

**TOWN OF HOT SULPHUR SPRINGS  
ORDINANCE NO. 2012-7-1-386**

**AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 5 OF THE TOWN OF HOT  
SULPHUR SPRINGS TOWN CODE, CONSENTING TO APPLICATION OF  
COUNTYWIDE FIRE BANS AND BURNING RESTRICTIONS WITHIN THE  
CORPORATE LIMITS OF THE TOWN, ADOPTING PENALTIES FOR VIOLATIONS  
THEREOF, DECLARING AN EMERGENCY**

WHEREAS, Section 30-15-401(1)(n.5), C.R.S., authorizes boards of county commissioners to adopt ordinances banning open fires within the unincorporated areas of the County when the danger of forest fires is found to be high; and

WHEREAS, “open burning” can be a prime cause of forest and brush fires in Grand County and in the Town of Hot Sulphur Springs; and

WHEREAS, it is presently the consensus of the community’s combined federal state and local fire authorities, that an “open burning” fire ban would be in the best interest of the safety and well being of the residents of Grand County; and

WHEREAS, the Grand County Sheriff has requested an immediate ban on open burning in Grand County and the Board of County Commissioners has found that the danger of forest or grass fires is high; and

WHEREAS, the Board of County Commissioners has adopted Resolution 2012-6-11 and Ordinance No. 10 prohibiting burning or open fires, the use of fireworks and the sale of fireworks within unincorporated Grand County with certain exceptions; and

WHEREAS, Section 30-15-401(8), C.R.S., provides that ordinances or resolutions adopted by counties pursuant to the authority set forth in Section 30-15-401 shall apply within the corporate limits of any incorporated municipality if the municipality consents; and

WHEREAS, it is the desire of the Town of Hot Sulphur Springs to reduce the danger of wildfires and to consent to application of the current and any future enacted countywide burn bans within the corporate limits of the Town as set forth herein; and

WHEREAS, law enforcement services within the Town are provided by the Grand County Sherriff pursuant to an intergovernmental agreement between the Sheriff and the Town; and

WHEREAS, the Town finds it is in its best interest to support law enforcement services and prevent dangerous wildfires by consenting to application of burn bans as and if adopted by Grand County from time to time pursuant to the authority set forth in Section 30-15-401, C.R.S.; and

WHEREAS, Chapter 3 of Title 5 of the Town of Hot Sulphur Springs Town Code concerns iopen burning restrictions within the Town and the Town Board desires to amend such chapter as set forth herein to implement adoption of county-wide burn bans within the Town as they may be adopted from time to time.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Hot Sulphur Springs:

**Section 1:** Chapter 3 of Title 5 of the Town of Hot Sulphur Springs Town Code is hereby amended to renumber existing Section 5-3-2 through 5-3-5 to 5-3-3 through 5-3-6 respectively.

**Section 2:** Chapter 3 of Title 5 of the Town of Hot Sulphur Springs Town Code is hereby amended to include a new Section 5-3-2 to read as follows in its entirety:

5-3-2: CONSENT TO APPLICATION OF COUNTYWIDE BURN BANS. Whenever the County of Grand adopts a fire or burn ban or restrictions pursuant to the authority set forth in Section 30-15-401(1)(n.5), C.R.S., as may be amended from time to time, such ban and/or restrictions shall be applicable within and enforced within the limits of the Town of Hot Sulphur Springs. This provision shall be considered consent by the Town to application within the Town boundaries of any such burn ban or restrictions without amendment unless the Town takes specific action to amend the application of the Grand County ban or restrictions by ordinance or resolution. Unless such ordinance or resolution has been adopted by the Town Board of Trustees, in the event of any conflict between the provisions of this Chapter and any burn ban adopted by Grand County, the more restrictive provisions shall apply. Violation of any burn ban provision adopted by the County and consented to hereby may be enforced by the Grand County Sheriff's Office or any other peace officer with authority in Grand County, Colorado, as is set forth in the County-adopted ban. Additionally, anyone starting, maintaining, or permitting open burning in violation of this provision or any burn ban or restrictions applicable within the Town, shall be responsible for any and all costs associated with extinguishing the fire and for any and all damages caused as a result of the fire.

**Section 3:** The fire ban/restriction adopted by the Board of County Commissioners by Resolution 2012-6-11 and Ordinance No. 10 prohibiting burning or open fires, the use of fireworks and the sale of fireworks within unincorporated Grand County with certain exceptions, shall be applicable within the Town despite its adoption before the effective date of this ordinance.

**Section 4:** Declaration of emergency; Effective date. Due to the dangerous dry conditions and immediate need to ban open fires within the Town, it is hereby declared that an emergency exists, that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect immediately upon adoption.

**Section 5: Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Hot Sulphur Springs hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY MEASURE AND ORDERED PUBLISHED BY TITLE ONLY BY A VOTE OF NOT LESS THAN ¾ OF ALL MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, AT A REGULAR MEETING HELD ON THE 19<sup>th</sup> DAY OF July, 2012



TOWN OF HOT SULPHUR SPRINGS

By: [Signature]  
Hershal Deputy, Mayor

ATTEST:  
By: [Signature]  
Sandy White, Town Clerk

Approved: July 19<sup>th</sup>, 2012

Published by title only one time in the Sky-Hi News on: July 26<sup>th</sup>, 2012.

Ad Name: 8185781A  
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PROOF OF PUBLICATION  
MIDDLE PARK TIMES

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BURNING RESTRICTIONS WITHIN THE COR  
PORATE LIMITS OF THE TOWN, ADOPTING  
PENALTIES FOR VIOLATIONS THEREOF, DE  
CLARING AN EMERGENCY

Published in the Middle Park Times July 26,  
2012. (8185781)

I, Matt Sandberg, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 7/26/2012 and that the last publication of said notice was dated 7/26/2012 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 07/24/2012.

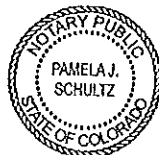
A handwritten signature in cursive script, appearing to read "Matt Sandberg".

Matt Sandberg  
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 07/24/2012.

A handwritten signature in cursive script, appearing to read "Pamela J. Schultz".

Pamela J. Schultz, Notary Public  
My Commission expires: November 1, 2015



My Commission Expires 11/01/2015