

ORDINANCE NO. 7 - 2008

AN ORDINANCE AMENDING ORDINANCE NO. 1-96 PURSUANT TO C.R.S. 30-15-401(1)(n.5) AND (n.7), AND PROVIDING THAT VIOLATIONS SHALL BE PUNISHABLE BY FINE PURSUANT TO C.R.S. 30-15-402.

WHEREAS, on June 24, 1996, the Montezuma County Board of Commissioners adopted Ordinance No. 1-96 stating “based upon competent evidence, finds that the danger of forest and grass fires is high throughout the unincorporated areas of Montezuma County and that to protect the public health, safety and welfare it is necessary to reduce the danger of wildfires within those areas”.

WHEREAS, the Montezuma County Board of Commissioners now finds that the immediate preservation of said public health, safety and welfare requires that said Ordinance No. 1-96 be amended.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Montezuma County pursuant to C.R.S. 30-15-401(1)(n.5) and (n.7) and 30-15-402 that Ordinance No. 1-96 is hereby amended as follows:

1. Open fires and the use of fireworks are prohibited in the unincorporated areas of Montezuma County except as hereinafter provided.

2. An “open fire” is any fire in an outdoor location where fuel being burned is not contained in an **enclosed** incinerator, outdoor fireplace, barbecue grill or barbecue pit.

3(a). The ban on open fires and the use of fireworks shall continue in full force and effect at all times, except that the Montezuma County Board of Commissioners, based upon competent evidence, may by resolution suspend said ban from time to time to the degree and manner consistent with existing wildfire dangers and the requirements of C.R.S. 30-15-401(1)(n.7). Such a suspension shall not constitute a repeal of this Ordinance. Said Board may cancel such a suspension at any time by resolution. This Ordinance shall continue in full force and effect until specific repeal hereof, subject to any such suspension from time to time.

(b). Any such resolution suspending the ban on open fires and the use of fireworks shall **not** apply to any “Red Flag Day”, defined as a day when the United States National Weather Service issues a “Red Flag Warning” for any portion of the unincorporated areas of Montezuma County. There shall be no open fires or use of fireworks in the unincorporated areas of Montezuma County on a “Red Flag Day”.

(c). To assist any person contemplating an open fire or use of fireworks during periods of suspension to know if that day is a “Red Flag Day”, said person may call Dispatch at 970-565-8441 on the **same day of but prior** to the proposed open fire or use of fireworks.

4. Any person who violates this Ordinance shall be punished by fine not to exceed \$1,000.00 for each separate violation and surcharge as provided in C.R.S. 30-15-402.

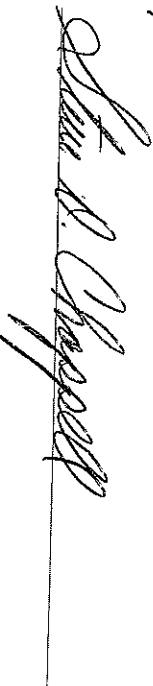
5. Because of the high wildfire danger, this Ordinance is necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption.

ADOPTED this 24th day of November, 2008, at 10:25 o'clock A m.

Montezuma County Board of Commissioners



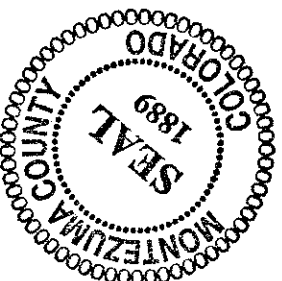




ATTEST:



Carol Tullis, Montezuma County Clerk and Recorder



Commissioners voting aye in favor of this Ordinance were:

Howard W. Spenehofer, *Janice D. Fule* and *Steve Chappell*

Commissioners voting no against this Ordinance were:

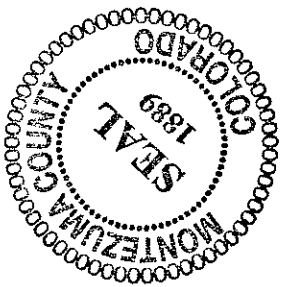
_____ and _____

Carol Nellis

County Clerk and Recorder
Montezuma County, Colorado

I certify that the above and foregoing Ordinance is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners for Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this *24th* day of *November*, 2008.



Carol Nellis
County Clerk and Recorder
Montezuma County, Colorado

1-08

11/24/08

**MONTEZUMA COUNTY BOARD
OF COUNTY COMMISSIONERS
PUBLIC HEARING NOTICE**

Notice is hereby given that the Montezuma County Board of County Commissioners will conduct a public hearing regarding proposed amendments to Montezuma County Ordinance 1-96 on Monday, November 24, 2008, at 10:00 a.m. in the Commissioner's Hearing Room, located at 109 West Main, Cortez, Colorado. Interested persons may attend and give input.

Said proposed amendments are published herewith and copies of the proposed amendments to Montezuma County Ordinance 1-96 are available for review on the County Website at www.co.montezuma.co.us and are also available at the Montezuma County Administration Office, 109 West Main, Room 302, Cortez, Colorado, (970) 565-8317 and may be inspected during regular office hours.

Dated this 20th day of October, 2008

/s/ Carol Tullis, Clerk
Board of County Commissioners
Montezuma County, Colorado

Published in the Cortez Journal on October 23, 2008
Published in the Dolores Star on October 24, 2008
Published in the Mancos Times on October 29, 2008