

**ORDINANCE #12  
OPEN FIRE BAN ORDINANCE**

**AN ORDINANCE IMPLEMENTING A PROCEDURE TO BAN OPEN FIRES WITHIN TELLER COUNTY PURSUANT TO COLORADO REVISED STATUTES SECTION 30-15-401(1)(n.5) AND TO CREATE A PROCEDURE FOR FUTURE IMPLEMENTATION OF OPEN FIRE BANS WHEN NEEDED**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO:**

**WHEREAS**, Teller County, Colorado possesses the authority pursuant to C.R.S. 30-15-401(1)(n.5) to adopt an ordinance banning open fires within the unincorporated areas of the County, to determine the degree and manner in which open fire bans are to be implemented, and to provide for a penalty for violations of the open fire ban. It is the express intent of this ordinance to conform and comply with this statutory authority to the greatest extent possible while protecting the health, safety and welfare of the residents of Teller County; and

**WHEREAS**, the Board of County Commissioners finds, and recognizes that it is common knowledge, that from time to time there exists an extreme or serious danger and threat of forest fires, grassfires, and wildfires due to dry weather and vegetation conditions in the County and that fires have routinely or periodically occurred during dry weather conditions in the County causing property damage and risk of loss of life; and

**WHEREAS**, the Board finds and declares that an emergency often exists in the County concerning the likelihood of forest fires, grassfires, and wildfires resulting from the dry weather and vegetation conditions in the County and the increased recreational use of properties within the County, particularly during the summer and fall seasons, and the Board finds that such conditions are reoccurring and frequent; and

**WHEREAS**, the Board finds that this ordinance is necessary to the immediate preservation of the public health and safety for the reasons set forth herein, and in the previous WHEREAS paragraph and in Section 8, and therefore that this ordinance be effective immediately upon its adoption; and

**WHEREAS**, the Board finds that the publication and notice of this ordinance was or will be performed in accordance with C.R. S. 30-15-405 and 30-15-406; and

**WHEREAS**, the Board finds that bans on open fires will reduce the danger and likelihood of forest fires, grassfires, and wildfires; and

**WHEREAS**, the Teller County Sheriff's Office is the appropriate enforcement agency for the bans imposed by this ordinance; and

**WHEREAS**, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado, and that it is in the best interests of the people of Teller County and their property that a procedure for implementing open fire bans be instituted in the County creating a procedure for invoking future open fire bans when conditions warrant which can be quickly implemented.

**NOW, THEREFORE, the following is adopted:**

**Section 1:** An open fire ban shall be in effect in Teller County, Colorado, when an open fire ban is implemented by resolution of the BOCC in accordance with the provisions of this Ordinance.

The open fire ban authorized to be imposed by the terms of this Ordinance shall be implemented by:

- (A) Adoption of a resolution by the Teller County Board of County Commissioners declaring that conditions and circumstances within the County necessitate the imposition of an open fire ban to protect the health, safety, and welfare of the public. Such resolution shall specifically state that the resolution is intended to implement the open fire ban authorized by this Ordinance; and
- (B) The County may consider and, where deemed appropriate by the Teller County Board of County Commissioners, undertake efforts to advertise and publicize each open fire ban implemented by resolution in accordance with this Ordinance. Such efforts may include, but are not limited to, any one, none or more of the following: recording of the resolution in the records of the Clerk and Recorder, posting of the resolution on the Teller County website, publication of the resolution and notices in one or more newspapers and publications circulated within Teller County, the erection of signs referring to the open fire ban along public thoroughfares and/or in public places within Teller County, and/or notification sent to fire districts, the United States Forest Service, municipalities and other public agencies informing such agencies of the County open fire ban. The failure to undertake any such additional efforts to advertise and publicize the open fire ban shall not invalidate or preclude the enforcement of this Ordinance as implemented by any such resolution.

**Section 2.** When this Ordinance is so implemented, open fires of every kind and type are prohibited on all public and private lands in all unincorporated areas of the County to the greatest extent permitted by law, unless such prohibition is specifically limited by the terms of the implementing resolution.

**Section 3.** For purposes of this Ordinance and any resolution implementing an open fire ban, unless specifically otherwise defined in any implementing resolution enacting an open fire ban, “open fire” shall be defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, fused explosives, firing of model rockets, and the prescribed burning of fence rows, fields, wild lands, trash and debris, but shall not apply to commercial fireworks within city limits, and shall not apply to charcoal grill fires at private residences and permanent fire pits or fire grates located on developed picnic grounds and campgrounds on public and private lands within the county.

The above may be modified by the specific provisions of any resolution implementing an open fire ban pursuant to this Ordinance.

**Section 4.** An open fire ban imposed and implemented in accordance with this Ordinance shall commence upon the date of adoption of the resolution and shall remain in effect until the date identified in such resolution, if any, or the date of repeal of the resolution by a further resolution of the Board of County Commissioners.

**Section 5.** The Teller County Sheriff and the Sheriff’s officers, deputies, designees and agents are authorized by the Teller County Board of County Commissioners to enforce the prohibition on open fires implemented by such resolution(s) adopted as provided in this Ordinance. The Teller County Sheriff shall be responsible for the administration of this ordinance. All inquiries regarding the current status of open fire restrictions in Teller County should be directed to the Sheriff’s Office.

**Section 6.** Violations of this ordinance shall constitute a class 2 petty offense and may be prosecuted in accordance with C.R.S. 30-15-402 and 30-15-410. The minimum fine for each violation of this Ordinance shall be \$50.00 and there shall be no maximum fine unless such limitation is imposed by state law. It is the intent of this Ordinance that the fine for repeated or multiple violations of an open fire ban implemented as provided herein, by any one person, shall be significantly increased. All fines may be payable in the form of a mail-in ticket.

**Section 7.**

When a person is issued a summons and complaint for a violation of this ordinance, the issuing officer may give the person a penalty assessment notice pursuant to Section 16-2-201C.R.S. The notice shall be a summons and complaint, shall identify the alleged offender, shall specify the offense and applicable fine, and shall require that the alleged offender pay the fine or appear to answer the charge at a specified time and place. A duplicate copy shall be sent to the clerk of the county court. If the person given a penalty assessment notice chooses to acknowledge guilt, he may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he chooses not to acknowledge his guilt, he shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he was found guilty, but customary court costs may be assessed against him in addition to the fine.

Upon conviction, or admission of guilt pursuant to this **Section 7** , each violation of any provision hereof is punishable as follows:

First Violation	A fine of \$ 50.00
Second Violation	A fine of \$250.00
Third and subsequent violations:	A fine of \$500.00 for each subsequent violation.

**Section 8.** Pursuant to C.R.S. 30-15-405, this Ordinance shall be effective immediately upon its adoption by the Board of County Commissioners. This Ordinance is necessary for the immediate preservation of the public health and safety because there periodically exists an extreme and serious threat of wildfire under the weather and vegetation conditions existing in Teller County, which can and do change quickly, and such threat may result in real and immediate harm to life and property. Absent the immediate effect of this Ordinance, it may not be possible to respond with sufficient speed in implementing an open fire ban to protect the health and safety of the public.

**Section 9.** Where any provision of this Ordinance conflicts with any other provision of this Ordinance, or any other law or ordinance, the more stringent requirement, regulation, restriction or limitation shall apply.

**Section 10.** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON JUNE 12, 2003, BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, and APPROVED FOR PUBLICATION.

DATE OF PUBLICATION: JUNE 18, 2003

THE FOREGOING ORDINANCE WAS CONSIDERED ON JULY 10, 2003 AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

EFFECTIVE: JULY 10, 2003

DATE OF SECOND PUBLICATION: JULY 16, 2003

---

Patricia A. Crowson,  
Teller County Clerk & Recorder

BY: THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS

---

Gerald M. Bergeman, Chairman

Attest:

---

Patricia A. Crowson,  
Teller County Clerk & Recorder