

ORDINANCE 2012-01

**AN ORDINANCE OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
AUTHORIZING THE IDENTIFICATION OF "RED FLAG" FIRE DAYS AND
ESTABLISHING THE OURAY COUNTY OPEN BURNING NOTIFICATION
SYSTEM FOR THE PURPOSE OF SAFELY DISPOSING OF SLASH**

WHEREAS, the Board of County Commissioners of Ouray 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, with the enactment of Senate Bill 11-110 the General Assembly found that the reduction of hazardous fuels on state and private land is beneficial to the safety of the general public by reducing the threat of unwanted wildfire and by improving the health of Colorado's forests; and

WHEREAS, the General Assembly further found that an element of hazardous fuels reduction is the disposal of slash created by hazardous fuels treatment; and

WHEREAS, Senate Bill 11-110 mandates the county commissioners to adopt ordinances to develop an open burning permit system for the purpose of safely disposing of slash (C.R.S. § 30-15-401(n.5)).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO AS FOLLOWS:

Section 1 Scope of Ordinance

This Ordinance shall apply within the unincorporated territory of Ouray County, Colorado.

a. Exemptions

1. Burns conducted by federal and state agencies on federal and state lands are exempt from the requirement of this Ordinance.
2. This Ordinance shall not apply to owners of agricultural property or agricultural producers conducting burning on their property.

Section 2 Definitions

The following definitions shall apply to this Ordinance:

- a. Slash is defined at C.R.S. § 30-15-401(I)(n.5)(v)(c) to mean woody material less than six inches in diameter consisting of limbs, branches, and stems that are free of dirt. Slash does not include trees stumps, roots, or any other material.
- b. 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.

Section 3 Slash Burn Notification Requirement

On and after the effective date of this Ordinance, open burning of slash piles shall be prohibited in Ouray County unless the person conducting such burning shall have first made required notifications in accordance with this Ordinance.

Section 4 Responsible Agencies

The Ouray County Sheriff's Office shall be responsible for implementation and administration of the slash burn notification program established by this Ordinance.

Section 5 Slash Burn Restrictions

- a. Slash burning shall not occur during fire bans imposed by the Board of County Commissioners pursuant to C.R.S. § 30-15-401(n.5) or Ordinance 2002-01.
- b. Slash burning shall not occur on a day identified by the National Weather Service as a Red Flag Warning fire day in any part of Ouray County. Any existing burns must be extinguished after notification of Red Flag Warning fire day.

Section 6 Notification

- a. Individuals conducting slash burning shall notify Montrose County Dispatch at (970) 252-4023 when the burn begins and when the burn ends each day. Montrose County Dispatch will inform each person making a notification whether that day is a Red Flag Warning fire day.
- b. The Sheriff's Office will notify the respective fire protection districts, Montrose Interagency Fire Management Unit Dispatch and the Ouray County Department of Public Health that the permitted burn is to occur that day.
- c. The County's Wireless Emergency Notification System (WENS) shall be the mechanism for notifying individuals with respiratory conditions, if those individuals request notification, and contiguous landowners. Individuals with respiratory conditions and landowners are responsible for registering with WENS in order to receive notification of a slash burn.

Section 7 Education

Ouray County shall prepare and make available educational information for the purpose of conveying the Colorado State legislature's findings that the appropriate, safe, and effective use of fire as a forest management tool benefits the landowner, county, and the state, and that the use of fire as a tool for the disposal of unwanted slash is most appropriate when accomplished with consideration of measures that contain the fire within a desired location, minimize smoke emissions, mitigate negative impacts to residual live vegetation, and increase the consumption of the unwanted slash.

Section 8 Penalties

- a. Any person who fails to make notification to Ouray County Sheriff's Department prior to conducting the open burning of a slash pile in the unincorporated area of Ouray County shall be in violation of this Ordinance and upon conviction thereof shall be guilty of a class 2 petty offense, as provided in C.R.S. § 30-15-402 and shall be punished by fine as provided herein.
- b. Penalties for the violation of Section 8(a) of this Ordinance shall be imposed as follows:
 1. A first violation shall be subject to a written warning,
 2. A second violation by the same individual or on the same property may be subject to a penalty of \$500.00 and
 3. A third and subsequent violations by the same individual or the same property shall be subject to a penalty of \$1,000.00.
- c. Enforcement of this Ordinance by any arresting law enforcement officer may be pursuant to the penalty assessment procedure provided in C.R.S. § 16-2-201, as may be amended from time to time. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

Section 9 Disposition of Fines, Fees and Forfeitures

All fines and forfeitures for violation of the provisions of this Ordinance shall be paid into the treasury of Ouray County upon payment of said fines and forfeitures.

Section 10 Severability

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 11 Effective Date

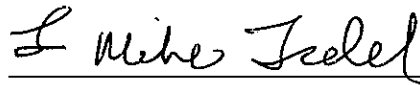
This Ordinance shall be in full force and effect thirty days after publication of the Ordinance, after second reading, in the *Ouray County Plaindealer* on February 9, 2012.

INTRODUCED AND FIRST READING on January 24, 2012, and ordered published in the Ouray County *Plaindealer*. Published on January 26, 2012.

Board of County Commissioners
Ouray County, Colorado



Heidi M. Albritton, Chair



F. Mike Fedel, Vice-Chair

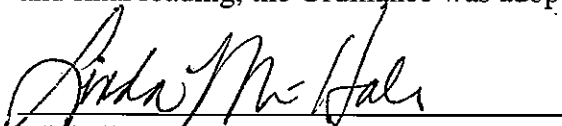


Lynn M. Padgett, Commissioner



ATTESTATION:

I, Michelle Nauer, Clerk and Recorder of Ouray County and Clerk to the Board of County Commissioners, do hereby attest and certify that this Ordinance was read and ordered published at a regular meeting of the Board of County Commissioners on January 24, 2012. The Ordinance was published in full in the *Ouray County Plaindealer* on January 26, 2012. At a regular meeting of the Board of County Commissioners on February 7, 2012, after the second and final reading, the Ordinance was adopted and approved.



Michelle Nauer, Clerk and County Recorder

By: Linda Munson-Haley, Deputy Clerk of the Board