

ORDINANCE NO. 2023-0822

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MOFFAT, STATE OF COLORADO**

MOFFAT COUNTY OPEN FIRE AND OPEN BURNING RESTRICTION ORDINANCE

WHEREAS, the Board of County Commissioners of the County of Moffat ("Board"), pursuant to Sections 30-11-107(1)(a) and 30-15-401, *et seq.*, C.R.S., has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, safety, and welfare of the citizens of Moffat County; and

WHEREAS, pursuant to Section 30-15-401(1)(n.5)(I), C.R.S., the Board has specific authority to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the dangers of wildfires within those portions of the unincorporated areas of the County where danger of prairie or grass fires is found to be high; and

WHEREAS, Section 30-15-405, C.R.S., provides that, except for ordinances calling for special elections or necessary to the immediate preservation of the public health or safety and containing the reasons making the same necessary, such ordinances shall not take effect and be in force before thirty days after they have been so published; however, an excepted ordinance shall take effect upon adoption; and

WHEREAS, the Sheriff of Moffat County ("Sheriff") is authorized under the provisions of Section 30-10-512 and 30-10-513, C.R.S., to act as fire warden of the County in case of prairie or grass fires, and to assume charge or assist other governmental authorities in controlling or extinguishing grass or prairie fires; and

WHEREAS, the Sheriff has appointed a Fire Management Officer to act on his behalf in matters relating to fire prevention and fire control in Moffat County; and

WHEREAS, open fires and open burning can be a prime cause of grass and prairie fire in Moffat County; and

WHEREAS, the Sheriff, through the Fire Management Officer, monitors fire weather conditions and fire danger ratings; and

WHEREAS, fire danger ratings and restrictions need to be coordinated among the various fire agencies within the County and surrounding Counties; and

WHEREAS, objective criteria have been developed among cooperating counties, and state and federal agencies; and

WHEREAS, changing conditions require that fire restrictions need to be implemented and/or released in a timely manner;