

RESOLUTION NO. 2002-03

A RESOLUTION TO DECLARE AN EMERGENCY FIRE BAN ON ALL PUBLIC AND PRIVATE PROPERTIES SITUATED WITHIN THE TOWN LIMITS OF THE TOWN OF SILVERTON, COLORADO

WHEREAS, there is an extreme fire danger designation imposed by Federal, State, and County governments on all public and private lands situated in San Juan County, Colorado, and surrounding the Town of Silverton, Colorado;

WHEREAS, the Board of Trustees of the Town of Silverton, Colorado has the authority pursuant to Section 31-15-401(c) of the Colorado Revised Statutes "to declare what is a nuisance and abate the same and to impose fines upon parties who may create or continue nuisances or suffer nuisances to exist";

WHEREAS, the Board of Trustees has the authority pursuant to Section 31-15-601 (I), C.R.S., "to preserve and protect property not destroyed by fire"; and

WHEREAS, the Board of Trustees, pursuant to Section 31-15-101 (2), C.R.S., "shall have the powers, authority, and privileges granted by this title and by any other law of this state together with such implied and incidental powers, authority, and privileges as may be reasonably necessary, proper, convenient, or useful to the exercise thereof";

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:

1. The following activities are hereby declared to be a nuisance:
 - a. Driving any motorized vehicle off an open roadway onto any land area that is generally covered with grasses, flowers, shrubs, or other vegetative plant materials, unless such area is specifically designated by the Fire Chief of the Silverton San Juan County Volunteer Fire Department for vehicular parking.
 - b. The use of chainsaws to cut firewood, posts, or poles.
 - c. Smoking outside an enclosed vehicle or building, unless such activity occurs within an area specifically designated by the Fire Chief of the Silverton San Juan County Volunteer Fire Department as an approved smoking area, with adequate and proper cigarette disposal facilities immediately present and available to smokers occupying the smoking area.
 - d. Disposing of smoking materials outside an enclosed vehicle, building, or designated smoking area.
 - e. Building, maintaining, attending or using an open fire, campfire, charcoal broiler, or coal or wood burning stove outside an enclosed building.
 - f. Use of explosives, welding or acetylene or other torch with an open flame outside an enclosed building.
 - g. Use or discharge of fireworks of any kind.

2. All nuisances listed above are strictly prohibited within the jurisdictional limits of the Town of Silverton, Colorado, excepting that smoking outside an enclosed building shall not be prohibited immediately adjacent to a person's own residence or within the Greene/Blair Street business district, which shall be a designated smoking area for the purposes of this Resolution, provided that smoking materials are completely extinguished and properly placed in a receptacle designed for cigarette disposal.
3. Any person violating a provision of this Resolution shall be, upon conviction, shall be fined in a sum of not more than three hundred dollars (\$300.00), imprisoned for not more than ninety (90) days, or by both fine and imprisonment.
4. This Resolution shall become effective immediately upon the affixing of the Mayor's approving signature.

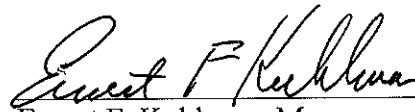
ADOPTED THIS 24th day of June, 2002.

ATTEST:



Deanna M. Jaramillo, Clerk-Treasurer

APPROVED:



Ernest F. Kuhlman, Mayor