

**ORDINANCE NO. 2-2015**

**AMENDED FIRE BAN PURSUANT TO  
C.R.S. §30-15-401(1)(n.5) AND (n.7)**

**WHEREAS**, the Montezuma County Board of Commissioners previously adopted Ordinance Nos. 1-2008 and 2-2014 regarding a fire ban, and found based upon competent evidence that the danger of forest and grass fires is high throughout the unincorporated areas of Montezuma County; and

**WHEREAS**, the Montezuma County Board of Commissioners finds that the immediate preservation of public health, safety and welfare, and to reduce the danger of wildfires, requires that the fire ban be amended.

**NOW THEREFORE BE IT ORDAINED** by the Montezuma County Board of Commissioners, under C.R.S. §30-5-401(1)(n.5) and (n.7) and 30-15-402 that Ordinance Nos. 1-2008 and 2-2014 be repealed and the fire ban is hereby amended as follows: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 is being burned except for the following:
  - a) Commercial enclosed incinerators.
  - b) Residential charcoal and gas barbeque grills.
  - c) Welding and/or operating an acetylene or similar torch with an open flame related to oil and gas production shall be allowed when conducted in a 20-foot radius safe zone free of vegetation and when complying with the requirements of the Colorado Oil and Gas Conservation Commission Rule 606A(o) regarding Fire Prevention and Production.
  - d) Welding and/or operating an acetylene or similar torch with an open flame, except that, as long as a fire watch individual is on site and readily available with proper hand tools and either one 2.5 gallon pressurized fire extinguisher, one 5 pound ABC extinguisher, or pressurized water supply, welding and/or operating an acetylene or similar torch with an open flame in a 20-foot radius safe zone free of vegetation is not prohibited.
  - e) Burn barrels equipped with ¼ inch screen shall be allowed when conducted in a 20-foot radius safe zone free of vegetation.
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 §30-5-401(1)(n.7). Such a suspension shall not constitute a repeal of this Ordinance. The BOCC 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 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".
  - 1) "High Wind Advisory" defined as a day when the United States National Weather Service issues a "High Wind Advisory" for any portion of the unincorporated areas of



Montezuma County that exceeds 30-39 mph sustained. There shall be no open fires or use of fireworks in the unincorporated areas of Montezuma County during a "High Wind Advisory".

2) "High Wind Warning" defined as a day when the United States National Weather Service issues a "High Wind Warning" for any portion of the unincorporated areas of Montezuma County that exceeds 40 mph sustained. There shall be no open fires or use of fireworks in the unincorporated areas of Montezuma County during a "High Wind Warning".

(c) During a suspension of the fire ban, any person burning shall notify Dispatch at 970-565-8441 of the burn location on the same day of but prior to the proposed burn.

4. Any person who violates this Ordinance may be punished by a fine not to exceed \$1,000 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 public health, safety and welfare and shall be effective immediately upon adoption.

Adopted this 8<sup>th</sup>, day of June, 2015.

BOARD OF COUNTY COMMISSIONERS,  
MONTEZUMA COUNTY, COLORADO

[Signature]  
County Clerk and Recorder Chief Deputy

[Signature] yes  
[Signature] yes

