, Colorado on July 5, 2022 have adopted Ordinance No. 20, entitled AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS. 14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES AND IDENTIFICATION OF "RED FLAG" FIRE DAYS as first published as a Public Notice in the June 16, 2022 edition of Gunnison Country Times. A copy of Ordinance No. 20 will also be available on the Gunnison County, Colorado website.

This notice given and published by the order of the Board of County Commissioners pursuant to C.R.S. § 30-15-405.

Dated this 5th day of July, 2022.
COUNTY OF GUNNISON, COLORADO

Gunnison Country Times
Gunnison, Colorado
Publication date of July 7, 2022

4838