

[TABLE OF CONTENTS](#)[ARTICLE I Noxious Weed Management Enforcement Policy](#)[ARTICLE II Enforcement of Plan](#)[ARTICLE III Prescribed or Intentional Burns](#)[APPENDIX](#)**ARTICLE III****Prescribed or Intentional Burns****Sec. 15-3-10. Purpose.**

The Board of County Commissioners, pursuant to the authority granted in Sections 30-15-401(1)(n.5) and 30-15-401(2)(a)(II), C.R.S., as amended, hereby promulgates regulations to regulate prescribed or intentional burns on properties of certain detailed sizes in those areas of the County and for such periods as are described in the Enactment and Enforcement Resolution. These regulations are necessary because of typically continued dry conditions in the County for extended periods of time. (Weld County Code Ordinance 2010-2; Weld County Code Ordinance 2010-7)

**Sec. 15-3-20. Application; jurisdiction; procedure.**

The regulations contained in this Article shall apply to, and be enforceable within, that area of the County detailed by the Board of County Commissioners in its Enactment and Enforcement Resolution. It shall be the duty of the Sheriff to enforce the regulations. The County Court shall have jurisdiction in prosecutions of violations of the regulations. Simplified County Court Procedures, as set forth in Section 16-2-101, et seq., C.R.S., shall be applicable to prosecutions of violations of the regulations contained in this Article. Any summons and complaint brought in the County Court for violation of any of the regulations set forth herein shall be filed in the name of the County of Weld, by and on behalf of the People of the State of Colorado, with all process issued from the County Court likewise denominated. The County Attorney shall be empowered to enforce the regulations and to appear and prosecute for the County of Weld by, and in the name of, the People of the State of Colorado, in any proceeding in the County Court involving a violation of the regulations contained in this Article. (Weld County Code Ordinance 2010-2; Weld County Code Ordinance 2010-7)

**Sec. 15-3-30. Definitions.**

Unless specifically stated otherwise, the following words have the following definitions in this Article:

*Enactment and Enforcement Resolution* means a Resolution of the Board of County Commissioners duly approved at a regular or special meeting of the Board, which prohibits prescribed or intentional burns on properties of certain detailed sizes in those areas of the County for such periods as are described therein.

*Irrigation structure* means any ditch, canal, conduit, reservoir, race, drain, flume, inlet, outlet and/or spillway used for irrigation purposes and often cleaned of grasses, weeds and other combustible debris by means of controlled burning.

*Prescribed or intentional burn* means the intentional fire ignition and controlled burning of grasses, weeds and other combustible materials on properties for the purpose of clearing the same, managing fuels, and/or providing habitat for wildlife on properties being of a certain number of acres in size, as detailed in the Enactment and Enforcement Resolution, excluding the areas immediately surrounding irrigation structures. (Weld County Code Ordinance 2010-2; Weld County Code Ordinance 2010-7)

**Sec. 15-3-40. Prohibited acts.**

Prescribed or intentional burns conducted within the areas described in the Enactment and Enforcement Resolution, during the time periods stated therein, are prohibited. (Weld County Code Ordinance 2010-2; Weld County Code Ordinance 2010-7)

**Sec. 15-3-50. Violations and penalties.**

Any violation of this Article is a Class 2 petty offense punishable, upon conviction, by a mandatory fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) upon a first conviction; by a mandatory fine not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) upon a second conviction; and by a mandatory fine of not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00) upon a third or subsequent conviction. (Weld County Code Ordinance 2010-2)

**Sec. 15-3-60. Penalty assessment and schedule.**

Notwithstanding the provisions of Section 15-3-50 above, the person charged with one (1) or more of the violations of this Article shall have the option of paying the below-specified penalty assessments therefor to the County Treasurer in lieu of further proceedings or defense of such violation in Court or of appearing in Court to defend such charge. If such person elects to appear in Court, said person should be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided in Section 15-3-50 above if found guilty of such charges. In the event a person wants to pay the prescribed penalty assessment as permitted herein, such payment shall constitute an acknowledgment of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation. Upon accepting the prescribed penalty assessment, the County Treasurer shall issue a receipt to the violator acknowledging payment thereof. The penalty assessment which may be accepted and paid by the violator under the privileges of this Section shall be as follows:

<i>Offense Number</i>	<i>Fine Imposed</i>
First offense	\$25.00
Second offense	50.00
Third offense	100.00
Four or more offenses	The penalty assessment shall not apply and the violator shall be prosecuted under the provisions of Section 15-3-50 above upon the issuance of a Summons to Appear.

(Weld County Code Ordinance 2010-2)

**Sec. 15-3-70. Nonliability.**

The Sheriff, the Board of County Commissioners, their assistants, attorneys and employees and any person enforcing the provisions of this Article, as designated by the Board of County Commissioners,

shall not be held responsible for any accident, injury or subsequent disease, of whatever kind or character, which may occur in connection with the administration of this Article. No portion of this Article shall be deemed to constitute a waiver of any immunities which the Sheriff, the Board of County Commissioners, their assistants and employees may process, nor shall any portion of this Article be deemed to have created a duty of care with respect to any person. (Weld County Code Ordinance 2010-2)