

ORDINANCE NO. 2011- 4

AN ORDINANCE TO AMEND ORDINANCE NO. 2002-3 (AN ORDINANCE ADOPTING A FIRE BAN, BURING BAN, BAN ON THE SALE OF FIREWORKS, AND BAN ON THE USE OF ANY AND ALL FIREWORKS WITHIN THE CORPORATE LIMITS OF THE TOWN OF SAGUACHE)

WHEREAS, Ordinance No. 2002-3 authorized the Town Board of Trustees to approve, by resolution, a fire ban, which includes, but is not limited to open fires of any sort; a burning ban, which includes, but is not limited to burning of trash, ditches, and rubbish, a ban on the sale of fireworks, and a ban on the use of any and all fireworks within the corporate limits of the Town of Saguache, and to prescribe the times such bans are in force and the times they may be lifted; and

WHEREAS, the timing of conditions for imposition of a fire ban often does not allow for the time necessary to call a special meeting of the Board of Trustees; and

WHEREAS, the Board of Trustees deems that the Mayor (or in his absence, the Mayor Pro-tem) should be authorized to impose an immediate fire ban if conditions so warrant.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Saguache that Ordinance 2002-3 be amended to read as follows:

ORDINANCE NO. 2002-3

WHEREAS, the fire danger in the State of Colorado and the Town of Saguache may, from time to time, present conditions which would endanger the health and safety of the citizens of the Town, and

WHEREAS, the Board of Trustees of the Town of Saguache feels that there is a need to institute an emergency action plan to address this possibility if weather conditions or climatic conditions merit it,

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Saguache that the Board of Trustees, hereinafter called "The Board" is authorized to enact a resolution at a regular or special meeting, which upon adoption by said Board, would enable them to order any or all of the following:

1. A fire ban, which includes, but is not limited to open fires of any sort;
2. A burning ban, which includes, but is not limited to burning of trash, ditches, and rubbish;
3. A ban on the sale of fireworks, and

4. A ban on the use of any and all fireworks within the corporate limits of the Town of Saguache.

**5. Fires in pits, with or without screening, may be allowed.**

**Such fire ban may likewise be imposed, (or removed) with the above-stated conditions, by the Mayor (or in his absence, the Mayor Pro-tem) immediately upon public announcement by posting.**

Every person who is convicted of violating any provision of this ordinance, upon conviction thereof, shall be punished by a fine of not less than \$100.00, and not more than \$300.00 or up to 90 days in the County jail, or both such fine and imprisonment for each offense, plus court costs.

Approved this 18<sup>th</sup> day of June, 2002.

THE TOWN BOARD FINDS THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY OF THE TOWN AND PRESERVATION OF THE SAFETY OF THE PUBLIC DUE TO HIGH FIRE DANGER IN THE IMMEDIATE GEOGRAPHICAL AREA OF THE TOWN.

Read in full, and approved this 15<sup>th</sup> day of August, 2011.

\_\_\_\_\_  
Milton Jones, Mayor

ATTEST:

\_\_\_\_\_  
Theresa Garcia, Town Clerk

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 15<sup>th</sup> day of August 2011, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on \_\_\_\_\_.

\_\_\_\_\_  
Therese Garcia, Town Clerk