



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY**

ORDINANCE NO. 16

AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF "RED FLAG" FIRE DAYS; REQUIRING NOTIFICATION TO GUNNISON COUNTY COMMUNICATIONS BEFORE INITIATING A DITCH, FIELD, TRASH OR SLASH FIRE; AND ESTABLISHING PENALTIES FOR INITIATING A DITCH, FIELD, TRASH OR SLASH FIRE ON A "RED FLAG" DAY

WHEREAS, the Board of County Commissioners of Gunnison County has authority, pursuant to C.R.S. 30-15-401(1)(n.5) to ban open fires to a degree and in a manner the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high, based on competent evidence; and

WHEREAS, the Board previously has established a permanent process to ban open fires within the unincorporated areas of Gunnison County, Colorado; and

WHEREAS, the Board finds that those days on which the National Weather Services notifies Gunnison County Communication of a "red flag" are days when the danger of forest or grass fires is found to be high; and

WHEREAS, the Board finds it to be prudent and necessary to establish, in addition to the permanent process to ban open fires, a process to identify "red flag" fire days; and to require notification to Gunnison County Communications before initiating a ditch, field, trash or slash fire; and to provide penalties for initiating such a fire on a "red flag" fire day;

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

1. No person shall initiate a ditch, field, trash or slash fire without first notifying Gunnison County Communications at (970) 641-8000, on that same day, of the intent to initiate such a fire and its estimated duration;

2. Gunnison County Communications shall keep a written log of each notification Gunnison County Communications receives regarding an intent to initiate such a fire. Gunnison County Communications shall inform, orally, each person making such a notification whether that day is a "red flag" fire day, as identified by the National Weather Service, in any part of unincorporated Gunnison County; Gunnison County Communications shall note in its log that Gunnison County Communications has provided such information.



3. No person shall initiate in unincorporated Gunnison County a ditch, field, trash or slash fire on a day identified by the National Weather Service as a "red flag" fire day in any part of unincorporated Gunnison County;

4. Any person who initiates in unincorporated Gunnison County a ditch, field, trash or slash fire without having first, on the same day, notified Gunnison County Communications of the intent to initiate such a fire commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, and one thousand (\$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. The penalty assessment procedure provided in C.R.S. 16-2-201 is authorized to be followed by any arresting law enforcement officer for any such violation.

5. Any person who initiates in unincorporated Gunnison County a ditch, field, trash or slash fire on a day identified by the National Weather Service as a "red flag" fire day in any part of unincorporated Gunnison County commits a class 2 petty offense and, upon conviction thereof, 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. The penalty assessment procedure provided in C.R.S. 16-2-201 is authorized to be followed by any arresting law enforcement officer for any such violation.

6. This Ordinance is necessary for the immediate preservation of the public health and safety based on the high danger of forest or grass fires in all of the unincorporated areas of Gunnison County. This Ordinance takes effect upon its adoption.

INTRODUCED, FIRST READ and ORDERED PUBLISHED in full this 20th day of April, 2004.



BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Fred Field
Fred Field, Chairperson

Attest:

Kelly Balen
Deputy County Clerk



READ ON SECOND READING AS AMENDED, ADOPTED AND ORDERED
PUBLISHED in full this 4th day May, 2004.



BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Fred Field
Fred Field, Chairperson

Attest:

Kelly Balcer
Deputy County Clerk

CERTIFICATION

I hereby certify that the foregoing pages constitute a complete and correct copy of an ordinance introduced and read in full at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado on the 20th day of April, 2004. Said ordinance was thereafter published in full once at least ten days before the second reading in the Gunnison Country Times newspaper of general circulation in Gunnison County on the 22nd day of April, 2004.

On the 4th day of May, 2004, said ordinance was read in full as amended, adopted by a majority vote of the Board of County Commissioners and was thereafter published in full in the Gunnison Country Times on the 6th day of May, 2004.

Patsy Wood deputy
Clerk

EFFECTIVE DATE: June 4, 2004

