

ORDINANCE NO. 2-2014

**AMENDMENT TO FIRE BAN ORDINANCE NO. 1-2008 PURSUANT TO C.R.S.
§30-15-401(1)(n.5) AND (n.7)**

WHEREAS, the Montezuma County Board of Commissioners previously adopted Ordinance No. 1-2008 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 Ordinance No. 1-2008 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 No. 1-2008 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 §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”.

(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 5th, day of May, 2014.

BOARD OF COUNTY COMMISSIONERS,
MONTEZUMA COUNTY, COLORADO

Carol Tullis

County Clerk and Recorder



Ken L. Smith

Harry Don Lullo

Steve D. Chappell