

## **Ordinance #4 Series 2012**

### **AN ORDINANCE SPECIFYING CONDITIONS FOR A FIRE BAN WITHIN THE TOWN LIMITS OF JAMESTOWN, COLORADO BY ADOPTING CERTAIN BOULDER COUNTY ORDINANCES, WHICH SET OUT AUTHORITY OF THE COUNTY COUNCIL AND/OR THE SHERIFF TO DECLARE FIRE BANS AND PROHIBIT OPEN BURNING DURING A DECLARED FIRE BAN, REQUIRING NOTIFICATION TO THE BOULDER COUNTY COMMUNICATIONS CENTER PRIOR TO AGRICULTURAL OR SLASH BURNING AND PROHIBITING OPEN FIRES ON "RED FLAG" DAYS AND AUTHORIZING THE JAMESTOWN VOLUNTEER FIRE DEPARTMENT (JVFD) FIRE CHIEF DISCRETIONARY POWERS FOR DECLARING, IMPLEMENTING AND LIFTING FIRE BANS WITHIN TOWN LIMITS.**

WHEREAS, the Town is authorized by Section 31-15-401 C.R.S, which provides that the Town Board shall have the power to provide for the protection of the health, safety and welfare of the community; and

WHEREAS, the Boulder County Board of Commissioners has adopted certain ordinances, enforced by the Boulder County Sheriff, concerning the prohibition of open fires during periods of a declared fire ban, requiring notification to the County Sheriff Communications Center prior to agricultural or slash burning and prohibiting open fires on National Weather Service declared "Red Flag Days"; and

WHEREAS, the Town Board of Jamestown wishes to coordinate these fire protection requirements with the county and provide enforcement by the County Sheriff; and

WHEREAS, the Town Board wishes to ensure that fire bans go into effect immediately and without the need for a special meeting of the Board; and

### **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTES OF THE TOWN OF JAMESTOWN, COLORADO:**

Section 1. Purpose: This ordinance sets forth the process and conditions for declaration of fire bans within the Town limits. The Town Clerk shall post and publicize the declaration of fire bans, including notification that the ban has been lifted. Fire bans shall be implemented using the following methods:

1. A fire ban shall be effected in Jamestown when a fire ban is declared by the Boulder County Board of Commissioners; or
2. A fire ban shall be effect in Jamestown when a fire ban is declared by the Boulder County Sheriff; or
3. A fire ban shall be effected in Jamestown at the discretion of the JVFD Chief. The conditions and duration of the fire ban shall be as specified by the JVFD Chief.

### Section 2. Adoption, Implementation and Enforcement:

1. The Town Board of Jamestown hereby adopts the implementation and enforcement provisions of the following Boulder County Ordinances as amended:

- a. Ordinance 2006-2 concerning the implementation and enforcement of fire bans within Boulder County; a copy of which is attached to this ordinance.
  - b. Ordinance 2009-1 concerning the implementation and enforcement of "Red Flag" fire days, notification of Boulder County Sheriff Communication Center prior to burning of agricultural fires or slash and enforcement thereof; a copy of which is attached to this ordinance.
2. The Town Board authorizes the JVFD Chief to declare, implement, and lift a Town-specific fire ban within Town limits.

Section 3. Open Burning Prohibited: Open burning is prohibited within the Town Limits during any period in which the ban is in effect.

Section 4. Definition: *Open Burning*; shall be defined as any outdoor fire, including but not limited to, campfires, warming fires, charcoal grill fires, or the prescribed burning of fence rows, fields, wildlands, trash, slash and debris. This ban excludes fires contained within liquid fueled or gas fueled stoves, fireplaces within all buildings, and charcoal grill fires at private residences..

Section 5. Fireworks Banned and Smoking Discouraged: Because sparks and hot ashes from any source contribute to the fire danger, the discharge of all fireworks, including permissible fireworks as defined in C.R.S. 12-28-101(8), as amended, within Town Limits is prohibited. In addition, smoking within the Town limits is strongly discouraged except within enclosed motor vehicles, buildings or designated smoking areas of a commercial establishment.

Section 6. Penalties: Any person who violated this ordinance shall be punished as provided in C.R.S. 30-15-402. Any arresting law enforcement officer is authorized to use the penalty assessment procedure provided in section C.R.S. 16-2-201 for any such violation. If the penalty assessment procedure is used, the fine for a first time violation is one hundred dollars (\$100.00).

Section 7. Repeal: Upon the effective date of this ordinance, Ordinance 2, Series 2011, is hereby repealed in its entirety. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. Severability: If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. Safety Clause: Ordinance Immediately Effective: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED THIS**  
**2 DAY OF July 2012.**

**TOWN OF JAMESTOWN, COLORADO**

  
TARA SCHOEDINGER, MAYOR

**Attest:**

  
MARY ELLEN BURCH, TOWN CLERK