

ORDINANCE NO. 2009-1

AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF “RED FLAG” FIRE DAYS; REQUIRING NOTIFICATION TO BOULDER SHERIFF'S 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 Boulder 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 Boulder County, Colorado; and

WHEREAS, a "red flag" warning is a forecast warning issued by the National Weather Service to inform area firefighting and land use management agencies that conditions are ideal for wildland fire ignition and propagation; and

WHEREAS, the Board finds that those days on which the National Weather Service notifies Boulder Sheriff's Communication of "red flag" conditions constitute 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 Boulder Sheriff's 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 BOULDER COUNTY, COLORADO, that:

1. No person shall initiate a ditch, field, trash or slash fire without first notifying Boulder Sheriff's Communications at (303) 441-4444, on that same day, of the intent to initiate such a fire and its estimated duration;

2. Boulder Sheriff's Communications shall keep a written log of each notification Boulder Sheriff's Communications receives regarding an intent to initiate such a fire. Boulder Sheriff's 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 Boulder County; Boulder Sheriff's Communications shall note in its log that Boulder Sheriff's Communications has provided such information.

3. No person shall initiate in unincorporated Boulder County a ditch, field, trash or slash fire on a day identified by the National Weather Service as a "red flag" fire day in those areas of unincorporated Boulder County under a "red flag" warning;

4. Any person who initiates in unincorporated Boulder County a ditch, field, trash or slash fire without having first, on the same day, notified Boulder Sheriff's 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 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.

5. Any person who initiates in unincorporated Boulder 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 Boulder 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 Boulder County. This Ordinance takes effect upon its adoption.

INTRODUCED, FIRST READ and ORDERED PUBLISHED in full this 19th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, COLORADO

By s/ _____
Ben Pearlman, Chair

Attest:

s/ _____
Clerk to the Board

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
by reference to title only on March 10, 2009.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
BOULDER, COLORADO; Ben Pearlman, Chair.

By: s/ _____
Ben Pearlman, Chair

ATTEST:

s/ _____
Clerk to the Board

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 Boulder County, Colorado on the 19th day of February, 2009. Said ordinance was thereafter published in full once at least ten days before the second reading in the Longmont Times Call newspaper of general circulation in Boulder County on the 24th day of February, 2009.

On the 10th day of March, 2009, said ordinance was read in full as amended, adopted by a majority vote of the Board of County Commissioners and was thereafter published by reference to title only in the Longmont Times Call on the 12th day of March, 2009.

s/ _____
Clerk & Recorder

EFFECTIVE DATE: March 10, 2009

CERTIFICATE

I hereby certify that the foregoing Ordinance No. 2009-1 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Boulder on February 19, 2009, and the same was published in full in the Longmont Daily Times-Call, a newspaper of general circulation published in Boulder County, on February 24, 2009, and thereafter was adopted on second and final reading at a regular meeting of the Board of County Commissioners of the County of Boulder on March 10, 2009. Said ordinance was published by reference to title only in the Longmont Daily Times-Call on March 12, 2009.

s/ _____
Clerk to the Board

State of Colorado)
)ss.
County of Boulder)

Subscribed and sworn to before me by Mike Ryder this 10th day of March, 2009.

(S E A L)

My Commission expires: _____

s/ _____
Notary Public