

ORDINANCE NO. 3

Series 2012

AN ORDINANCE BANNING FIRES WITHIN THE TOWN OF LAKE CITY IN ACCORDANCE WITH HINSDALE COUNTY FIRE RESTRICTIONS DURING SUCH TIME AS ANY FIRE RESTRICTIONS ARE IN PLACE IN HINSDALE COUNTY.

WHEREAS, C.R. S. § 31-15-401(1)(q) authorizes the Town Board of the Town of Lake City to control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited; and

WHEREAS, C.R.S. § 30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Hinsdale, State of Colorado to ban open fires in the unincorporated areas of Hinsdale County where the danger of forest or grass fires is found to be high based on competent evidence; and

WHEREAS, the Town of Lake City has the power to approve ordinances for the preservation of public property, health, welfare, peace or safety of the Town and its inhabitants; and

WHEREAS, the Town Board has determined that the danger of fire is extremely high, that fires have burned in many areas throughout the State of Colorado, that weather conditions and circumstances are contributions to the fire danger, and that it is necessary to approve fire restrictions within the Town on an emergency basis; and

WHEREAS, the Board of County Commissioners of the County of Hinsdale, State of Colorado, have, pursuant to statutory authority and ordinance, established a process to periodically ban open fires within the unincorporated areas of Hinsdale County when the danger of fire is found to be high based on competent evidence; and

WHEREAS, the Town Board has determined that conditions likely to lead to imposition of such fire restrictions have existed, and will so exist in the future; and

WHEREAS the Town Board has determined that it should establish a permanent process, more expedient than the ordinance process, to periodically ban open fires within the Town of Lake City; and

WHEREAS, the Town Board has determined that the process shall be to adopt any fire restrictions imposed by the Board of County Commissioners of the County of Hinsdale, State of Colorado to unincorporated areas of Hinsdale County and to apply such restrictions within the Town during any time such restrictions are in place.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF LAKE CITY, COLORADO, THAT:

1. Any fire restrictions imposed by the Board of County Commissioners of the County of Hinsdale, State of Colorado, in unincorporated areas of Hinsdale County, shall apply in full to the Town of Lake City, Colorado, during such time as the County restrictions are in place.
2. Rescission of County imposed fire restrictions shall result in rescission of such restrictions within the Town of Lake City without further action of the Town Board. Reinstatement of County imposed fire restrictions shall result in reinstatement of such restrictions within the Town without further action of the Town Board.
3. This Ordinance shall be enforced within the Town by the Hinsdale County Sheriff's Department.
4. Penalty Assessment. Penalty assessment for a violation of this ordinance shall be a fine of one hundred dollars (\$100) for each separate offense and a fine of three hundred dollars (\$300) for any repeat offense by the same individual. In addition thereto, the Court may impose a jail sentence not to exceed (90) days for each violation.

THIS ORDINANCE is necessary for the immediate preservation of the public health and safety based on the extreme high danger of fires in the Town and surrounding areas. This Ordinance takes effect thirty (30) days after its adoption and subsequent publication.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED IN FULL ON November 7, 2012.

THE TOWN OF LAKE CITY, COLORADO

BY: Bruce Vierheller
Bruce Vierheller, Mayor

Attest:

By:

Cindy Nelson
Cindy Nelson, Clerk