

**Town of Basalt  
Ordinance No. 12  
Series of 2018**

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
BASALT, COLORADO, AMENDING THE BASALT MUNICIPAL CODE TO  
ADD A NEW ARTICLE X – FIRE RESTRICTIONS UNDER CHAPTER 7 –  
HEALTH, SANITATION AND ANIMALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to the Home Rule Charter for the Town of Basalt and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. Pursuant to Section 4.7 of the Town Charter, the Town Council has the authority to adopt emergency ordinances, stating:

An ordinance that is immediately necessary for the preservation of public peace, health, or safety may be enacted as an "emergency ordinance" at any regular or special meeting of the Council by the affirmative vote of every member of the Council present or by affirmative votes equal to a quorum plus one, whichever is less. Any emergency ordinance shall state expressly that it is an emergency ordinance and shall describe the nature of the emergency. An emergency ordinance shall take effect immediately upon passage. The ordinance shall be posted, and a notice thereof shall be published, as provided above in Section 4.3(H) as soon as reasonably possible.

C. In the arid West, fire danger is of grave concern with potential for devastating impact to the life, health, and safety of the Town.

D. The Town Council, therefore, finds and declares that it is in the best interest of the public safety to adopt a new Article X – Fire Restrictions under Chapter 7 – Health, Sanitation and Animals of the Basalt Municipal Code to impose fire restrictions and provide greater enforcement by Town Police.

E. The Town Council wishes to declare the subject matter of this ordinance to be an emergency and immediately necessary for the preservation of public peace, health, or safety due to the present, substantial risk of fire in the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt, Colorado as follows:

1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

2. Chapter 7, Article X – Fire Restrictions. The Basalt Municipal Code is hereby amended by the addition of a new Article X – Fire Restrictions under Chapter 7 – Health, Sanitation and Animals, as follows:

## **ARTICLE X - FIRE RESTRICTIONS**

### **Sec. 7-201. – Definitions.**

For the purposes of this Article, the following words shall have the meanings ascribed hereafter:

*Fireworks* means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, C.F.R., Parts 173.88 and 173.100, and including, but not limited to, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used; blank cartridges; firecrackers; torpedoes; skyrockets; rockets; Roman candles; cylindrical fountains; cone fountains; wheels; ground spinners; illuminating torches and colored fire in any form; Day-Glo bombs and torches; sparklers; snakes; and any other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or devices containing any explosive substance. Fireworks does not include: toy caps which contain less than twenty-six hundredths (.26) of a grain of explosive compound per cap; highway flares, railroad fuses, ship distress signals, smoke candles and other emergency signal devices.

*Open-burning fires* means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with the safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*Recreational burning* means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Sec. 7-202. - Open burning prohibited.**

(a) Open burning of fires, including the sale, possession or use of fireworks, is prohibited in the Town from Memorial Day to Labor Day each year.

(b) Notwithstanding the prohibition of Paragraph (a) of this Section, the following shall be allowed within the Town:

(1) Recreational burning, as defined in this Article. Recreational burning on all Town owned or maintained property is prohibited except in designated areas and within operational fire rings specifically provided for such purposes; or

(2) Burning, including fireworks, done pursuant to the possession of a permit issued by the Fire Protection District and in compliance with all other applicable provisions of the Code. Permits may be applied for through the Fire Protection District and in consultation with the Town, which shall analyze the application based upon the activity requested, the timeframe for the activity and the fire conditions at that time. Permits shall be granted in accordance with the appropriate sections of the International Fire Code and must be kept on the premises designated therein, along with approved on-site fire-extinguishing equipment, available for inspection by fire officials.

(c) Upon determining that the threat of wildfires for the Town and surrounding area has abated, and after consultation with the Fire Protection District, the Town Manager may by executive order release the prohibition on open burning. Notice of a release shall be provided to the Town Council at its next meeting following the issuance of the executive order.

(d) During periods of extreme fire danger, further restrictions, including prohibiting certain types of recreational burning, or an extension of the prohibition on open burning past Labor Day may be imposed by executive order of the Town Manager, following consultation with the Fire Protection District. Notice of further restrictions shall be provided to the Town Council at its next meeting following the executive order.

(e) In the event of a conflict between this Section and any other provision of the Code, the more restrictive provision shall apply.

**Sec. 7-203. – Enforcement of Fire Restrictions**

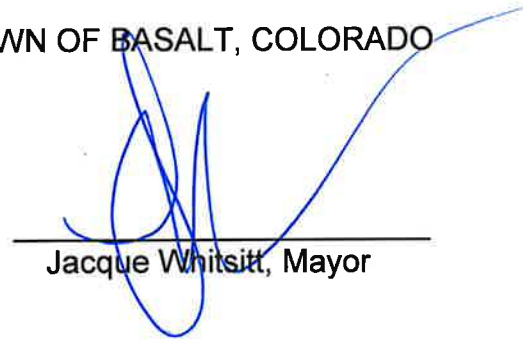
(a) Temporary and emergency fire restrictions that are issued by Eagle County or Pitkin County and applicable County-wide shall apply to the Town of Basalt and violations will be subject to the provisions of Section 1-82.

(b) In addition to criminal penalties, the Police Department, Town code enforcement officers and Fire Chief of the Fire Protection District or his or her designated representative may seize any fireworks or extinguish any open-burning fires prohibited under this Article.

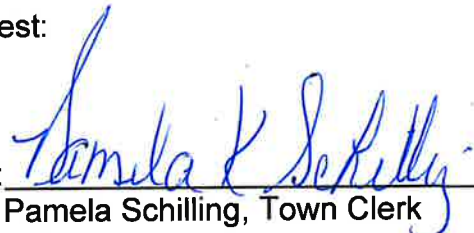
3. Immediate Effect. This Ordinance is adopted as an emergency ordinance to be effective immediately.

**INTRODUCED, READ AND ADOPTED AS AN EMERGENCY ORDINANCE** by a vote of 6 to 0 this 10<sup>th</sup> day of July, 2018.

TOWN OF BASALT, COLORADO

By:   
Jacque Whitsitt, Mayor

Attest:

By:   
Pamela Schilling, Town Clerk



Effective Date: Tuesday, July 10, 2018  
Published: Thursday, July 19, 2018