

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS
RECORD OF PROCEEDINGS**

MAY 15, 2023

CALL TO ORDER

Board of County Commissioners met in regular session on May 15, 2023. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 a.m. Roy Elliott was absent from the meeting. The following were present:

Blaine Arbuthnot-----Chairman
Terry McMillian-----Member
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2023-8611

APPROVE DISBURSEMENT CORRECTION, MAY 10, 2023

Motion by McMillian, seconded by Arbuthnot to approve the disbursement correction dated May 10, 2023. The original check was issued to CenturyLink in the amount of \$1,702.21 which was \$197.77 too much. This check (#83235) will replace check number 83188, which will be voided on the cash request dated May 31, 2023.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8612

APPROVE SPECIAL DHS DISBURSEMENT, MAY 11, 2023

Motion by McMillian, seconded by Arbuthnot to approve the special DHS disbursement for May 11, 2023, and authorize transfer of funds in the following amount:

DHS Fund \$9,584.50

Upon Motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

OTHER BUSINESS OR DISCUSSION

Michael Yerman will visit sometime this week to discuss the loan that will be made to Southeast Colorado Enterprise Development, Inc (SECED) to assist with the construction of the Ordway East 42-unit duplex project.

PUBLIC HEARING - PROPOSED ORDINANCES

At 10:00 a.m., the Board opened the public hearing for the proposed ordinances. There were no community members present, and the Board has received no written or verbal comments from the public.

RESOLUTION NO. 2023-8613

INTRODUCTION, FIRST READING, AND ADOPTION OF ORDINANCE NO. 2023-01 - AN ORDINANCE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

Motion by McMillian, seconded by Arbuthnot to approve and adopt the first reading of proposed Ordinance No. 2023-01, and ordered published in the Ordway New Era. The second and final reading of the Ordinance will be held on May 31, 2023 at 9:00 a.m. Ordinance No. 2023-01 as follows:

ORDINANCE 2023-01

AN ORDINANCE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

WHEREAS, C.R.S. §30-28-211, authorizes the Board of County Commissioners to adopt an energy conservation code for the County; and

WHEREAS, the Board of County Commissioners now finds it is in the best interests of public health, safety, and welfare to adopt the 2018 edition of the International Energy Conservation Code; and

WHEREAS, copies of the code are available for public inspection and review in the Crowley County Building Department and the Clerk and Recorder of Crowley County, Colorado; and

WHEREAS, notice of the public hearing before the Board and the adoption of the code was published once in a newspaper of general circulation in Crowley County on May 2, 2023, as provided by law; and

WHEREAS, on May 15, 2023, the Board conducted a public hearing on the adoption of the Code; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, that the 2018 edition of the International Energy Conservation Code is hereby adopted for the entire unincorporated area of Crowley County, Colorado.

BE IT FURTHER ORDAINED, in order to preserve the immediate health and safety of Crowley County and its residents, this Ordinance shall take effect immediately upon its publication as provided in Section 30-15-405, C.R.S. The effective date of the Ordinance is June 6, 2023.

Upon Motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8614

INTRODUCTION FIRST READING, AND ADOPTION OF ORDINANCE #2023-02 - AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING, REPEALING ORDINANCE NO. 2020-01 AND ALL OTHER PREVIOUSLY ADOPTED ORDINANCES THAT IMPLEMENT A PERMIT SYSTEM FOR OPEN BURNING

Motion by McMillian, seconded by Arbuthnot to approve and adopt the first reading of proposed Ordinance No. 2023-02, and ordered published in the Ordway New Era. The second and final reading of the Ordinance will be held on May 31, 2023 at 9:00 a.m. Ordinance No. 2023-02 as follows:

ORDINANCE NO.: 2023-02

AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING; REPEALING ORDINANCE NO. 2020-01 AND ALL OTHER PREVIOUSLY ADOPTED ORDINANCES THAT IMPLEMENT A PERMIT SYSTEM FOR OPEN BURNING

WHEREAS, section 30-15-401(l)(n.5), C.R.S., authorizes the Board of County Commissioners (“Board”) to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and

WHEREAS, the Board of County Commissioners of Crowley County, Colorado, now finds it is in the best interests of public health, safety, and welfare to adopt a permit system for open burning, and for the Crowley County Fire Departments to be notified of open burning and approve open burning prior to the starting of such fires.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO, as follows:

1. Application. That open, controlled fires utilized for specific purposes and confined to enclosed buildings, pens, or containers, such as, but not limited to, cooking, recreational, warming, or branding purposes, are hereby permitted, and shall not require any sort of permit or permission prior to starting the same.
2. Permission to Burn Required. That any person desiring to conduct any other sort of burn, other than as above mentioned, such as, but not limited to, agriculture burning in the nature of field and ditch burning, or other large burns, shall contact the Crowley County Dispatch Center, by telephone, at (719) 267-5235, to secure permission and approval of such open burn prior to conducting any such burn to secure consent for said burn. Verbal, telephone permission to conduct any such burn shall be expressly allowed. The Dispatch Center must also be notified when the burn is completed.
3. Time and Atmospheric Restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit. Limits include:
 - No burning permitted when the winds are 15 mph or greater.
 - No burning on Red-Flag days.
 - No burning after dark.
 - Only four (4) permits will be issued at one time, within each district, with agricultural burns taking precedence.
4. Location. Open burning shall not be conducted within 25 feet of any structure. Conditions which could cause the fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. Exception, the 25 feet limit does not apply to residential lawn burning.
5. Fire-extinguishing Equipment. A garden hose connected to a water supply or other approved fire-extinguishing equipment, including but not limited to fire extinguishers, rakes, shovels, and farm machinery, shall be readily available for use at open-burning sites. If water is not available, then proper firebreaks must be achieved prior to burning.
6. Attendance. Burning material shall be constantly attended to by a person knowledgeable in the use of the fire-extinguishing equipment required herein and familiar with the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
7. Discontinuance. The Crowley County Fire Chief, or his designee, is authorized to require that open burning be immediately discontinued if the Chief determines that smoke emissions are offensive to occupants of surrounding property or if the Chief determines the open burning to constitute a hazardous condition.
8. Administration and Enforcement. The Crowley County Fire Chief, with the assistance of the Crowley County Sheriff shall be responsible for the administration and enforcement of this ordinance. All inquiries regarding the status of fire restrictions in Crowley County should be directed to the Sheriff's Office or Fire Chief's Office.
9. Penalty for Violations. Any person who violates this ordinance commits a class 2 petty offense under section 30-15-402(l), C.R.S. and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 for each separate violation, plus a surcharge of \$10 under section 30-15-402(2), C.R.S.
10. Penalty Assessment Procedure. The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the arresting officer for any such violation of this ordinance. Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of \$100, plus a \$10 surcharge. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine.

11. Disposition of Fines and Forfeitures. All fines and forfeitures for the violation of this ordinance shall be paid to the Treasurer of Crowley County.
12. Additional Remedies. The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state, or local remedy, criminal or civil, which may be available.
13. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate any other provisions of this ordinance which can be given effect without such invalid provision.
14. Emergency. The Board hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens of Crowley County, Colorado.
15. Effective Date. This ordinance shall take effect immediately upon its publication as provided in Section 30-15-405, C.R.S. The effective date of the Ordinance is June 6, 2023. All prior resolutions or ordinances adopting a permit system for open burning, and amendments thereto, are hereby repealed effective immediately following the adoption of Ordinance 2023-02. The Board, by resolution, may temporarily suspend, in whole or in part, this ordinance from time to time should the fire danger in Crowley County decrease. Likewise, the Board may reinstate this ordinance, by resolution, after it has been temporarily suspended.

Upon Motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

No further business appearing the meeting was recessed.

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman