

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY**

**ORDINANCE NO. 11**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR CONTROLLING  
POLLUTION CAUSED BY WOOD SMOKE WITHIN UNINCORPORATED  
GUNNISON COUNTY, COLORADO**

WHEREAS, pursuant to C.R.S. 30-15-401(1)(a)(V)(C), the Board of County Commissioners of Gunnison County, Colorado (hereinafter referred to as "Board") has the authority to adopt reasonable regulations for controlling pollution caused by wood smoke within unincorporated Gunnison County; and

WHEREAS, the Board has determined that adoption of reasonable regulations for controlling pollution caused by wood smoke within unincorporated Gunnison County is necessary for public health, safety and welfare; and

WHEREAS, the Board desires to adopt reasonable regulations for controlling pollution caused by wood smoke within unincorporated Gunnison County; and

WHEREAS, the adoption of such regulations is in the best interests of the citizens of Gunnison County;

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

SECTION 1. ADOPTION. There is hereby adopted by reference within unincorporated Gunnison County the following portions of the Gunnison County Land Use Resolution adopted on the same date as the effective date of this Ordinance No. 11 (hereinafter referred to as the "Gunnison County Land Use Resolution"): Article 2, Definitions, specifically including but not limited to the definitions of "fuel burning devices," "approved non-solid fuel burning device," "approved solid fuel burning device," and "solid fuel burning device;" and Section 5.4.7. INSTALLATION OF FUEL-BURNING DEVICES; and Article 7, Enforcement; and

SECTION 2. APPLICABILITY. This Ordinance No. 11 is applicable only to those fuel burning devices that burn wood or any wood product. However, nothing in this Ordinance No. 11 limits or shall be construed to limit the applicability or scope of the Gunnison County Land Use Resolution pertaining to installation of fuel-burning devices.

SECTION 3. VIOLATIONS - PENALTY. In addition to each and all of the enforcement provisions provided for by the Gunnison County Land Use Resolution, any person who violates this Ordinance No. 11 commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. In addition, such person shall pay a surcharge of ten dollars to the clerk of the court pursuant to C.R.S. 30-15-402(2) as it may be amended.

SECTION 4. ORDINANCE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY; ORDINANCE EFFECTIVE UPON ITS ADOPTION. This ordinance is necessary for the immediate preservation of public health and safety because pollution from wood smoke is an immediate, current and future danger to public health and safety. This Ordinance No. 11 takes effect upon its adoption.

INTRODUCED, FIRST READ AND ORDERED PUBLISHED in full this 11<sup>th</sup> day of December, 2000.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO

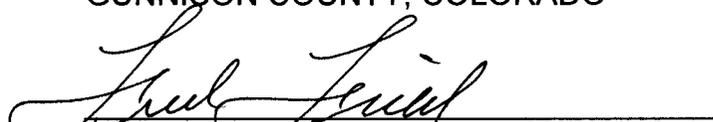
  
\_\_\_\_\_  
Fred Field, Chairperson

Attest:

  
\_\_\_\_\_  
Deputy Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED in full this 8<sup>th</sup> day of ~~December, 2000~~ January, 2001

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO

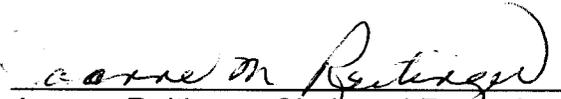
  
\_\_\_\_\_  
Fred Field, Chairperson

Attest:

  
\_\_\_\_\_  
Deputy Clerk

### CLERK'S CERTIFICATION

I, Joanne Reitinge, Clerk and Recorder of Gunnison County, Colorado, do hereby attest and certify that Ordinance 11 set forth above was introduced, read and ordered published at the special meeting of the Board of County Commissioners of Gunnison County, Colorado, on December 11, 2000. The Ordinance was then published in the Gunnison Country Times on December 18, 2000. It was thereafter it was passed at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado, on January 8, 2001, and published in the Gunnison Country Times on January 18, 2001.

  
Joanne Reitinge, Clerk and Recorder