

RECEIVED

COUNTY COMMISSIONERS' OFFICE



2986167

Page: 1 of 4
03/18/2009 03:33P
D 0.00

Boulder County Clerk, CO ORD

R 0.00

APR 02 2009

ORDINANCE NO. 2009-1

REC'D BY

TIME

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

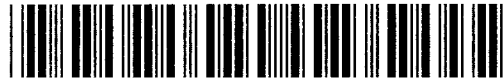
WHEREAS, the Board finds it to be prudent and necessary to establish, in addition to the permanent process to ban open fires, a process to identify "red flag" fire days; and to require notification to Boulder Sheriff's Communications before initiating a ditch, field, trash or slash fire; and to provide 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.

05

Roll...



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.

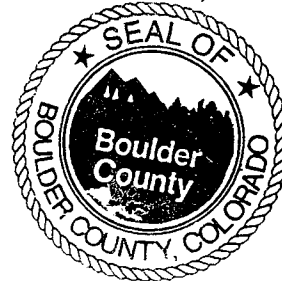
6. This Ordinance is necessary for the immediate preservation of the public health and safety based on the high danger of forest or grass fires in all of the unincorporated areas of Boulder County. This Ordinance takes effect upon its adoption.

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

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, COLORADO

By *Ben Pearlman*
Ben Pearlman, Chair

Attest *White Jones*
Clerk to the Board



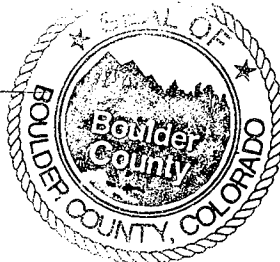


ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
by reference to title only on March 10, 2009.

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

By: Ben Pearlman
Ben Pearlman, Chair

ATTEST:
Mike Ryd
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.

Anthony Hall
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.

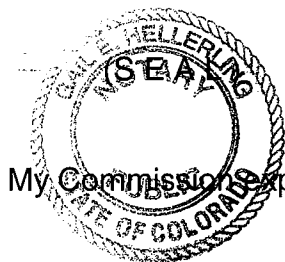
Mike Ryder

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.

Guil E. Hellundig



My Commission Expires: 11/27/09

Commission Expires 11/27/2009

AFFIDAVIT OF 1

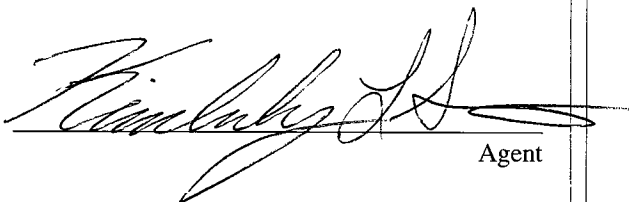


DAILY TIMES-CALL

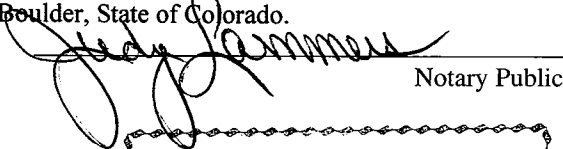
State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the DAILY TIMES-CALL is a daily newspaper printed, in whole or in part, and published in the City of Longmont, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Weld Counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the state of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of subscribers of said newspaper, according to the accustomed mode of business in this office.

That the annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper date January 29, 2009.


Agent

Subscribed and sworn to before me this 29th day of January, 2009, in the County of Boulder, State of Colorado.


Notary Public

FEE \$ 22.44

JUDY LAMMERS
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10/04/2012

PUBLIC HEARING
BOULDER COUNTY,
COLORADO
BOARD OF COUNTY
COMMISSIONERS
DATE: February 19, 2009
TIME: 11:30 A.M.
PLACE: 1325 Pearl Street,
3rd Floor BOCC Hearing
Room, Boulder
Notice is hereby given that a public hearing will be held by the Board of County Commissioners at the time and place specified above. All persons interested in the following item(s) are requested to attend such hearing and aid the Commissioners in their consideration.
PRESENTER: County Attorney's Office (Attorney: Andrew Macdonald) Ordinance 2009-1
AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF 3 RED FLAG4 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.
Detailed information regarding this item is available for public examination at the Office of the Legal Advisor for the Boulder County Sheriff's Office located at the Boulder County Justice Center, 1777 - 6th Street, 2nd Floor, Boulder, Colorado (303) 441-4543. Free Parking in the City of Boulder CAGID lots is available for Board of County Commissioners' hearing participants. See the staff at the lobby desk for city parking vouchers.
Persons needing special services provided under the Americans with Disabilities Act, please contact Joe Heard, ADA Coordinator, or the Boulder County Human Resources Office at (303) 441-3508 at least 48 hours before the scheduled hearing. Published in the Times-Call, Longmont, Colorado January 29, 2009.

Rob

AFFIDAVIT OF



2986177

Page: 1 of 1
03/18/2009 04:16P
R 0.00 D 0.00

Boulder County Clerk, CO PROOF PUB R 0.00 D 0.00

TIMES-CALL

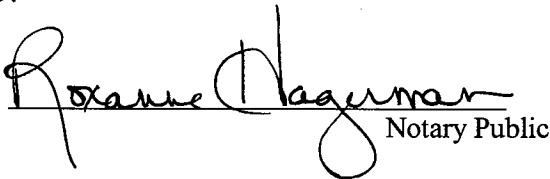
State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the LONGMONT TIMES-CALL is a daily newspaper printed, in whole or in part, and published in the City of Longmont, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Weld counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **February 24, 2009.**


Agent

Subscribed and sworn to before me this **25th** day of **February, 2009.**


Notary Public

FEE \$87.45



My Commission Expires 12/04/2010

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, shall 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 READ ON SECOND READING AS AMENDED, ADOPTED AND ORDERED PUBLISHED in full this 24th day February, 2009.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO

By Ben Pearlman, Chair

Attest: Clerk to the Board ADOPTED ON SECOND AND FINAL READING on _____, 2009.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, COLORADO;

Ben Pearlman, Chair.

By: Ben Pearlman, Chair
ATTEST: 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 _____ day of _____, 2009, said ordinance was read in full as amended, adopted by a majority vote of the Board of County Commissioners and was thereafter published in full in the Longmont Times Call on the 24th day of February, 2009.
Clerk & Recorder
EFFECTIVE DATE:

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 _____, 2009. Said ordinance was published in full in the Longmont Daily Times-Call on February 24, 2009.
Clerk to the Board
Published in the Times Call, February 24, 2009.

RECEIVED

COUNTY COMMISSIONERS' OFFICE

AFFIDAVIT OF



2986178

Page: 1 of 1
03/18/2009 04:16P
D 0.00

Boulder County Clerk, CO PROOF PUB R 0.00

APR 02 2009

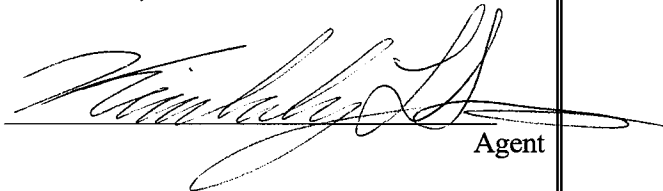
REC'D BY _____

TIMES-CALL

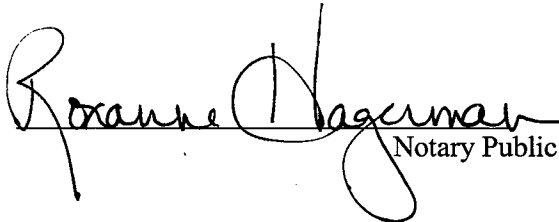
TIME _____
State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the LONGMONT TIMES-CALL is a daily newspaper printed, in whole or in part, and published in the City of Longmont, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Weld counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **March 12, 2009**.


Agent

Subscribed and sworn to before me this **12th** day of **March, 2009**.


Notary Public

FEE \$9.90



My Commission Expires 12/04/2010

ORDINANCE 2009-1
On March 10, 2009 the Board of County Commissioners of the County of Boulder adopted **ORDINANCE 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** and ordered that it be published by title only. Ordinance 2009-1 shall be effective as of March 10, 2009 because it is necessary for the immediate preservation of public health and safety. Initial Publication: 2/24/09 Published in the Times-Call, Longmont, Colorado, March 12, 2009.