

ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

ORDINANCE NO. 2007-02

ORDINANCE AUTHORIZING THE IDENTIFICATION OF “RED FLAG” FIRE DAYS; REQUIRING NOTIFICATION TO DELTA COUNTY COMMUNICATIONS BEFORE INITIATING A DITCH, FIELD, OR AGRICULTURAL BURN; AND ESTABLISHING PENALTIES FOR INITIATING A DITCH, FIELD, OR OTHER AGRICULTURAL BURN ON A “RED FLAG” DAY

WHEREAS, the Board of County Commissioners of Delta 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 Delta County where the danger of grass fires is found to be high; and

WHEREAS, the Board previously has established a process to ban open fires within the unincorporated areas of Delta County, Colorado; and

WHEREAS, the Board finds that those days on which the National Weather Service notifies Delta County Communications of a “Red Flag” are 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 process to ban open fires, a process to identify “Red Flag” fire days; and to require notification to Delta County Communications before initiating a ditch, field, or other agricultural 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 DELTA COUNTY, COLORADO, that:

1. No person shall initiate a ditch, field, or other agricultural fire without first notifying Delta County Communications at (970) 874-2015, on that same day, of the intent to initiate such a fire and its estimated duration.

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

3. No person shall initiate in unincorporated Delta County a ditch, field, or any other agricultural fire on a day identified by the National Weather Service as a "Red Flag" fire day in any part of unincorporated Delta County.

4. Any person who initiates in unincorporated Delta County a ditch, field or any other agricultural fire without having first, on the same day, notified Delta County Communications of the intent to initiate such a fire commits a class two (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 Delta County a ditch, field or any other agricultural fire on a day identified by the National Weather Service as a "Red Flag" fire day (and during the period of time which red flag conditions exist) in any part of unincorporated Delta County commits a class two (2) petty offense and, upon conviction thereof, be punished by a fine of two hundred fifty dollars (\$250.00) 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 public health and safety based on the high danger of forest or grass fires in all of the unincorporated areas of Delta County. This Ordinance takes effect upon its adoption.

Publication and Effective Date. The foregoing text is the authentic text of Delta County Ordinance 2007-02. The first reading of said Ordinance took place on March 26, 2007. It was published in full in the Delta County Independent on March 28, 2007. This Ordinance was approved and adopted as an emergency on second reading on April 16, 2007, and is effective upon adoption.

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ADOPTED AND SIGNED this 16th day of April, 2007, at Delta, Colorado.

BOARD OF COUNTY COMMISSIONERS OF
DELTA COUNTY, COLORADO

By: absent
Lela J. McCracken, Chairman

ATTEST:

/s/
Ann B. Eddins
Delta County Clerk and Recorder

/s/
Wayne E. Wolf, Vice Chair

[SEAL]

/s/
R. Olen Lund, Commissioner