

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0195.01 Bob Lackner x4350

HOUSE BILL 14-1007

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF COUNTY GOVERNMENTS TO LIMIT**
102 **CERTAIN FORMS OF FIRE, AND, IN CONNECTION THEREWITH,**
103 **PERMITTING COUNTY GOVERNMENTS TO RESTRICT**
104 **AGRICULTURAL BURNING DURING PERIODS OF HIGH FIRE**
105 **DANGER AND TO PROHIBIT FIREWORKS ACTIVITY DURING THE**
106 **SUMMER SEASON.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Wildfire Matters Review Committee. In connection with the existing statutory authority permitting county governments to ban open fires to reduce the danger of wildfires, the bill permits counties to prohibit or restrict the ability of agricultural producers to conduct burning on their own property during periods when red flag warnings or fire weather watches have been issued by the national weather service.

In connection with the existing statutory authority permitting county governments to prohibit or restrict the sale, use, and possession of fireworks, the bill deletes existing statutory language limiting the use of such authority between May 31 and July 5 of each year in times of high fire danger.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-15-401, **amend** (1) (n.5), (1) (n.5) (III), and (1) (n.7) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(n.5) (I) To ban open fires to a degree and in a manner that the board of county commissioners 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. THE AUTHORITY GRANTED THE BOARD OF COUNTY COMMISSIONERS BY THIS SUBPARAGRAPH (I) INCLUDES THE POWER TO RESTRICT THE ABILITY OF AGRICULTURAL PRODUCERS TO CONDUCT BURNING ON THEIR OWN PROPERTY DURING PERIODS WHEN RED FLAG WARNINGS OR HIGH WIND WARNINGS HAVE BEEN ISSUED BY THE NATIONAL WEATHER SERVICE OR WHERE THE DANGER OF FOREST OR GRASS FIRES IS

1 FOUND TO BE HIGH BASED ON COMPETENT EVIDENCE. ANY ORDINANCE OR
2 RESOLUTION ADOPTED PURSUANT TO THIS SUBPARAGRAPH (I) MUST
3 SPECIFY THE AGENCY RESPONSIBLE FOR THE ADMINISTRATION OR
4 ENFORCEMENT OF, AND THE DISSEMINATION OF PUBLIC INFORMATION
5 RELATING TO, BURN RESTRICTIONS.

6 (III) EXCEPT AS OTHERWISE AUTHORIZED PURSUANT TO
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH (n.5), nothing in this paragraph
8 (n.5) infringes upon or otherwise affects the ability of agricultural
9 producers to conduct burning on their property.

10 (n.7) To prohibit or restrict the sale, use, and possession of
11 fireworks, including permissible fireworks, as defined in section
12 12-28-101 (3) and (8), C.R.S., for a period no longer than one year within
13 all or any part of the unincorporated areas of the county; ~~except that such~~
14 ~~an ordinance shall not be in effect between May 31 and July 5 of any year~~
15 ~~unless the ordinance includes an express finding of high fire danger,~~
16 ~~based on competent evidence, as defined in paragraph (n.5) of this~~
17 ~~subsection (1);~~

18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.