

ORDINANCE NO. 21

Series 2012

AN ORDINANCE AUTHORIZING THE MAYOR TO IMPOSE NECESSARY FIRE RESTRICTIONS IN TIME OF EXTREME FIRE HAZARD; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Chapter 5 of Title 5 of the Breckenridge Town Code is amended by the addition of a new Section 5-5-5-1, to be entitled "Fire Emergencies", which shall read in its entirety as follows:

5-5-5-1: FIRE EMERGENCIES: When the Mayor finds that conditions of extreme fire hazard exist within the Town he or she may, by proclamation: (i) close such Town owned land as he or she may find to be in such condition of extreme hazard to the general public; (ii) prohibit or limit burning or other acts on public or private lands within the Town to such a degree and in such ways as he or she deems necessary to reduce the danger of forest fire; and (iii) temporarily modify or eliminate the exemptions described in Section 5-5-4 of this Code. The Mayor shall notify the other members of the Town Council and the Town Manager of his actions after issuing the proclamation. The Mayor shall declare the end of any such emergency only upon a finding that the conditions of extreme fire hazard no longer exist. It is unlawful and a misdemeanor offense for any person to violate the terms, conditions, and limitations of a mayoral proclamation issued pursuant to this Section. Section 5-5-6 of this Code applies to any violation of the terms, conditions, and limitations of a mayoral proclamation issued pursuant to this Section.

Section 2. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning general municipal police powers); (ii) Section 31-15-401, C.R.S.(concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

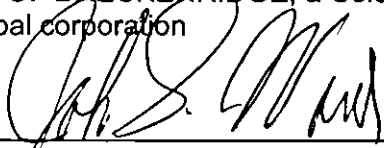
Section 3. The Town Council of the Town of Breckenridge hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. On June 14, 2012 John W. Hickenlooper, the Governor of the State of Colorado, issued Executive Order D2012-015 imposing a statewide ban on open burning ("**Executive Order**"), with certain exceptions described in the Executive Order. In the section of the Executive Order entitled "Background and Need" the Governor describes the extremely dangerous weather conditions that currently exist throughout the State of Colorado, specifically including high temperatures and dry conditions, and concludes that "(t)hese weather conditions and circumstances attest to the continuing threat to life, health and property posed by wildfires on Colorado's public and private lands." Such extreme and dangerous weather conditions currently exist in Summit County, Colorado, including within the Town of Breckenridge, and the threat of wildfires within the Town is real. The current conditions require the Town to establish an expedited process for the imposition of fire restrictions during a fire emergency. The Town Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge.

Section 4. Pursuant to Section 5.11 of the Breckenridge Town Charter this Ordinance shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at least five (5) members of the Town Council.

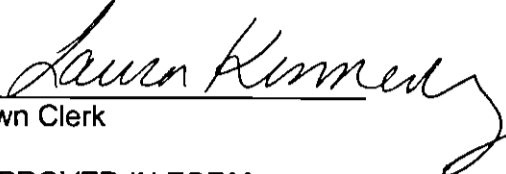
Section 5. This ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this 26 day of June, 2012.

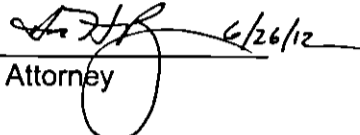
TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: 
John G. Warner, Mayor

ATTEST:


Town Clerk

APPROVED IN FORM

 6/26/12
Town Attorney