

**SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS  
MINUTES  
WEDNESDAY, NOVEMBER 20, 2024**

**1. 9:30 am Call to Order**

*(Any of the stated items in this agenda may involve an Executive Session C.R.S. 24-6-402(4))*

**2. Roll Call**

Kris Holstrom, Vice Chair  
Anne Brown, Commissioner

Absent:  
Lance Waring, Chair

Staff Present:  
Mike Bordogna, County Manager  
Jarrod Biggs, Assistant County Manager  
Maura Fahey, County Attorney  
Nancy Willis, Paralegal  
Carmen Warfield, Chief Deputy Clerk

**3. Moment of Silence**

**4. Review of Agenda**

**5. Public Comment for Items Not on the Agenda**

*Please limit comments to 3 minutes. If comments are not related to an item on the agenda, there will be no Board response or action taken since the topic was not posted with proper notice and any comment could potentially violate the Colorado Open Meetings Law.*

**6. Consent Agenda**

- a. Approval of the Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Cela White and Tanner Small , Unit 314-13, Elk Meadows located in Lawson Hill Subdivision/PUD - -
- b. Approval of Chair's signature on an exception agreement for Dean Bubolo and affordable housing covenant, equitable servitude, and real covenants (Rico Pre-existing Property Ownership) - -
- c. Approval of Chair's signature on an exception agreement for David Bulson and

Michelle Haynes affordable housing covenant, equitable servitude, and real covenants (Rico Pre-existing Property Ownership). - -

- d. Approval of the October 2024 Vendor and Payroll payments. - -

**Motion** by Anne Brown to approve the consent agenda as presented. **Seconded** by Kris Holstrom. **PASSED 2-0.**

## **7. Administrative Matters**

- a. 9:35 am Public Hearing 2nd Reading: Consideration of adoption of the foregoing Ordinance 2024-01 by the Board of County Commissioners of San Miguel County, Colorado, regulating the parking of vehicles on county roads, properties, and road right-of-ways.

9:35 a.m. The Chair Opened the Public Hearing.

9:38 a.m. The Chair Closed the Public Hearing.

**Motion** by Anne Brown to approve Ordinance 2024-1 with the Scriveners' error corrected on the 2nd reading. [Page 1 - the last whereas should have a period at the end of the sentence. Page 7 - Under V. Liability for Accident - The second sentence should read "assistants or employees of the County instead of Count]. **Seconded** by Kris Holstrom. **PASSED 2-0.**

- b. Public Hearing 2nd Reading: Consideration of adoption of the foregoing Ordinance 2024-02 by the Board of County Commissioners of San Miguel County, Colorado, regulating at large or abandoned animals in the unincorporated territory of San Miguel County.

9:39 a.m. The Chair Opened the Public Hearing.

9:40 a.m. The Chair Closed the Public Hearing.

**Motion** by Anne Brown to approve Ordinance #2024-02 as presented. **Seconded** by Kris Holstrom. **2-0.**

- c. Public Hearing 2nd Reading: Consideration of adoption of the foregoing Ordinance 2024-03 by the Board of County Commissioners of San Miguel County, Colorado, pertaining to the regulation of motor vehicle noise on public property in the unincorporated territory of San Miguel County.

9:40 a.m. The Chair Opened the Public Hearing.

9:41 a.m. The Chair Closed the Public Hearing.

**Motion** by Anne Brown to approve Ordinance #2024-03 with the following correction made during the second reading [Page 1, 2nd Whereas Should read Whereas, the Board of County Commissioners of San Miguel County, Colorado ("BOCC") finds that the adoption of a motor vehicle noise regulation ordinance, effective on certain portions of Unincorporated Territory of San Miguel County (NOT Colorado Highway 145). **Seconded** by Kris Holstrom. **PASSED 2-0.**

- d. Public Hearing 2nd Reading: Consideration of adoption of the foregoing Ordinance 2024-04 by the Board of County Commissioners of San Miguel County, Colorado,

restricting open fires, open burning and fireworks in the unincorporated areas of San Miguel County to reduce the danger of wildfires.

9:42 a.m. The Chair Opened the Public Hearing.

9:43 a.m. The Chair Closed the Public Hearing.

**Motion** by Anne Brown to approve Ordinance #2024-04 as presented. **Seconded** by Kris Holstrom. **PASSED 2-0.**

- e. Public Hearing 2nd Reading: Consideration of adoption of the foregoing Ordinance 2024-05 by the Board of County Commissioners of San Miguel County, Colorado, requiring the investigation or removal of unsafe buildings.

9:43 a.m. The Chair Opened the Public Hearing.

**Motion** by Anne Brown to table this item until clarification of the penalties would be civil or criminal. **Seconded** by Kris Holstrom. **PASSED 2-0.** This item will be discussed later in the meeting.

- f. Discussion with Sheriff Bill Masters regarding Behavioral health funding for intoxicated individuals.

Note: Sheriff Bill Masters was unable to attend.

## **9. Natural Resources and Climate Resilience**

*Update and other, as needed.*  
*Starr Jamison, Director*

Presented by: Starr Jamison, Natural Resources and Climate Resilience Director

Note: Starr provided an update on current projects and meetings she attended.

## **8. Department of Human Services**

*(The Board of Commissioners is sitting as the San Miguel County Board of Human Services.)*

- a. Consideration of Chair's signature on the Dept of Human Services Balance Sheet, September 2024; Earned Revenue and Expenditures, September 2024; Expenditures through Electronic Benefit Transfers, October 2024; Check Register for the Month of October 2024 County Allocation / MOE Report, SEPT-2024. - Linnea Edwards, Director of Human Services - 10 mins

Presented by: Linnea Edwards, Director of Human Services

**Motion** by Anne Brown to approve the Chair's signature on the Human Services financials as presented. **Seconded** by Kris Holstrom. **PASSED 2-0.**

## **10. Affordable Housing Updates**

Presented by: Mike Bordogna, County Manager; Jarrod Biggs, Assistant County Manager

1. We will continue communicating with the San Bernardo HOA to discuss partnering with them to utilize their water system for the Pathfinder gravel pit housing site. This will involve drilling a test well to access the water available.
2. A job description for the Prop123 Housing Coordinator/Planner position is being developed.
3. The San Miguel Regional Housing Authority's current office space will need to be used by the Town of Telluride due to the remodeling of its office spaces. A process will be established to determine rent in the Town of Telluride.

## **11. Manager Matters**

*Update and other, as needed*

*Mike Bordogna, County Manager*

- a. Consideration of radar speed feedback signs (RSFS) on CO 145, MP 83.38 NB, MP 83.86 SB. - Mike Bordogna, County Manager -

Presented by: Mike Bordogna, County Manager

The Placerville survey has been sent out and the County has already received 111 returns. A presentation of the results will be presented in December.

Radar signs and cost. move forward construction in the spring sign the mou. execution of the moue with payment out of the 2025 budget.

- b. Consideration of the Chair's signature as the Board of Commissioners and as the San Miguel County Housing Authority Resolution 2024-52 on other uses for San Miguel County Housing Authority R1 loan default fund. - Mike Bordogna, County Manager -

Presented by: Mike Bordogna, County Manager

**Motion** by Anne Brown as the Board of County Commissioners and sitting as the San Miguel County Housing Authority to approve the Chair's signature on Resolution #2024-52 as presented. **Seconded** by Kris Holstrom. **PASSED 2-0.**

Update and other, as needed.

1. Update on the Gondola Subcommittee meeting.
2. The staff will be taking an updated class concerning accessibility in the work place.
3. Attendance at the Gunnison Valley Transportation Meeting - identifying the 2050 priorities with the Colorado Department of Transportation.

## **12. Commissioner Updates**

*Anne Brown - Update on Outside Meetings.*

*Kris Holstrom - Update on Outside Meetings.*

Anne Brown - SMART Board meeting, West End Vision Plan, Southwest Opioid Administrative Council, COSI Institute, Communities that Care, Telluride Foundation-Volunteers of the Year

Kris Holstrom - West End Vision Plan, Telluride Foundation-Volunteers of the Year, Gunnison

Valley Transportation Meeting, 4H Award dinner, Colorado Compost Council

### **13. Public Health and Environment**

*(The Board of Commissioners is sitting as the San Miguel County Board of Public Health.)  
Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation  
24-6-402(4)(b). Update and Other, as needed. Presented by: Grace Franklin, Public Health  
Director*

Presented by: Grace Franklin, Public Health Director

- a. Approval of the Chair's signature on an IGA with Gunnison & Ouray Counties for a WIC Director to oversee the WIC Educator position shared with Ouray and San Miguel Counties.

Note: This item will be continued to the December 5, 2024, meeting.

- b. Approval of the Chair's signature on the Intergovernmental Agreement with Ouray County for the 2024 "WIC" Women, Infants, and Children Program.

**Motion** by Anne Brown to approve the Chair's signature on the Intergovernmental agreement as presented. **Seconded** by Kris Holstrom. **PASSED 2-0.**

Update and Other, as needed.

1. Update on the Colorado Department of Public Health and Environment—The Community Outreach Position received funding to help with the current position.
2. The County received a \$5,000 grant for radon testing. This will be used to update the equipment it currently being used.
3. The 2025 State Budget proposes a 5% decrease for all Public Health depts.

### **14. Attorney Matters**

*(Any of these items may involve an Executive Session C.R.S. 24-6-402(4)) Update and other, as needed. Presented by: Maura Fahey, County Attorney*

7.e. Continued from earlier in the meeting. Consideration of the adoption of the foregoing Ordinance 2024-05 by the Board of County Commissioners of San Miguel County, Colorado, requiring the investigation or removal of unsafe buildings. [The Public Hearing was tabled earlier in the meeting]. After additional information was provided, a correction needed to be made during the approval of the 2nd reading.

**Motion** by Anne Brown to approve Ordinance #2024-05 with the correction on page 1 under item #1 should read [This includes removal by the County upon notice to and failure of the property owner to remove such unsafe buildings and structures and the provision for civil (NOT criminal) penalties in the event of failure to comply. **Seconded** by Kris Holstrom. **PASSED 2-0.**

### **15. Adjournment**

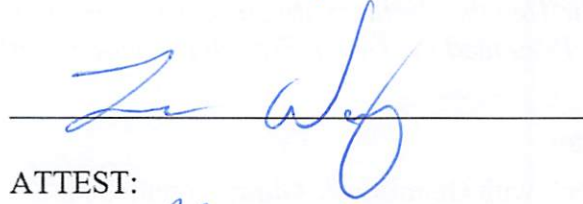
**Motion** by Anne Brown to adjourn the meeting. **Seconded** by Kris Holstrom. **PASSED 2-0.**

11:20 a.m. Adjourned.

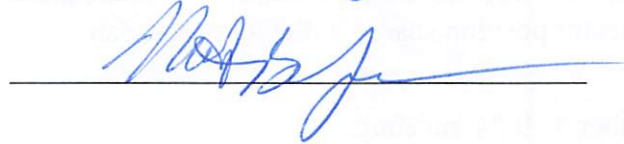
Respectfully submitted,

Approved January 8, 2025  
BOARD OF COUNTY COMMISSIONERS





ATTEST:



**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REGULATING THE PARKING OF VEHICLES ON  
COUNTY ROADS, PROPERTY AND ROAD RIGHT OF WAYS**

**ORDINANCE NO. 2024-01**

**WHEREAS**, C.R.S. § 30-15-401(1)(h) provides the Board of County Commissioners of San Miguel County, Colorado (“BOCC”) authorization to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

**WHEREAS**, C.R.S. § 42-4-1204(1) sets forth the areas that are appropriate for the parking and stopping of vehicles; and

**WHEREAS**, under C.R.S. § 42-4-111(1)(a) and (c), the BOCC is authorized to regulate or prohibit the stopping, standing, or parking of vehicles and to regulate traffic using Official Traffic Control Devices; and

**WHEREAS**, C.R.S. § 30-11-107(1)(a) grants the BOCC the power to make such orders concerning property belonging to the County as it may deem expedient, and to perform such duties respecting County roads as may be required by law; and

**WHEREAS**, according to C.R.S. § 42-4-1803, the San Miguel County Sheriff, Undersheriff, Deputy Sheriff, or agency employee has the authority to remove by towing any motor vehicle abandoned on public property or an unattended motor vehicle obstructing traffic or county road maintenance; and

**WHEREAS**, the BOCC finds that it is necessary to protect the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County to create an orderly procedure to regulate the parking of vehicles on county roads, property, and road right-of-ways within the boundary of the Telluride R-1 School District; and

**WHEREAS**, the BOCC had previously adopted San Miguel County Ordinances 1980-01 Telluride Ski Ranch Subdivision Parking Ordinance and 2021-1 Regulating the Parking of Vehicles on County Roads, Property and Road Right of Ways and wishes to update the provisions based on changes in statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO**, as follows:

**I. PARKING**

**A. DEFINITIONS**

When used in this Ordinance, the following words and terms shall have the following meaning:

1. County Property: Any real property having its title, ownership, use, or possession held by San Miguel County, including parks, parking lots, and developed or undeveloped land.
2. County Roadway: For purposes of this Ordinance, the “County Roadway” is defined as follows:
  - a. The road surface and County maintained drainage features of maintained County roads;
  - b. Any platted right-of-way;
  - c. Any public right-of-way as defined in C.R.S. § 43-2-201;
  - d. All areas within a cul-de-sac;
  - e. Designated snow plow turnarounds and all maintenance areas;
  - f. All designated emergency pull-outs and school bus turn-arounds; and
  - g. Upon any portion of the public right-of-ways located within the Telluride Ski Ranch Subdivision.
3. Disabled Vehicle: A validly licensed and registered vehicle, trailer, or camper that will not move under its own power due to mechanical failure, snow, or other circumstances.
4. Motor Vehicles: Any self-propelled vehicle that is designed primarily for travel on public highways and that is generally and commonly used to transport persons and property over the public streets and highways.
5. Non-Commercial or Recreational Vehicle: A truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.
6. Object: An “Object” includes by way of example and not limitation, construction materials/equipment, discarded articles, and scrap materials.
7. Park or Parking: The standing of a Vehicle, whether occupied or not, other than very briefly for the purpose of, and while actually engaged in, the loading or unloading property or passengers.

8. Road & Bridge Permit: A County permit that may be obtained from the County Road and Bridge Department. Said Permit shall be issued on a case-by-case basis and will be restricted to a specific Vehicle or location.
9. Trailer: Any wheeled Vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, horses, or other property over highways and County roadways.
10. Vehicle: A device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks, including but not limited to Motor Vehicles, Recreational Vehicles, and Trailers.

## **B. RESTRICTING PARKING IN DESIGNATED AREAS**

1. The areas defined for this policy are the same boundary lines for the Telluride R1 School District (attached as Exhibit 1). The County may post signs according to this Ordinance in areas determined to be adversely impacted by illegal or excessive Parking to:
  - a. Limit the duration of Parking;
  - b. Limit Parking on certain days and/or during designated hours;
  - c. Provide notice that Vehicles Parked illegally in such areas are subject to impoundment; and/or
  - d. Impose any other restrictions reasonably necessary to mitigate the Parking problem and associated harm.
2. The proper signage posted shall designate certain no-parking areas including, but not limited to, the following areas: Bridal Veil, Trout Lake, Placerville, Ilium, Ophir, Ski Ranches, and the San Miguel County Intercept Lot in Lawson Hill.

## **C. PARKING POLICY**

1. Vehicles or other Objects shall not be parked, stored, or abandoned in whole or in part on a County Roadway or on County Property where there is no designated parking unless one of the following conditions exist:
  - a. The Sheriff's Office has been notified that efforts are actively underway to have a Disabled Vehicle or Object removed.
  - b. During an infrequent event, including by way of example and not limitation, a family gathering, community meeting, or garage sale, overflow Vehicles may

be parked in whole or in part on a County Roadway or County Property only when:

- i. Said parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
  - ii. The Parked Vehicle allows both lanes to remain passable on a two-lane road;
  - iii. The Parked Vehicle does not create potential traffic or public safety hazard; or
  - iv. Said parking is not overnight.
2. If there is no established public maintenance for snow removal (e.g., County or metro district) for an individual to access their property, the owner of an operable, validly licensed, and registered vehicle may obtain a County Road & Bridge Permit to park in whole or in part on a County Right-of-Way. This Permit will be issued only when:
  - a. Said Parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
  - b. The parked vehicle allows both lanes to remain passable on a two-lane road;
  - c. Does not create potential traffic or public safety hazards; or
  - d. The area is cleared and maintained by the party as defined in the designated Road & Bridge Permit.
3. This Ordinance shall not apply to emergency vehicles responding to an emergency or in compliance with the directions of a law enforcement officer or official temporary traffic control device.

**D. TRAFFIC HAZARD / SNOW REMOVAL**

Notwithstanding the parking policy outlined in section I.C. herein, in the event a Vehicle creates an obstruction to traffic, is abandoned, impedes snow removal or scheduled road repair, or impedes emergency vehicles, the Vehicle shall be removed immediately under the direction of the Sheriff, according to C.R.S. § 42-4-1803.

**II. ENFORCEMENT**

**A. AUTHORITY**

It is the duty of the Sheriff, undersheriff, deputies, and employees of the San Miguel County Road and Bridge Department to enforce the provisions of this Ordinance as directed and authorized under C.R.S. §§ 30-15-402.5 and 30-15-410.

**B. NOTICE OF VIOLATION OR “RED TAG” ISSUANCE**

Either an employee of the San Miguel County Road and Bridge Department or a Deputy Sheriff shall place a red tag on a Vehicle Parked on a County Roadway or on County Property to give the owner notice of the violation(s) of this Ordinance unless the Vehicle is to be removed immediately per section I.D. herein. The red tag shall require the owner to remove the Vehicle within twenty-four (24) hours. After expiration of twenty-four (24) hours, red-tagged Vehicles shall be deemed “abandoned motor vehicles” as defined in C.R.S. § 42-4-1802(1)(b), unless the owner has conspicuously affixed to the Vehicle a notice indicating the intention to return or has notified the Sheriff’s Office of intention to remove the vehicle within 24 hours.

In addition, when a Deputy Sheriff comes upon an unattended Vehicle that is parked in apparent violation of this Ordinance, the Deputy Sheriff may place upon the Vehicle a penalty assessment notice as outlined in section IV. below; except that said notice shall contain the license plate number and state of registration of the vehicle and need not contain the identification of the alleged offender according to C.R.S. § 16-2-201(1.5).

**C. TIME LIMITS**

The time limit for compliance with a red tag shall be no more than twenty-four (24) hours unless an arrangement has been approved by the Sheriff’s Office or Road and Bridge personnel or by county permit in advance.

**D. COURTESY CALL**

The person placing the red tag may request the Sheriff’s dispatcher to telephone, if possible, the vehicle owner as a courtesy to request the owner’s cooperation.

**E. FOLLOW-UP**

The person placing the red tag shall follow-up or arrange for a follow-up at the time of the red tag expiration. If the tagged Vehicle remains in violation at the expiration of the red tag, it shall be towed under the Sheriff’s Office’s established procedures.

**III. VEHICLE REMOVAL**

**A. SHERIFF ACTION**

Should a tow be required, the tow shall be carried out under the direction of the Sheriff’s Office following C.R.S. § 42-4-1803.

**B. REPEAT VIOLATIONS**

If a Vehicle has been previously red-tagged, the Vehicle may be towed immediately upon any additional violations of this Ordinance.

**C. TOW FEES**

Costs of towing and storage of Vehicles in violation of this Ordinance shall be the responsibility of the Vehicle owner. The County has no control over and does not regulate the rates charged by any tow company. No Vehicle shall be released from impoundment until the charges for impoundment and storage shall have been paid by the Vehicle owner.

**D. ABANDONMENT OF IMPOUNDED VEHICLES**

Any impounded Vehicle not claimed within seventy-two (72) hours of the time of impoundment shall be treated as abandoned. The provisions of C.R.S. § 42-4-1805 regarding abandoned Vehicles shall apply to such Vehicles.

**IV. PENALTIES FOR VIOLATIONS**

- A.** Notwithstanding other provisions contained herein, any person who violates any provision of this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. **For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of seventy-five dollars (\$75.00).**
- B.** Pursuant to C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- C.** Except for the penalty assessment notice specific to Vehicles parked in violation of this Ordinance as set forth above in section II.B., the penalty assessment notice shall be a summons and complaint which contains: (i) the identity of the alleged offender by name and address, (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice.
- D.** Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the

penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court at the date and time specified in such notice to answer the offense charged in the notice.

- E. All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty days of the Court's receipt of any such fines, penalties, and/or forfeitures.
- F. The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.
- G. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. §30-15-409.
- H. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

#### **V. LIABILITY FOR ACCIDENT**

The San Miguel County Board of County Commissioners, Sheriff's Office personnel, any assistants or employees of the County, and any other person or entity authorized to enforce the provisions of this Ordinance shall not be held responsible for any damage or accident that may occur in connection with the administration of this Ordinance.

#### **VI. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

#### **VII. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

#### **VIII. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

The Board of County Commissioners of San Miguel County, Colorado, hereby rescinds and replaces in its entirety all prior ordinances regulating the parking of vehicles on County roads, property, and road right-of-ways, including but not limited to Ordinance 1980-01 and 2021-1.

The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens,

\* County

residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED** at Telluride, Colorado, on October 2, 2024.

*Egnar*

**BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO**

By: *Lance Waring*  
Lance Waring, Chair

ATTEST:

By: *Carmen Warfield*  
Carmen Warfield, Chief Deputy Clerk



VOTE:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

**Telluride R1  
School District**



ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON Nov 20, 2024 at  
Telluride, Colorado.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Kris Holstrom  
~~Lance Waring, Chair~~ Kris Holstrom, Chair

ATTEST:

By: Carmen Warfield  
Carmen Warfield, Chief Deputy



VOTE:

|               |            |     |         |               |
|---------------|------------|-----|---------|---------------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent        |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent        |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | <u>Absent</u> |

## **CERTIFICATE**

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REGULATING THE PARKING OF VEHICLES ON  
COUNTY ROADS, PROPERTY AND ROAD RIGHT OF WAYS**

**Ordinance #2024 - 1**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Oct 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on Oct 11, 2024 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Nov. 20, 2024, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on Nov 28, 2024.



Carmen Warfield, Chief Deputy Clerk

Scrivener's error corrected in the 2nd reading.

1. 1st Page - Last Whereas should have a period at the end of the sentence.
2. Page 7 - Under V. Liability for Accident - Second sentence should read "assistants or employees of the County instead of Count.

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REGULATING AT LARGE OR ABANDONED ANIMALS IN THE  
UNINCORPORATED TERRITORY OF SAN MIGUEL COUNTY**

**ORDINANCE NO. 2024-02**

**WHEREAS**, C.R.S. § 30-15-401(1)(e), provides the Board of County Commissioners of San Miguel County, Colorado, (“BOCC”) authorization to adopt ordinances to control unleashed or unclaimed animals, except those animals enumerated in C.R.S. § 35-44-101(1); and

**WHEREAS**, San Miguel County residents have approached the BOCC on multiple occasions requesting assistance with recurring trespasses by certain animals on their private property; and

**WHEREAS**, Colorado is a “fence out” state and due to the frequent and consistent nature of these trespasses, C.R.S. § 35-46-101, *et seq.* (the “Fence Law”) may not provide an adequate remedy to protect the citizens of San Miguel County and their property because it is either not feasible or is overly burdensome for private citizens to pursue the remedies available to them; and

**WHEREAS**, the BOCC finds that the regulation of unleashed or unclaimed animals and the actions of their owners through administrative regulation and criminal enforcement is necessary to protect the public health, safety, and welfare of the citizens of San Miguel County and their property; and

**WHEREAS**, the BOCC further finds and determines that it is necessary and appropriate to adopt an ordinance for the specific purpose of regulating unleashed or unclaimed animals in San Miguel County (At Large or Abandoned Animals); and

**WHEREAS**, the BOCC had previously adopted San Miguel County Ordinance 2007-1 regarding the Regulation of Certain Animals in the Unincorporated Territory of San Miguel County and wishes to update the penalty provisions based on changes in statute; and

**WHEREAS**, it is the express intent of the BOCC that no person shall be charged with or convicted of a violation of this ordinance unless that person would also be subject to an action for civil damages or criminal penalties according to the Fence Law.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO**, as follows:

**I. GENERAL**

**A. DEFINITIONS**

When used in this Ordinance, the following words and terms shall have the following meaning:

1. Animal. Any domestic living vertebrate mammal creature, except those animals defined as an "Estray" in C.R.S. § 35-44-101(1) and except Pet Animals as defined in this Ordinance.
2. Animal Control Officer. The San Miguel County Sheriff, his Undersheriff and deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance.
3. Animal Control Personnel. Any person or entity that the BOCC may contract with or designate to care for and administer the disposition of Animals impounded according to this Ordinance.
4. At Large.
  - a. Any Animal that is (i) off the Premises of its owner; and (ii) on the private property of another within the County when the presence of the Animal on such private property would give rise to an action for recovery of damages for trespass under C.R.S. § 35-46-102, as stated and amended "No person shall recover damages for such a trespass or injury unless at the time thereof such grass, garden or vegetable products, or crops were protected by such a lawful fence. Even though such land, grass, garden or vegetable products, or other crops were not at such time protected on all sides by a lawful fence, if it is provided by clear and convincing evidence that livestock have broken through a lawful fence on one side of such land to reach such land, grass, products, or crops, recovery and the remedies under this section may be had the same as if such land, grass, products, or crops had been at such time protected on all sides by a lawful fence." ; OR
  - b. Any Animal that is (i) off the Premises of its Owner; and (ii) on any property within the County where the presence of the Animal would give rise to the criminal penalties allowed under C.R.S. § 35-46-105, as stated and amended "It is unlawful for the owner or any person in charge of any livestock knowingly to cause or permit such livestock to graze or run at large in any incorporated or unincorporated municipality, lane, road, or public highway if the same is separated from the land or range of such owner or person in charge by a fence or other barrier sufficient to keep livestock from reaching such municipality, lane, road, or public highway,"
5. Calendar Year. The period of time from 12:00 am on January 1 to 11:59 pm on December 31.
6. County. The unincorporated portion of San Miguel County, Colorado.
7. Impoundment Location. Any appropriate location where Animals will be confined humanely. Animal Control Personnel shall determine whether a location is appropriate for use as an Impoundment Location.

8. Owner. Any person, or person acting as a custodian, partnership, corporation, or an agent of the foregoing who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an Animal; or any parent, guardian, or legal custodian of any unemancipated child under eighteen (18) years of age who owns, co-owns, possesses, keeps, harbors, or has control or custody of an Animal.
9. Pet Animal. Any canine or feline owned or kept by a person for companionship or protection or for sale to others for such purposes.
10. Premises. Property owned, leased, or expressly permitted to be used by an Owner; or, any confined area or locality like a residence, business, room, shop, building, or motor vehicle in which the Animal's presence is authorized by the Owner of the premises.

## II. CONTROL OF ANIMALS

### A. ANIMALS AT LARGE PROHIBITED

1. Individual Animals. It shall be unlawful for the Owner of any Animal to permit such Animal to be At Large. If an Animal is found to be At Large, the Owner shall be presumed to have violated this Ordinance. However, an Owner shall not be charged with more than one violation of Ordinance per day regardless of the number of times the Owner's Animal is found At Large on any given day.
2. Herds or Flocks of Animals. It shall be unlawful for the Owner of any herd or flock of Animals to permit any individual member of the herd or flock of Animals to be At Large. If any individual member of a herd or flock of Animals is found to be At Large, the Owner shall be presumed to have violated this Ordinance. However, an Owner shall not be charged with more than one violation of this Ordinance per day regardless of the number of times the Owner's Animal is found At Large on any given day.
3. Proof of At Large Animal. Any person may report an At Large Animal on their property or public property to a designated Animal Control Officer. Any designated Animal Control Officer or Animal Control Personnel may report an At Large Animal regardless of whether the Animal is At Large on private property or public property.

For purposes of supporting the presumption of an Owner's violation of this Ordinance, the person reporting the At Large Animal shall provide the Animal Control Officer with any form of evidence that: (i) clearly and visibly identifies the Animal belonging to the Owner to be charged with a violation of this section, and (ii) clearly and visibly supports the assertion that the Animal is off the Premises of the Owner and At Large in the County. Such proof may include but is not limited to, a film photograph, a digital photograph, or a video recording.

### **III. SEIZURE, IMPOUNDMENT AND RECLAMATION**

It is the express intent of the BOCC that no person shall be charged with or convicted of a violation of this Ordinance unless that person would also be subject to an action for civil damages or criminal penalties according to the Fence Law.

#### **A. IMPOUNDMENT OF ANIMALS AUTHORIZED**

An Animal Control Officer may, at his or her discretion, seize, impound, and mark for purposes of ownership identification, an Animal that is At Large. Animals may be impounded at any Impoundment Location in the care of Animal Control Personnel. At the time of the impoundment, Animal Control Personnel may mark any Animal for purposes of ownership identification if such Animal has not already been marked by an Animal Control Officer.

#### **B. NOTICE OF IMPOUNDMENT AND DISPOSITION ALTERNATIVES**

When any Animal is impounded, Animal Control Personnel shall as soon as feasible give notice in person, by letter, or service of a citation upon the Owner regarding the Animal's impoundment and dispositional alternatives. Animal Control Personnel shall maintain records of the time, dates, and manner of any such notification, and such records shall constitute prima facie evidence of notification or attempted notification. In the event Animal Control Personnel is unable to identify the Owner of any Animal, the notification procedures in section III.F. apply.

#### **C. LENGTH OF IMPOUNDMENT**

Any Animal impounded under this Ordinance shall be held for a minimum of ten (10) days after notice to the Owner according to section III.B or F. before it may become available for adoption or otherwise disposed of.

#### **D. RECLAMATION OF CERTAIN ANIMALS RESTRICTED OR PROHIBITED**

Animal Control Personnel may deny reclamation of any Animal to its Owner which, if released to the Owner, would be kept in violation of this Ordinance. Animal Control Personnel may release such Animals for adoption to any person or entity, including the Owner, who, in Animal Control Personnel's best judgment, will not keep such Animals in violation or further violation of this Ordinance.

#### **E. RECLAIMING FEES**

Any Owner reclaiming an impounded Animal shall:

1. Pay the following fees in advance of the release of the Animal:
  - a. An impound fee specified by written resolution by the BOCC;
  - b. A daily boarding fee as specified by written resolution by the BOCC; and
  - c. Other expenses necessarily incurred by Animal Control Officers or Animal Control Personnel while seizing, impounding, or caring for the Animal.

2. Demonstrate the ability to transport impounded Animals away from the Impoundment Location and to a final destination in a manner that will not, in Animal Control Personnel's or an Animal Control Officer's discretion, create any undue danger to the public health, safety, and welfare. In no event shall Animal Control Personnel or Animal Control Officers be responsible for, or required to, return any impounded Animal to its Owner.

Compliance with both of the above conditions shall be a requirement for the Owner to reclaim impounded Animals. If the Owner of an impounded Animal is unable to properly transport any impounded Animal, such Animal shall be considered unclaimed and its disposition shall be determined under section III.F. Animal Control Personnel may, in its discretion, waive any and all fees where the payment of such fees would create unnecessary hardship on Owner.

#### **F. ADOPTION OR DISPOSAL OF UNCLAIMED ANIMALS**

1. If Animal Control Personnel is unable to identify the Owner of any impounded Animal, then Animal Control Personnel shall research the state brand records, and if from this record the name of the Owner or probable Owner can be determined, Animal Control Personnel shall notify the Owner or probable Owner of the impoundment of such Animal according to the provisions of section III.B. Upon the Owner or probable Owner proving to the satisfaction of Animal Control Personnel that the Animal rightly belongs to them, Animal Control Personnel shall release such Animal to the Owner following any other applicable provision of this Ordinance.
2. In the event Animal Control Personnel is unable to identify the Owner of an Animal after completing the procedure in section III.F.1., Animal Control Personnel shall cause notice, which notice shall include a picture of the unclaimed Animal which identifies the Animal's brand and any other identifying characteristics to be posted in the offices of all county clerks and recorders and licensed livestock markets and in other conspicuous places in the area where the Animal was found. Animal Control Personnel shall also cause a notice giving a general description of the Animal to be placed in a local newspaper within the County and said notice shall be carried in one regular issue only. Both notices shall state that unless the Animal is claimed by the Owner within ten (10) days after the publication or posting of the notice, whichever is later, then the same shall be released for adoption to any person or entity who, in Animal Control Personnel's best judgment, will not keep such Animal in violation of section II. of this Ordinance, or such Animal may be disposed of in any other manner deemed appropriate and humane by Animal Control Personnel, including, but not limited to, sale of the Animal at a public auction.
3. Notwithstanding the provisions of sections III.F., if an Animal is not reclaimed by its Owner within ten (10) days after impoundment because the Owner attempted, but was unable to satisfy the provisions of section III.E., then Animal Control Personnel shall not be required to satisfy the notice provisions of sections III.F. before the adoption or disposal of the Animal.

**G. EXCESS FUNDS**

In the event the disposition of an Animal results in the collection of funds in excess of those required to cover all costs incurred in connection with the enforcement of this Ordinance, the excess funds shall be returned to the Owner. If Animal Control Personnel is unable to identify the Owner, then any excess funds shall be deposited into the treasury of San Miguel County. The County Treasurer is directed to place all excess funds collected based on violations of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.

**IV. INTERFERENCE OR OBSTRUCTION**

No person shall knowingly interfere with, impede, or obstruct any Animal Control Officer who is attempting to discharge or is in the course of discharging an official duty, or fail to obey the lawful order of an Animal Control Officer. Any such action or inaction shall constitute a violation of this Ordinance.

**V. ENFORCEMENT**

It is the express intent of the BOCC that no person shall be charged with or convicted of a violation of this Ordinance unless that person would also be subject to an action for civil damages or criminal penalties under the Fence Law.

**A. AUTHORITY**

It is the duty of the Sheriff, undersheriff, deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance as directed and authorized under C.R.S. §§ 30-15-402.5 and 30-15-410.

**B. RIGHT OF ENTRY GRANTED**

Animal Control Officers are hereby authorized to enter any premises in the County to impound Animals that they are authorized to impound or for any other purpose authorized by this Ordinance. If necessary, an Animal Control Officer may obtain a search warrant to enforce any provision of this Ordinance.

**VI. PENALTIES**

It is the express intent of the BOCC that no person shall be charged with or convicted of a violation of this Ordinance unless that person would also be subject to an action for civil damages or criminal penalties pursuant to the Fence Law.

- A. Notwithstanding other provisions contained herein, any person who violates section II or III of this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of seventy-five dollars (\$75.00).**
- B. Any impounded Animal whose Owner has violated section III. of this Ordinance shall be released for adoption to any person or entity who, in Animal Control Personnel's best judgment, will not keep such Animal in violation of section III., or such Animal may be disposed of in any other manner deemed appropriate and humane by Animal**

Control Personnel, including but not limited to, sale of the Animal at a public auction. Animal Control Personnel shall not be required to satisfy the notice provisions of sections III.F. prior to the disposal of any Animal pursuant to this section V.B.

- C. Pursuant to C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- D. The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the San Miguel County clerk of court.
- E. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.
- F. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty (30) days of the Court's receipt of any such fines, penalties, and/or forfeitures.
- G. The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.

- H. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- I. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

#### **VII. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE**

The San Miguel County Board of County Commissioners, Animal Control Officers, any assistants or employees of the BOCC, and any other person or entity authorized to enforce this provision s of this Ordinance shall not be held responsible for any damage, accident or subsequent disease that may occur in connection with the administration of this Ordinance.

#### **VIII. SEVERABILITY**

Should any section, clause, sentence or part of this Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

#### **IX. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

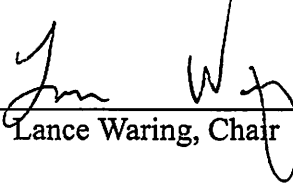
#### **X. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

The Board of County Commissioners of San Miguel County, Colorado hereby rescinds and replaces in its entirety all prior ordinances Regulating Unleased or Unclaimed Animals in The Unincorporated Territory of San Miguel County including but not limited to Ordinance 2007-1.

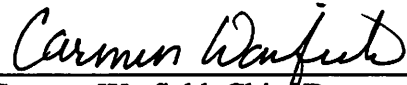
The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED AS ADOPTED** at Telluride, Colorado, on October 16, 2024.

**BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO**

By:   
Lance Waring, Chair

ATTEST:

By:   
Carmen Warfield, Chief Deputy Clerk

VOTE:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON SECOND AND FINAL  
READING ON at Telluride, Colorado on November 20, 2024.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Kris Holstrom  
~~Lance Waring, Chair~~ Kris Holstrom, Chair

ATTEST:

By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk

VOTE:

|               |            |     |         |               |
|---------------|------------|-----|---------|---------------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent        |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent        |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | <u>Absent</u> |

## CERTIFICATE

I hereby certify that the foregoing ordinance entitled:

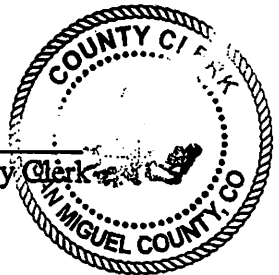
**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REGULATING UNLEASED OR UNCLAIMED ANIMALS IN THE  
UNINCORPORATED TERRITORY OF SAN MIGUEL COUNTY**

**Ordinance #2024 - 2**

was introduced, read and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on 10/16, 2024, and the same was published in full in the Telluride Daily Planet on 10/25/24 and the same was published in the Norwood Post on 10/25/24 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on 11/20/2024.

By:

Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO PERTAINING TO THE REGULATION OF  
MOTOR VEHICLE NOISE ON PUBLIC PROPERTY IN THE UNINCORPORATED  
TERRITORY OF SAN MIGUEL COUNTY**

**ORDINANCE NO. 2024-03**

**WHEREAS**, Sections 25-12-107 and 30-15-401(1)(m) C.R.S. authorizes counties to enact ordinances prohibiting the operation of motor vehicles on public property within their respective jurisdictions that produce noise in excess of certain sound levels measured in decibels; and

**WHEREAS**, the Board of County Commissioners of San Miguel County, Colorado ("BOCC") finds that the adoption of a motor vehicle noise regulation ordinance, effective on certain portions of ~~Colorado Highway 145~~, is in the best interest of the public health, safety, and welfare of the citizens, residents, and visitors of San Miguel County; and

**WHEREAS**, the BOCC had previously adopted San Miguel County Ordinance 1999-1 regarding the Regulation of Motor Vehicle Noise in the Unincorporated Territory of San Miguel County and wishes to update the penalty provisions based on changes in statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO**, as follows:

**I. GENERAL**

**A. DEFINITIONS**

When used in this Ordinance, the following words and terms shall have the following meaning:

1. Ambient Noise Level. The average equivalent sound level occurring during a six-minute period as measured with a sound level measuring instrument. The Ambient Noise Level shall be determined with the noise source at issue silent and in the same location and approximate time as the measurement of the noise level of the source at issue.
2. dB(A). A sound level in decibels measured on the "A" scale of a sound level having characteristics defined by the American National Standards Institute, publication S1.4-1971.
3. Decibel. A unit describing the relative amplitude of sound. A Decibel is a unit of sound pressure equal to twenty times the logarithm to the base ten of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5} \text{N/m}^2$  (Newton's/meter squared).
4. Motor Vehicle. Any vehicle, propelled or drawn by mechanical power, including, but not limited to automobile, truck, motorcycle, all-terrain recreational vehicle, trail

*\*Unincorporated Territory of San Miguel County*

bike, dirt bike, minibike, go-cart, snowmobile, or any other vehicle which is self-propelled. Such term shall not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

## **II. SOUND LEVELS**

### **A. MEASUREMENT OF SOUND LEVEL**

1. Sound from a Motor Vehicle operating on a public road or highway shall be measured at a distance of fifty feet from the center of the lane of travel used by the vehicle.
2. Sound shall be measured on the "A" weighting scale on a sound measuring instrument of a design and quality and characteristics established by the American National Standards Institute, S1.4-1971 for type 1 instruments set to fast response time.
3. For purposes of this ordinance, measurements with sound measuring instrument meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour or fifteen miles per hour with a windscreen.
4. For all sound level measurements, consideration shall be given to the effect of the Ambient Noise Level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. For Ambient Noise Levels within 10 Decibels of the noise at issue, the ambient sound level shall be analytically subtracted from the combination of the noise source at issue and the ambient level.

### **B. PROHIBITED NOISE LEVELS**

Sound from a Motor Vehicle, except an emergency Motor Vehicle, being operated on a public road or highway within the unincorporated area of San Miguel County.

Within the following speed limits, shall not exceed the following as measured on the "A" weighting scale dB(A):

Type of Vehicle: Motor Vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such Motor Vehicle, and any motorcycle other than a low-power scooter:

|                                  |          |
|----------------------------------|----------|
| Speed limit of 35 mph or less:   | 86 dB(A) |
| Speed limit of more than 35 mph: | 90 dB(A) |

### **III. ENFORCEMENT**

It is the duty of the Sheriff, undersheriff, deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance as directed and authorized under C.R.S. §§ 30-15-402.5 and 30-15-410 and section VI. herein.

### **IV. PENALTIES**

- A.** Notwithstanding other provisions contained herein, any person who violates this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. **For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of seventy-five dollars (\$75.00).**
- B.** Under C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance, and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- C.** The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the San Miguel County clerk of court.
- D.** Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.

- E. All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty (30) days of the Court's receipt of any such fines, penalties, and/or forfeitures.
- F. The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.
- G. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- H. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

**V. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

**VI. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

**VII. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

The Board of County Commissioners of San Miguel County, Colorado hereby rescinds and replaces in its entirety all prior ordinances on the Regulation of Motor Vehicle Noise on Public Property in the Unincorporated Territory of San Miguel County including but not limited to Ordinance 1999-1.

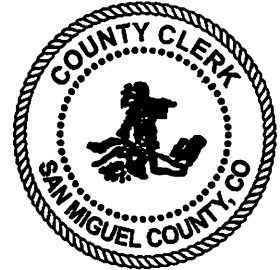
The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED AS ADOPTED** at Egnar, Colorado, on October 2, 2024.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Lance Waring  
Lance Waring, Chair

ATTEST:  
By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



VOTE:

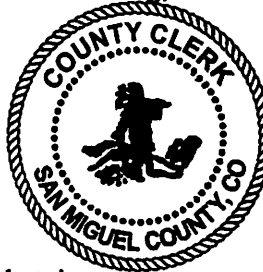
|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON SECOND AND FINAL  
READING ON at Telluride, Colorado on Nov. 20, 2024.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Kris Holstrom  
~~Lance Waring, Chair~~ Kris Holstrom, Chair

ATTEST:  
By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



VOTE:

|               |            |     |         |               |
|---------------|------------|-----|---------|---------------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent        |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent        |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | <u>Absent</u> |

**CERTIFICATE**

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
PERTAINING TO THE REGULATION OF MOTOR VEHICLE NOISE ON PUBLIC  
PROPERTY IN THE UNINCORPORATED TERRITORY OF SAN MIGUEL COUNTY**

**Ordinance #2024 - 3**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Oct 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on Oct 11, 2024 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on \_\_\_\_\_, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on \_\_\_\_\_.

By:

\_\_\_\_\_  
Carmen Warfield, Chief Deputy Clerk

**CERTIFICATE**

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
PERTAINING TO THE REGULATION OF MOTOR VEHICLE NOISE ON PUBLIC  
PROPERTY IN THE UNINCORPORATED TERRITORY OF SAN MIGUEL COUNTY**

**Ordinance #2024 - 3**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Oct 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on Oct 11, 2024 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Nov 20, 2024, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on Nov 28, 2024

By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk

Error corrected in the 2nd Reading

Page 1, 2nd Whereas should read WHEREAS, the Board of County Commissioners of San Miguel County, Colorado ("BOCC") finds that the adoption of a motor vehicle noise regulation ordinance, effective on certain portions of Unincorporated Territory of San Miguel County (NOT Colorado Highway 145), is in the best interest of the public health, safety and welfare of the citizens, residents, and visitors of San Miguel County; and

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO PERTAINING TO THE REGULATION OF  
MOTOR VEHICLE NOISE ON PUBLIC PROPERTY IN THE UNINCORPORATED  
TERRITORY OF SAN MIGUEL COUNTY**

**ORDINANCE NO. 2024-03**

**WHEREAS**, Sections 25-12-107 and 30-15-401(1)(m) C.R.S. authorizes counties to enact ordinances prohibiting the operation of motor vehicles on public property within their respective jurisdictions that produce noise in excess of certain sound levels measured in decibels; and

**WHEREAS**, the Board of County Commissioners of San Miguel County, Colorado ("BOCC") finds that the adoption of a motor vehicle noise regulation ordinance, effective on certain portions of Unincorporated Territory of San Miguel County, is in the best interest of the public health, safety, and welfare of the citizens, residents, and visitors of San Miguel County; and

**WHEREAS**, the BOCC had previously adopted San Miguel County Ordinance 1999-1 regarding the Regulation of Motor Vehicle Noise in the Unincorporated Territory of San Miguel County and wishes to update the penalty provisions based on changes in statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, as follows:**

**I. GENERAL**

**A. DEFINITIONS**

When used in this Ordinance, the following words and terms shall have the following meaning:

1. Ambient Noise Level. The average equivalent sound level occurring during a six-minute period as measured with a sound level measuring instrument. The Ambient Noise Level shall be determined with the noise source at issue silent and in the same location and approximate time as the measurement of the noise level of the source at issue.
2. dB(A). A sound level in decibels measured on the "A" scale of a sound level having characteristics defined by the American National Standards Institute, publication S1.4-1971.
3. Decibel. A unit describing the relative amplitude of sound. A Decibel is a unit of sound pressure equal to twenty times the logarithm to the base ten of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newton's/meter squared).
4. Motor Vehicle. Any vehicle, propelled or drawn by mechanical power, including, but not limited to automobile, truck, motorcycle, all-terrain recreational vehicle, trail

bike, dirt bike, minibike, go-cart, snowmobile, or any other vehicle which is self-propelled. Such term shall not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

## **II. SOUND LEVELS**

### **A. MEASUREMENT OF SOUND LEVEL**

1. Sound from a Motor Vehicle operating on a public road or highway shall be measured at a distance of fifty feet from the center of the lane of travel used by the vehicle.
2. Sound shall be measured on the "A" weighting scale on a sound measuring instrument of a design and quality and characteristics established by the American National Standards Institute, S1.4-1971 for type 1 instruments set to fast response time.
3. For purposes of this ordinance, measurements with sound measuring instrument meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour or fifteen miles per hour with a windscreen.
4. For all sound level measurements, consideration shall be given to the effect of the Ambient Noise Level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. For Ambient Noise Levels within 10 Decibels of the noise at issue, the ambient sound level shall be analytically subtracted from the combination of the noise source at issue and the ambient level.

### **B. PROHIBITED NOISE LEVELS**

Sound from a Motor Vehicle, except an emergency Motor Vehicle, being operated on a public road or highway within the unincorporated area of San Miguel County.

Within the following speed limits, shall not exceed the following as measured on the "A" weighting scale dB(A):

Type of Vehicle: Motor Vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such Motor Vehicle, and any motorcycle other than a low-power scooter:

|                                  |          |
|----------------------------------|----------|
| Speed limit of 35 mph or less:   | 86 dB(A) |
| Speed limit of more than 35 mph: | 90 dB(A) |

### **III. ENFORCEMENT**

It is the duty of the Sheriff, undersheriff, deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance as directed and authorized under C.R.S. §§ 30-15-402.5 and 30-15-410 and section VI. herein.

### **IV. PENALTIES**

- A.** Notwithstanding other provisions contained herein, any person who violates this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. **For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of seventy-five dollars (\$75.00).**
- B.** Under C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance, and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- C.** The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the San Miguel County clerk of court.
- D.** Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.

- E.** All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty (30) days of the Court's receipt of any such fines, penalties, and/or forfeitures.
- F.** The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.
- G.** All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- H.** Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

**V. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

**VI. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

**VII. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

The Board of County Commissioners of San Miguel County, Colorado hereby rescinds and replaces in its entirety all prior ordinances on the Regulation of Motor Vehicle Noise on Public Property in the Unincorporated Territory of San Miguel County including but not limited to Ordinance 1999-1.

The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED AS ADOPTED** at Egnar, Colorado, on October 2, 2024.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Lance Waring  
Lance Waring, Chair

ATTEST:

By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



VOTE:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON SECOND AND FINAL  
READING ON at Telluride, Colorado on \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: \_\_\_\_\_  
Lance Waring, Chair

ATTEST:

By: \_\_\_\_\_  
Carmen Warfield, Chief Deputy Clerk

VOTE:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

**CERTIFICATE**

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
PERTAINING TO THE REGULATION OF MOTOR VEHICLE NOISE ON PUBLIC  
PROPERTY IN THE UNINCORPORATED TERRITORY OF SAN MIGUEL COUNTY**

**Ordinance #2024 - 3**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Oct 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on Oct 11, 2024 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on \_\_\_\_\_, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on \_\_\_\_\_.

By: \_\_\_\_\_  
Carmen Warfield, Chief Deputy Clerk

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS,  
OF SAN MIGUEL COUNTY, COLORADO,  
RESTRICTING OPEN FIRES, OPEN BURNING  
AND FIREWORKS IN THE UNINCORPORATED AREAS  
OF SAN MIGUEL COUNTY TO REDUCE  
THE DANGER OF WILDFIRES**

**Ordinance #2024-04**

**WHEREAS**, the Board of County Commissioners of San Miguel County (“BOCC”), pursuant to C.R.S. §§30-11-101(2) and 30-15-401, *et seq.*, has the general enabling power to adopt ordinances, resolutions, rules, and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, and welfare of the citizens, residents, and visitors of San Miguel County (“County”); and

**WHEREAS**, according to C.R.S. §30-15-401(1)(n.5)(I), the BOCC is authorized to enact an ordinance “to ban open fires to a degree and in a manner that the board of county commissioners deems it 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, based on competent evidence”; and

**WHEREAS**, C.R.S. §30-15-401(1)(n.7) authorizes the BOCC to prohibit the sale, use, and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the county; and

**WHEREAS**, the BOCC acknowledges that from time-to-time fire conditions resulting from extended hot, dry, and windy weather in the area make it prudent to impose restrictions on open fires, open burning, and the use of fireworks to reduce the danger of wildfire in the unincorporated areas of the County; and

**WHEREAS**, the BOCC specifically finds that in certain high fire-danger conditions such restrictions are in the best interests of the citizens, residents, and visitors of the County to preserve the health, safety, and welfare of the citizens, residents, and visitors; and

**WHEREAS**, the BOCC finds that for those days on which the National Weather Service notifies the San Miguel County Sheriff’s Office (“SMCSO”) of a “red flag warning” which serves as competent evidence that the initiation of open fires, open burning and use of fireworks within those sections of the unincorporated areas of the County that are subject to the “red flag warning” shall be prohibited and persons or entities that have received a permit or authorization to conduct such fires from SMCSO shall have any such permit or authorization immediately suspended or revoked for the duration of the time period during which such a “red flag warning” remains in effect upon receiving notification from SMCSO of any such “red flag warning”; and

**WHEREAS**, the San Miguel County Sheriff (“Sheriff”) is authorized under sections C.R.S. §§ 30-10-512 and 30-10-513 to act as fire warden of the county in certain circumstances in case of

prairie, forest, or wildland fires or wildfires occurring in unincorporated areas of the County outside the boundaries of a fire protection district or that exceeds the capabilities of the fire protection district to control; and

**WHEREAS**, the BOCC believes that the Sheriff, in their capacity as fire warden, is the appropriate person, within their discretion and expertise, to determine whether a restriction of open fires, open burning, and use of fireworks should be implemented or elevated in times of extreme fire danger or suspended during times of decreased fire danger; and

**WHEREAS**, the BOCC finds that it is necessary to protect the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County to create an orderly process within the county for the imposition of restrictions on open fires, open burning, and the use of fireworks; and

**WHEREAS**, on June 11, 1996, the BOCC adopted San Miguel County Ordinance #1996-1, "Ordaining A Process for the Imposition of Open Fire Restrictions"; and

**WHEREAS**, on July 23, 1996, the BOCC adopted San Miguel County Ordinance #1996-2, "Ordaining a Process for the Imposition of Open Fire Restrictions" which repealed and replaced the San Miguel County Ordinance #1996-1; and

**WHEREAS**, on May 2, 2012, the BOCC adopted San Miguel County Ordinance #2012-1, "Ordaining a Notification Requirement to the San Miguel County Sheriff's Office for Open Burn Fires and Authorizing the Prohibition of Open Burn Fires during Red Flag Warning Periods and Attendant Penalties"; and

**WHEREAS**, on May 15, 2019, the BOCC adopted San Miguel County Ordinance #2019-01, "Ordaining a Process for the Imposition of Open Fire Restrictions, Open Burning, and Fireworks in San Miguel County" which repealed and replaced San Miguel County Ordinances #1996-2 and #2012-1; and

**WHEREAS**, upon review of San Miguel County Ordinance #2019-01, repealing and replacing San Miguel County Ordinance #2019-01 with this Ordinance is desirable.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**I. PURPOSE**

The purpose of this Ordinance is to:

- A.** Preserve and protect the public health, safety, and welfare of the citizens, residents, and visitors and residents of the County by restricting open fires, open burning, and the use of fireworks in the unincorporated areas of the County when certain high fire-danger conditions exist to prevent forest and prairie fires; and
- B.** Appoint the Sheriff as the designated person with the ability to 1) declare open fire,

open burning, and use of fireworks restrictions within all or a portion of the unincorporated areas of the County during “red flag warning declarations” and when high-fire danger conditions exist and 2) rescind those restrictions when appropriate.

## II. INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to preserve and protect the public health, safety, and welfare of the citizens, residents, and visitors and residents of San Miguel County, Colorado, by burning responsibly under appropriate parameters, and by documenting open fires and open burning in the unincorporated areas of the County. Section headings and any cross-references shall not be deemed to govern, limit, modify, or affect in any manner the scope, meaning, or extent of any provision of this Ordinance.

## III. APPLICATION

This Ordinance shall apply throughout unincorporated areas of the County.

## IV. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

- A. **“Broadcast Burn”**: The controlled application of fire to wildland fuels in their natural or modified state over a predetermined area. Broadcast Burns do not include the burning of wildland fuels that have been concentrated in piles by manual or mechanical methods.
- B. **“Extinguished”**: No excessive heat or visible flame, smoke, or emissions exist.
- C. **“Fire Restriction Evaluation Guidelines”**: That set of evaluation criteria currently in use by federal, state, and local fire suppression/management agencies for monitoring fuel moistures, fire danger class, current impacts on suppression resources, current fire cause types, fire weather forecasts, and other indicators of predicted fire danger.
- D. **“Fireworks”**: As defined in C.R.S. §24-33.5-2001(5), any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnics, permissible fireworks, or display fireworks according to C.R.S. §24-33.5-2001(11).
- E. **“Open Burning”**: Fire that a person starts and that is intentionally used for forest management.
- F. **“Open Fire”**: An outdoor fire, including, but not limited to, bonfires, campfires, warming fires, charcoal grill fires, fires in wood-burning stoves, the use of explosives, outdoor welding or operating an acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, and the

prescribed burning of fence lines or rows, fields, farmlands, rangelands, wild lands, trash, and debris.

- G. **“Person”**: Any individual, association, organization, partnership, firm, corporation, business, or other entity recognized by law.
- H. **“Prescribed Burning”**: The controlled application of fire in accordance with a written prescription for wildland fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land-management objectives, in accordance with the Colorado Prescribed Fire Planning and Implementation Policy Guide, issued by the Colorado Division of Fire Prevention and Control.
- I. **“Red Flag Warning”**: A forecast warning issued by the National Weather Service to inform area firefighting and land use management agencies that conditions are ideal for wildland fire ignition and propagation.
- J. **“Slash”**: Woody material less than six inches in diameter consisting of limbs, branches, and stems that are free of dirt. “Slash” does not include tree stumps, roots, or any other material.

## **V. UNLAWFUL ACTIVITIES GENERALLY**

The following activity is unlawful at all times:

- A. Burning of material that contains food wastes, plastic, coated or treated wood products, rubber, insulation, tires, car bodies, insulated wire, motor oil, aerosol cans, hazardous or toxic materials, or other materials that will produce substantial amounts of smoke and particulates.
- B. Burning wood residue, which includes bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing.
- C. Burning of construction debris (includes both clean and treated wood).
- D. Burning of buildings or structures for demolition purposes.
- E. Engaging in activity prohibited when Stage I, Stage II, or Stage III Restrictions are in effect, other than as excepted or exempted, in the unincorporated areas of the County.

## **VI. NOTICE TO SAN MIGUEL COUNTY SHERIFF’S OFFICE**

No person shall initiate an Open Fire or Open Burning, including the burning of Slash, without first notifying SMCSO at (970) 728-1911, on that same day, of the intent to initiate a fire and its estimated duration.

## **VII. EXEMPTION FROM NOTICE REQUIREMENT IN SECTION VI**

Under §30-15-401(1)(n.5)(II)(E), C.R.S., Broadcast Burns conducted within applicable federal and state guidelines that have a written prescribed fire plan, campfires, or fires within containers (e.g., charcoal/wood cooking grills, fireplaces/woodstoves, and burn barrels) are exempt from the notice requirement outlined in Section VI. For purposes of this Ordinance, a large bonfire producing significant amounts of smoke is considered to be an Open Fire requiring prior notice under Section VI. If the person responsible for the Open Fire is in doubt regarding the need to report it according to Section VI, they are requested to act safely and prudently and report it to the SMCSO before starting the Open Fire.

## **VIII. SAN MIGUEL COUNTY SHERIFF'S OFFICE OPEN BURNING LOG PROCEDURES**

The SMCSO shall keep an electronic log of each notification it receives regarding an intent to initiate such Open Burning. The SMCSO shall inform each person making such a notification whether that day is a Red Flag Warning period, as identified by the National Weather Service, in any part of unincorporated areas of the County that are located both outside of and within the fire protection district boundaries; the SMCSO shall note in its log that the agency has provided such information and that initiating the fire during a Red Flag Warning period is a violation of this Ordinance. The SMCSO shall notify the appropriate personnel of such Open Burn activity.

## **IX. NO OPEN BURNING WHEN RED FLAG WARNING IS IN EFFECT**

No person shall initiate an Open Fire in unincorporated areas of the County on a day identified by the National Weather Service as a Red Flag Warning period in any part of unincorporated areas of the County which are located both outside of and within fire protection district boundaries that are included within the identified boundaries of such Red Flag Warning any existing burn projects must be Extinguished under the applicable Red Flag Warning restrictions.

## **X. CONSULTATION AND COORDINATION FOR IMPLEMENTATION OR SUSPENSION OF OPEN FIRE RESTRICTIONS**

The Sheriff or their designee shall consult with various state and federal land management agencies and obtain their recommendation before the Sheriff imposes or suspends any Open Fire restrictions. Recommendations shall be made according to Fire Restriction Evaluation Guidelines. SMCSO personnel shall coordinate and cooperate with these agencies to enforce any limits upon implementation or suspension of restrictions.

## **XI. DECLARATION OF STAGE I OR STAGE II OPEN FIRE RESTRICTION AND SHERIFF'S AUTHORITY TO IMPOSE AND SUSPEND FIRE RESTRICTION STAGES**

The Sheriff or their designee shall have the authority to declare Stage I or Stage II Open Fire, Open Burning, and/or use of Fireworks restrictions whenever the danger of forest and grass fires is found to be high, and without further proceedings or resolution. Any declaration of such restrictions made pursuant to this section shall specify the Stage level, parameters, and the duration of the restrictions as deemed necessary and appropriate. The Sheriff or their designee shall promptly coordinate notification to the public through a general press release to local radio and print media, as well as posting on the County Internet Website and County Sheriff's Office Facebook page. Likewise, when conditions indicate a reduction or the suspension of restrictions, the same notification to the public shall occur.

Prior to or within three days of imposing or suspending any restrictions, the Sheriff or their designee shall provide the BOCC with a summary of the competent evidence and recommendations that are the basis of the decision.

## **XII. FIRE RESTRICTIONS STAGES**

### **A. STAGE I Fire Restrictions**

The following acts may be prohibited when STAGE 1 Fire Restrictions are imposed by the Sheriff:

- i. Building, maintaining, attending, or using a fire, campfire, or stove fire except within a permanently constructed fire grate in a developed campground, developed recreation site, or improved site.
- ii. Smoking, except within an enclosed vehicle or building, or a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.
- iii. The use of fireworks (as defined above) according to C.R.S. §30-15-401(1)(n.7).

### **B. STAGE II Fire Restrictions**

The following acts may be prohibited when Stage II Fire Restrictions are imposed by the Sheriff:

- i. Building, maintaining, attending, or using a fire, campfire, or stove fire, to include any fire within a permanently constructed fire grate in a developed campground, developed recreation site, or improved site.
- ii. Smoking, except within an enclosed vehicle or building, to include smoking in a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

- iii. Operating a chainsaw or other equipment powered by an internal combustion engine.
- iv. Welding, operating a torch with an open flame, or any activities which generate flame or flammable material.
- v. Use of explosives.
- vi. The use of fireworks (as defined above) according to C.R.S. §30-15-401(1)(n.7).

### **XIII. BOCC AUTHORITY TO IMPOSE AND SUSPEND STAGE III CLOSURE**

If the Sheriff, after consultation with various state and federal land management agencies, obtains a recommendation to impose a Stage III Closure within the County, the Sheriff or their designee shall immediately inform the BOCC and shall provide the BOCC with a summary of the competent evidence and recommendations that are the basis of the decision to impose a Stage III Closure. If the need for Stage III closure is needed, the BOCC shall call for an emergency meeting to implement the following restrictions by county resolution. Upon passage of a Stage III Closure resolution, the Sheriff or their designee shall promptly coordinate notification to the public through a general press release to local radio and print media, as well as posting on the County Internet Website and County Sheriff's Office Facebook page.

When conditions indicate a reduction or the suspension of Stage III Closure restrictions, the Sheriff or their designee shall notify the BOCC of the competent evidence and recommendations for said reduction or suspension. The BOCC shall lift the Stage III Closure restriction by resolution and the same notification to the public shall occur.

Stage III is a closure prohibiting entry to the affected area. The affected area is closed to all entry other than the following:

- A. Persons with a written fire entry and activity permit.
- B. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- C. Resident owners and lessees of land within the closed area.

### **XIV. ENFORCEMENT AGENCIES AND PROSECUTION**

This Ordinance shall be enforced by the Sheriff, through his Deputies, including the Sheriff's designee, the Fire Chief, or their designee of any fire protection district or administering agencies of the state and federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Ordinance. This authority shall include, but not be limited to, the right to issue a penalty assessment notice and the right of a Post Certified Deputy to take such person or persons into temporary custody.

### **XV. PENALTIES**

- A. Notwithstanding other provisions contained herein, any person who violates this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. **For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of one thousand dollars (\$1000.00).**
- B. Under C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance, and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- C. The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the San Miguel County clerk of court.
- D. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.
- E. All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty (30) days of the Court's receipt of any such fines, penalties, and/or forfeitures.

- F. The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.
- G. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- H. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

## **XVI. RESTITUTION**

Any person who initiates open burning in unincorporated areas of San Miguel County which are located both outside of and within fire protection district boundaries on a day identified by the National Weather Service as a "red flag warning" period and within the geographic area that is subject to such a "red flag warning" which requires response from the local fire protection district or sheriff's office responders may be subject to provide restitution to any responding agencies.

## **XVII. 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. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including, but not limited to, prosecution under C.R.S. §18-13-109, or any other applicable statute, ordinance, rule, order, or regulation.

## **XVIII. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

## **XIX. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health, and safety.

## **XX. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

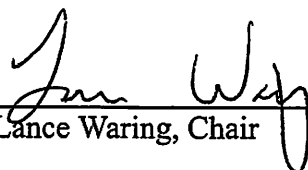
The Board of County Commissioners of San Miguel County, Colorado hereby rescinds and

replaces in its entirety all prior ordinances on the restriction of open fires, open burning, and use of fireworks including but not limited to Ordinance 2019-01.

The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED  
PUBLISHED AS ADOPTED**, at Telluride, Colorado, on October 2, 2024.  
Egnar

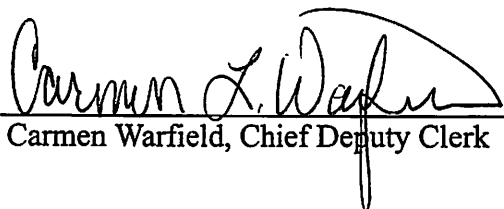
**SAN MIGUEL COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS**

  
Lance Waring, Chair

Vote:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

ATTEST:

  
Carmen Warfield, Chief Deputy Clerk



ADOPTED ON SECOND AND FINAL READING, at Telluride, Colorado this 20<sup>th</sup> day of Nov., 2024.

SAN MIGUEL COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

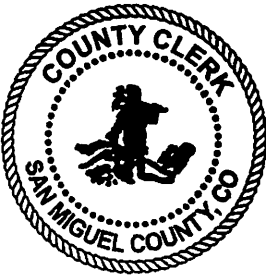
Kris Holstrom  
~~Lance Waring, Chair~~ Kris Holstrom, Chair

Vote:

|               |            |     |         |               |
|---------------|------------|-----|---------|---------------|
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent        |
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent        |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | <u>Absent</u> |

ATTEST:

Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



## CERTIFICATE

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS,  
OF SAN MIGUEL COUNTY, COLORADO,  
RESTRICTING OPEN FIRES, OPEN BURNING  
AND FIREWORKS IN THE UNINCORPORATED AREAS  
OF SAN MIGUEL COUNTY TO REDUCE  
THE DANGER OF WILDFIRES**

**Ordinance #2024-04**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on October 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on 10/11/24 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Nov 20, 2024 and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on Nov. 28, 2024



---

Carmen Warfield, Chief Deputy Clerk

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REQUIRING THE INVESTIGATION OR REMOVAL OF UNSAFE BUILDINGS**

**ORDINANCE NO. 2024-05**

**WHEREAS**, under C.R.S. §30-15-401, the Board of County Commissioners of San Miguel County, Colorado (“Board”) has the general enabling power to adopt ordinances for the control of licensing of those matters of purely local concern and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

**WHEREAS**, C.R.S. §§30-11-101, *et seq.*, §§30-15-401 *et seq.*, and §§29-20-101 *et seq.*, specifically authorizes the adoption of ordinances and regulations to compel the removal of unsafe buildings and structures from lots and tracts of land within the unincorporated areas of San Miguel County; and

**WHEREAS**, the BOCC finds that it is necessary to protect the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County to take the following action; and

**WHEREAS**, on December 18, 2019, the BOCC adopted San Miguel County Ordinance #2019-02, “Requiring the Removal of Unsafe Buildings” and upon review, repealing and replacing San Miguel County Ordinance #2019-02 with this Ordinance is desirable.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO**, as follows:

**I. PURPOSE**

The purpose of this Ordinance is to protect the public health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado, by compelling the repair or removal of unsafe buildings and structures which, if not repaired or removed, its condition constitutes a fire hazard, an attractive nuisance or other hazards such as rodent infestations. This includes removal by the County upon notice to and failure of the property owner to remove such unsafe buildings and structures and the provision for ~~criminal~~ penalties in the event of failure to comply.

civil

**II. INTERPRETATION**

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to preserve and protect the public and environmental health, safety, and welfare of San Miguel County, Colorado, and its citizens, residents, and visitors. Section headings and any cross-references shall not be deemed to govern, limit, modify, or affect in any manner the scope, meaning, or extent of any provision of this Ordinance.

### III. APPLICATION

This Ordinance shall apply throughout the unincorporated area of San Miguel County including public and state lands.

This Ordinance shall apply within the corporate limits of any incorporated town or city within San Miguel County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters into an Intergovernmental Agreement with San Miguel County relating thereto.

### IV. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

- A. **“Attractive Nuisance”**: A doctrine in tort law under which a landowner may be liable for injuries to children who trespass on land if the injury results from a hazardous object or condition on the land that is likely to attract children who are unable to appreciate the risk posed by the object or condition.
- B. **“Board”**: The Board of County Commissioners of San Miguel County, Colorado.
- C. **“Building”**: A structure having a roof, supported by columns or walls.
- D. **“County”**: The unincorporated areas of San Miguel County, including the public and state lands, and the corporate limits of any incorporated town or city within San Miguel County which elects by appropriate ordinance or resolution to have the provisions of this Ordinance apply therein and which enters in an Intergovernmental Agreement with San Miguel County relating thereto.
- E. **“Dilapidated”**: Reduced or fallen into partial ruin or decay, as from age, wear, or neglect.
- F. **“Building Official”**: The director of the San Miguel County Building Department or his or her authorized designee.
- G. **“Fire Hazard”**: (1) Capable of causing a fire or explosion or providing a ready fuel supply to augment the spread or intensity of a fire or explosion; and (2) posing a threat to life or the property of others.
- H. **“Owner”**: The owner of record, whether person, partnership, firm, corporation, governmental agency, or other association of persons or any authorized agent or representative of the owner of record.
- I. **“Structure”**: Any mobile home or recreational vehicle, whether or not located on the ground, or any improvement constructed or erected upon real property which is fixed in a permanent location on the ground or which is attached to something having a

permanent location on the ground. The term shall include, but is not limited to, fences, fixtures, and walls.

- J. “Unsafe Building or Structure”:** Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that presents a substantial danger or hazard to public or environmental health, safety or welfare:
- i. Whenever a building or structure because of inadequate maintenance, decay, faulty, incomplete or unpermitted construction, and damage is materially dilapidated and unused by the owner or uninhabited because of deterioration or decay; and
    - a. Which condition constitutes a substantial fire hazard; or
    - b. Which condition subjects adjoining property owners to danger or damage by storm, soil erosion, or rodent infestation; or
    - c. Which becomes a place frequented by trespassers or transients seeking or being offered a hideout or shelter; or
    - d. Which becomes an attractive nuisance to children or visitors.
  - ii. Whenever any building or portion is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property; and
    - a. The deterioration, decay, or inadequacy of its foundation; or
    - b. The removal, movement, or instability of any portion of the ground necessary for supporting such building; or
    - c. Any portion thereof has wracked, warped, buckled, or settled to such an extent the walls or other structural portions have materially less resistance to winds or acts of nature than is required in the case of similar new construction.
  - iii. Whenever any other cause is likely to partially or completely collapse the building or structure.
  - iv. Whenever any portion of a building or structure remains on site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period of excess of six (6) months to constitute such building or portion thereof an attractive nuisance or hazard to the public.
  - v. Whenever a building or structure has a non-conforming potable domestic water supply and/or a non-conforming wastewater treatment system as regulated and

established by the state of Colorado or the San Miguel County Board of Commissioners.

## **V. UNLAWFUL ACTIVITIES GENERALLY**

It shall be unlawful for any owner to maintain or seek a permit to be maintained any Unsafe Building or Structure, as defined, on any property within the unincorporated County under such owner's control, possession, or ownership.

Nothing in this Ordinance shall preclude the separate and/or concurrent prosecution of zoning or building code violations or both.

## **VI. EXEMPTIONS**

This Ordinance shall not apply to:

- A. A building or structure located on affected land subject to the "Colorado Mined Land Reclamation Act," as the term "affected land" is defined in C.R.S. §34-32-103 (1.5); or
- B. A building or structure located on lands subject to the "Colorado Surface Coal Mining Reclamation Act", according to C.R.S. §34-33-101, *et seq.*

## **VII. NOTICE OF VIOLATION AND EXECUTIVE DETERMINATION**

- A. If probable cause exists to believe that a violation of this Ordinance has occurred, a notice of said violation(s) shall be sent via first-class mail to the Owner's mailing address as listed in the records of the San Miguel County Assessor's Office and shall be posted on the property alleged to be in violation.
- B. The Notice of Violation shall specifically describe the nature of the violation and shall require that the violation be corrected within thirty (30) calendar days after the date of the notice. The Notice of Violation may require that the violation be corrected within a period of time less than thirty (30) calendar days if the Building Official determines, in his or her sole discretion, that the violation presents an immediate risk to the public health, safety, or welfare.
- C. The Notice of Violation shall provide that the Owner may request additional time to correct the violation. Any such request by the Owner shall only be valid if presented in writing to the Building Official. Any extensions of time granted by the Building Official shall only be valid if granted in writing.
- D. If the violation is not corrected within the time period established in the Notice of Violation or the approved written extension of time, the Building Official may issue an executive determination to the owner authorizing the County Attorney's Office to

pursue remedies outlined in this Ordinance or by statute, subject to appeal as set forth below.

- E. The Building Official shall mail the Executive Determination in the same manner as the Notice of Violation to the Owner. The Executive Determination shall specify the nature of the violation and provide ten (10) calendar days after the date of the Executive Determination for the Owner to request an appeal, at no cost to the Owner, to the Board prior to the County Attorney's Office pursuing remedies outlined in this Ordinance or by statute.
  - i. The Executive Determination shall state that the owner may appeal the Building Official's decision to the Board. The Owner must submit an appeal in writing to the Building Official. Any written appeal must be received by the Building Official within ten (10) calendar days after the date of the Executive Determination. Any such appeal received beyond ten (10) calendar days shall be deemed untimely.
  - ii. If no appeal is received within ten (10) calendar days after the date of the Building Official's Executive Determination, the Building Official's Executive Determination shall be final and the County Attorney's Office may proceed with litigation to seek remedies outlined in this Ordinance or by statute.

### **VIII. APPEAL HEARING**

- A. If the Building Official receives a timely appeal of his or her Executive Determination, then the Building Official shall place the matter on the Board's next available agenda which meets the requirements outlined herein.
- B. The Owner shall be notified of the date, time, and place of the hearing via first-class mail to the Owner's mailing address as listed in the records of the San Miguel County Assessor's Office no less than five (5) calendar days before the hearing.
- C. At the Appeal Hearing, the Owner shall have the opportunity to present evidence and testimony to show cause why further enforcement action should not be taken. The Board shall consider all such evidence and testimony, along with any presentation, evidence, or testimony offered by the San Miguel County Building Department or other County staff, in reaching its decision to affirm or overturn the decision to issue the Executive Determination.
- D. At the conclusion of the Appeal Hearing, the Board may decide to overturn the decision to issue the Executive Determination or may affirm the decision and instruct the Building Official and County Attorney to proceed with one or more of the enforcement mechanisms outlined in this Ordinance or by statute.
- E. The Appeal Hearing shall not be considered a quasi-judicial or legislative action under any circumstances.

## **IX. PENALTIES**

- A. Notwithstanding other provisions contained herein, any person who violates this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-15-402. For each separate offense, the penalty for any person found to violate this ordinance shall be punished by a fine of one thousand dollars (\$1000.00).**
- B. Under C.R.S. § 30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance, and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the San Miguel County Court for the alleged violation of this Ordinance shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.**
- C. The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the San Miguel County clerk of court.**
- D. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.**
- E. All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall**

be paid to the County Treasurer of San Miguel County, CO, within thirty (30) days of the Court's receipt of any such fines, penalties, and/or forfeitures.

- F. The County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into a designated fund that supports the San Miguel County Sheriff's Office capital and operational expenses.
- G. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- H. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

## **X. CIVIL REMEDIES**

The Board may refer violations of this Ordinance to the County Attorney's Office for the institution of an injunction, mandamus, abatement, or other appropriate action, including seeking an administrative warrant to enter private property to investigate alleged violations of this Ordinance, to investigate, prevent, enjoin, abate, or remove a violation.

## **XI. CIVIL PROCESS**

- A. The Board, or the Building Official, through an Executive Determination, may refer violations of this Ordinance to the County Attorney's Office for application to the courts for administrative entry or entry and seizure warrant for the investigation of or removal of the unsafe building or structure as outlined in this Ordinance or by statute. If a building or structure has been deemed unsafe only through the application of Section IV(J)(i)(c), the application for an administrative entry and seizure warrant may only request authorization to secure the unsafe building or structure against entry by trespassers and transients.
- B. Upon obtaining an administrative entry or entry and seizure warrant, the Building Official shall have the authority to remove or secure the unsafe building or structure by and through County forces, contract or otherwise. If the Owner fails to pay the cost of securing or removal within ten (10) days after the Building Official mails an invoice for such cost, the whole cost thereof, including five percent (5%) for inspection and incidental costs in connection therewith, may be assessed upon the lot, parcel or tract from which such unsafe building or structure has been removed or upon which such unsafe building or structure has been secured. Any assessment prescribed herein shall be in a lien against such lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

- C. In case the assessment prescribed herein is not paid within sixty (60) days from the date of removal of or securing such unsafe building or structure by San Miguel County, such assessment may be certified to the San Miguel County Treasurer, who shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments.

## **XII. ADMINISTRATIVE ENTRY FOR INVESTIGATION OR ENTRY AND SEIZURE WARRANT**

- A. No entry upon private property for investigation or the removal or securing of an unsafe building or structure shall be made until an administrative entry or entry and seizure warrant has been obtained from a court of competent jurisdiction.
- B. A sworn or affirmed affidavit shall be prepared and submitted to the court which shall establish the factual basis for the warrant which may include the following: a reasonably specific description of the location of the property, a description of the allegations or unsafe building or structure, evidence that the Owner has received notice of the violation and has failed to respond appropriately within a reasonable prescribed period of time, the activities to be conducted by county officials, and the proposed method of disposal of such unsafe building or structure if applicable. Said affidavit shall be accompanied by a copy of this Ordinance.
- C. Within ten (10) calendar days following the date of issuance of an administrative entry and seizure warrant, such warrant shall be executed in accordance with directions by the issuing court, and a copy of such issued warrant shall be provided or mailed first-class to the owner, and proof of the execution of such warrant shall be submitted to the issuing court.

## **XIII. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

## **XIV. SAFETY CLAUSE**

The San Miguel County Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public and environmental welfare, health, and safety.

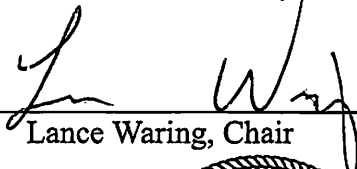
**XV. RECISSION OF PRIOR ORDINANCES AND EFFECTIVE DATE**

The Board of County Commissioners of San Miguel County, Colorado, hereby rescinds and replaces in its entirety all prior ordinances on the Removal of Unsafe Structures including but not limited to Ordinance 2019-02.

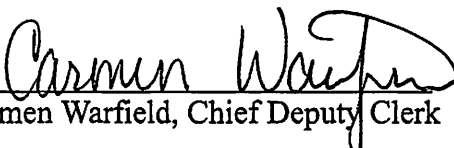
The BOCC further finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on the second and final reading.

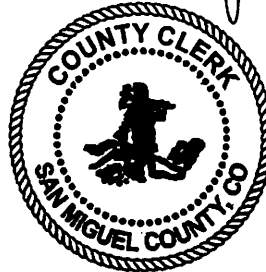
**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED** at Egnar, Colorado, on October 2, 2024.

**BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO**

By:   
Lance Waring, Chair

ATTEST:

By:   
Carmen Warfield, Chief Deputy Clerk



VOTE:

|               |            |     |         |        |
|---------------|------------|-----|---------|--------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | Absent |

ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON NOVEMBER 20, 2024,  
at Telluride, Colorado.

BOARD OF COUNTY COMMISSIONERS  
SAN MIGUEL COUNTY, COLORADO

By: Kris Holstrom  
~~Lance Waring, Chair~~  
Kris Holstrom,

ATTEST:

By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



VOTE:

|               |            |     |         |               |
|---------------|------------|-----|---------|---------------|
| Anne Brown    | <u>Aye</u> | Nay | Abstain | Absent        |
| Kris Holstrom | <u>Aye</u> | Nay | Abstain | Absent        |
| Lance Waring  | <u>Aye</u> | Nay | Abstain | <u>Absent</u> |



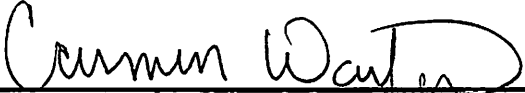
## **CERTIFICATE**

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO  
REQUIRING THE INVESTIGATION OR REMOVAL OF UNSAFE BUILDINGS**

**ORDINANCE NO. 2024-05**

was introduced, read, and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Oct 2, 2024, and the same was published in full in the Norwood Post and the Telluride Daily Planet on Oct 11, 2024 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on Nov. 20, 2024, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post and the Telluride Daily Planet on Nov. 28, 2024

  
\_\_\_\_\_  
Carmen Warfield, Chief Deputy Clerk

Error corrected in the 2nd reading

Page 1 - Under item #I. Purpose It shall read as follows:

The purpose of this Ordinance is to protect the public health, safety, and welfare of the citizens, residents, and visitors of San Miguel County, Colorado, by compelling the repair or removal of unsafe buildings and structures which, if not repaired or removed, its condition constitutes a fire hazard, an attractive nuisance or other hazards such as rodent infestations. This includes removal by the County upon notice to and failure of the property owner to remove such unsafe buildings and structures and the provision for civil (NOT criminal) penalties in the event of failure to comply.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, COLORADO ACTING AS THE  
SAN MIGUEL COUNTY HOUSING AUTHORITY TO DISBURSE  
FUNDS FROM THE R1 LOAN DEFAULT FUND FOR ADDITIONAL PURPOSES  
INCLUDING ADMINISTERING HOUSING PROGRAMS IN THE COUNTY**

**Resolution 2024-52**

**WHEREAS**, the R1 Loan Default program of the San Miguel County Housing Authority (CHA), was created to assist the county in purchasing homes in the R1 School District area from foreclosure in order to prevent the loss of deed restrictions and is administered by the San Miguel Regional Housing Authority (SMRHA), and;

**WHEREAS**, there have been no loans or uses of the R1 fund that have been deployed since 2017, and;

**WHEREAS**, additional protections have been created, through covenant documents, to prevent homes that may go into foreclosure from losing their associated deed restrictions, and;

**WHEREAS**, the CHA may have different and more pressing needs to use these funds to support deed restricted housing in the R1 area;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of the San Miguel County Housing Authority of San Miguel County, Colorado, that:

1. The original uses for the funds collected under the R1 Loan Default program remain intact.
2. The Board of County Commissioners, sitting as the County Housing Authority, may also use or disburse those funds for additional purposes related to supporting deed restricted housing throughout the county, including providing funding to entities that are administering housing programs in San Miguel County.

**DONE AND APPROVED** by the Board of Commissioners of San Miguel County, Colorado, acting as the San Miguel County Housing Authority this 20th day of November, 2024, at duly noticed public meeting held in Telluride, Colorado.

SAN MIGUEL COUNTY HOUSING AUTHORITY

*Kris Holstrom*

---

Lance Waring, Chair  
Kris Holstrom

ATTEST:



*Carmen Warfield*

Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:

|               |       |     |         |          |
|---------------|-------|-----|---------|----------|
| Anne Brown    | x Aye | Nay | Abstain | Absent   |
| Kris Holstrom | x Aye | Nay | Abstain | Absent   |
| Lance Waring  | Aye   | Nay | Abstain | x Absent |