

RESOLUTION NO. 26-____ First Reading on proposed Ordinance Number 2026-03 related to authorizing the declaration of fire bans by the Board of County Commissioners or the County Sheriff, and establishing a penalty assessment of up to \$1000 for the violation thereof was held, pursuant to Section 30-15-406, C.R.S. Said Ordinance was read into the record. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to set a public hearing on the proposed Ordinance for June 23, 2026, at 9:30 a.m. The proposed Ordinance was ordered to be published in the Colorado Community Media newspapers at least ten days prior to June 23, 2026. The text of the proposed Ordinance is as follows:

ORDINANCE NO. 2026-03

AN ORDINANCE AUTHORIZING THE DECLARATION OF FIRE BANS BY THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY SHERIFF

WHEREAS, pursuant to Section 30-15-401, C.R.S., the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, pursuant to Section 30-15-401(1)(n.5), matters of local concern include fire bans when the danger of forest or grass fires is found to be high based on competent evidence; and

WHEREAS, it has come to the attention of the Board of County Commissioners that conditions year-round frequently warrant the imposition of fire bans; and

WHEREAS, the Board of County Commissioners is further aware that conditions necessitating the declaration of fire bans, or changes to the level of fire bans in place, can arise or change suddenly, requiring the need for expediated implementation or modification of fire bans; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. DECLARATION OF FIRE BAN

The Arapahoe County Board of County Commissioners or the Arapahoe County Sheriff shall, whenever the danger of forest or grass fires is found to be high based on competent evidence as defined in Section 30-15-401(1)(n.5)(V)(A), C.R.S., and without further proceedings or resolution, have the authority to declare a fire ban and issue restrictions to effectuate the ban. The Arapahoe County Board of County Commissioners or the Arapahoe County Sheriff shall likewise have the authority to increase or decrease

the level of a fire ban and restrictions and/or to terminate a fire ban and restrictions based on competent evidence. Any declaration of a fire ban made pursuant to this section shall specify the parameters of the fire ban and restrictions, as deemed necessary and appropriate.

SECTION II. NOTICE OF FIRE BAN

In the event that the Arapahoe County Board of County Commissioners or the Arapahoe County Sheriff declares a fire ban pursuant to Section I of this Ordinance, notice that a fire ban has been declared along with a statement of the parameters of the ban and restrictions shall be promptly posted on the Arapahoe County Sheriff's Office website and its social media sites.

SECTION III. UNLAWFUL CONDUCT

It shall be unlawful for any person to start or maintain a fire that is in violation of a fire ban and restrictions declared pursuant to Section I above.

SECTION IV. APPLICABILITY

This ordinance shall apply to all portions of unincorporated Arapahoe County.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this ordinance.

SECTION VI. VIOLATIONS

Any person who violates this ordinance commits a civil infraction and upon conviction thereof, shall be punished by a fine of seven hundred and fifty dollars (\$750) for a first offense and one thousand dollars (\$1000) for a second and any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S. shall be followed by the arresting Sheriff's Deputy or other officer for any violation of this ordinance, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.

SECTION VII. DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid to the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

SECTION IX. SAFETY CLAUSE

The ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to the need to control activity subject to this ordinance as soon as possible, and because of existing high fire danger.

SECTION X. REPEAL

This ordinance supersedes and replaces Ordinance No. 2000-2, An Ordinance Authorizing the Declaration of Open Fire Bans by the Board of County Commissioners of the County Sheriff.

The vote was: Commissioner Baker, ____; Commissioner Campbell, ____; Commissioner Fields, ____; Commissioner Summey, ____; Commissioner Warren-Gully, ____.

The Chair declared the motion carried and so ordered