

ORDINANCE NO. 5

Series 2018

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, BANNING FIRES WITHIN THE TOWN OF PITKIN, COLORADO IN ACCORDANCE WITH GUNNISON COUNTY FIRE RESTRICTIONS DURING SUCH TIME AS ANY FIRE RESTRICTINOS ARE IN PLACE IN GUNNISON COUNTY.

WHEREAS, Colorado Revised Statutes (2009), 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof, and

WHEREAS, the Board of Trustees of the Town of Pitkin, Colorado has determined that the danger of fire is extremely high, that fires are presently burning in several areas throughout the State of Colorado, that weather conditions and circumstances are contributing to the fire danger, and that it is necessary to approve fire restrictions within the Town of Pitkin, Colorado on an emergency basis; and

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

WHEREAS, pursuant to such process the Board of County Commissioners of Gunnison, Colorado have issued first Stage I and presently Stage II fire restrictions until further notice; and

WHEREAS, the Board of Trustees of the Town of Pitkin, Colorado has determined that conditions leading to imposition of such fire restrictions exist within the Town of Pitkin, Colorado, as we well, and likely will so exist in the future; and

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

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

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, that:

1. Any fire restrictions imposed by the Board of County Commissioners of Gunnison County, Colorado, in unincorporated areas of Gunnison Cunty, shall apply in full to the Town of Pitkin, 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 Pitkin, Colorado without further action of the Board of Trustees of the Town of Pitkin, Colorado. Reinstatement of County imposed fire restrictions shall result in reinstatement of such restrictions within the Town of Pitkin, Colorado without further action of

the Board of Trustees of the Town of Pitkin, Colorado.

3. Penalty Assessment. Penalty assessment for a violation of this ordinance shall be a fine of five hundred dollars (\$500.00) for each separate offense and a fine of eight hundred dollars (\$800.00) for any repeat offense by the same individual.

THIS ORDINANCE is necessary for the immediate preservation of the public health and safety based on the current and extreme high danger of fires in the Town and surrounding areas. This Ordinance takes effect upon its adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED this 26th, day of
June 2018.

Rachel New, Mayor

(SEAL)

ATTEST: _____
Sara Gibb, Town Clerk