

Town of Basalt, Colorado
Ordinance No. 16
Series of 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING THE MUNICIPAL CODE OF THE TOWN OF BASALT RELATED TO WILDFIRE PROTECTION, AMENDING CHAPTER 16 ZONING, CHAPTER 17 SUBDIVISIONS, CHAPTER 18 BUILDING REGULATIONS, CHAPTER 7, HEALTH, SANITATION AND ANIMALS, AND CHAPTER 13 MUNICIPAL UTILITIES

RECITALS

- A. The Town of Basalt ("Town") is a Colorado home-rule municipality, duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.
- B. The Town Council is empowered to amend the Town Code by ordinance.
- C. The Basalt and Rural Fire Protection Authority (Fire Department) has recommended that the Town adopt additional regulations to protect the spread of wildfires throughout Town and has determined that all of the Town of Basalt lies within a wildfire hazard area.
- D. Town convened a committee made up of representatives from the Fire Department, Building Department, Planning Department and Karp, Neu, Hanlon ("Committee") to develop appropriate regulations for the Town of Basalt.
- E. The Town Council wishes to amend the Town Code to incorporate the recommendations of the Committee.
- F. At a public hearing held on August 11, 2020 the Town Council considered approval of the Ordinance on first reading and continued and scheduled a public hearing and second reading for the ordinance for August 25, 2020, at a meeting beginning no earlier than 6:00 P.M. at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.
- G. At a public hearing and second reading on August 25, 2020, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

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 findings of Town Council.

Chapter 16 - Zoning

2. Zoning Section 16-4 - Definitions. The definitions for “Areas subject to wildfire hazards” and “Fire Department” are hereby added to the Town Code as shown in **Exhibit A.**
3. Section 16-114. Section 16-114 Fire Protection of the Basalt Municipal Code is hereby added to the Town Code as Shown in **Exhibit A.**

Chapter 17 - Subdivisions

4. Section 17-4 Definitions. The definition for “areas subject to wildfire hazards” is hereby added to the Town Code as shown in **Exhibit B.**
5. Section 17-44. Section 17-44 Areas Subject to Wildfire Hazard is hereby added to the Town Code as Shown in **Exhibit B.**

Chapter 18 - Building Regulations

6. Section 18 -102 Section 18-102 Construction in Areas Subject to Wildfire hazard is hereby added to the Town Code as shown in **Exhibit C.**

Chapter 7 - Health, Sanitation and Animals

7. Section 7 - 36 Section 7-36 Requirements for Fire Protection is hereby added to the Town Code as shown in **Exhibit D.**

Chapter 13 - Municipal Utilities

8. Article V Utility Standards, Section 13 – 90. Article V Utility Standards, Section 13 – 90 is hereby added to the Town Code as shown in **Exhibit E.**

General

9. Severability. If any part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall

not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause, or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

10. Effective Date. This Ordinance shall be effective fourteen (14) days after final publication. This Ordinance after being fully executed, shall be recorded in the office of the Eagle County Clerk and Recorder.


READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON August 25, 2020, by a vote of 7 to 0 on August 11 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on August 25, 2020

TOWN OF BASALT, COLORADO

By: 
William G. Kane, Mayor

Attest:

By: 
Pamela Schilling, Town Clerk



First Publication: Thursday, August 20, 2020
Final Publication: Thursday, September 3, 2020
Effective Date: Thursday, September 17, 2020

Exhibit A
Amendments to Chapter 16 - Zoning

Sec. 16-4 – Definitions

Areas subject to wildfire hazards means all land within the Town of Basalt, Colorado.

Fire Department means the Roaring Fork Fire Rescue Authority.

Sec. 16-114 - Fire Protection

(a) Service by Fire Department. All new developments submitted for review to the Town after September 17, 2020 must be designed in a manner that enables them to be served by the Fire Department and that complies with its adopted standards.

(1) Fire hazards. No development will be approved that, due to design, size (including height), or building materials, presents fire hazards that are beyond the fire-fighting capability of the Fire Department.

(2) Location. Development should be located in such a way as to avoid adversely affecting the capability of the Fire Department or other public service entities to respond to fires or other non-fire emergencies in any other structure or area of the Town.

(3) Fire access. Fire lanes, emergency access, and fire apparatus access roads must conform to the provisions of the Fire Code, as set forth in Chapter 18, Article V of the Municipal Code.

(b) Development in Areas Subject to Wildfire Hazards; referral.

(1) Purpose. All lands within the Town have the potential to pose hazards to human life and safety and to property due to wildfire. Standards are provided to reduce or minimize the potential impacts of these hazards to the public.

(2) Applicability. The Town Planner will refer development applications subject to review by the Planning and Zoning Commission or the Town Council to the Fire Department for review and comment unless the Town Planner determines that the application does not present fire hazards that require the review of the Fire Department. The Town Planner, at his or her discretion, may refer to the Fire Department other development applications submitted for administrative approval by the Town Planner or Technical Review Committee.

(3) Classification of hazard. The Fire Department is requested to review the application and determine the degree of wildfire hazard posed to persons and property. The Fire Department is requested to consider the

proposed design of the development, including but not limited to planned or existing roads and water supply facilities, configuration and location of lots, topography of the site, types and density of vegetation present, fire protection measures proposed by the applicant and other related factors in making its determination.

(4) Recommendations. If the Fire Department finds that a wildfire hazard may be posed to persons and property as a result of the proposed development, the Fire Department is requested to recommend mitigation techniques to be incorporated into the development approval. The recommendations are to be based on guidelines issued by the Colorado State Forest Service, such as "Wildfire Protection in the Wildland Urban Interface" and "Wildfire Safety Guidelines for Rural Homeowners".

(5) Town Action. The Town will consider the recommendations of the Fire Department and incorporate recommendations in any development approval as the Town determines to be appropriate under the particular circumstances.

Exhibit B
Amendments to Chapter 17 - Subdivisions

Sec. 17-4 – Definitions

Areas subject to wildfire hazards means all land within the Town of Basalt, Colorado.

Fire Department means the Roaring Fork Fire Rescue Authority.

Sec. 17-44 – Areas Subject to Wildfire Hazard

(a) Purpose. All lands within the Town have the potential to pose hazards to human life and safety and to property due to wildfire. Standards are provided to reduce or minimize the potential impacts of these hazards to the public.

(b) Applicability. The Town Planner will refer subdivision applications subject to review by the Planning and Zoning Commission or Town Council to the Fire Department for review and comment unless the Town Planner determines that the application does not present fire hazards that require the review of the Fire Department. The Town Planner, at his or her discretion, may refer to the Fire Department other subdivision applications that are submitted for administrative approval by the Town Planner or Technical Review Committee.

(c) Classification of hazard. The Town Planner will ask the Fire Department to review the application and determine the degree of wildfire hazard posed to persons and property. The Fire Department will be asked to consider the proposed design of the subdivision, including but not limited to planned or existing roads and water supply facilities, configuration and location of lots, topography of the site, types and density of vegetation present, and the fire protection measures proposed by the applicant and other related factors in making its recommendation.

(d) Recommendations. If the Fire Department finds that a wildfire hazard may be posed to persons and property as a result of the subdivision, the Fire Department is requested to recommend mitigation techniques to be incorporated by the Town into the subdivision approval, including but not limited to additional access for emergency vehicles, turnouts, establishment of adequate grades and sight distances, the establishment of fuel breaks, and vegetation both present and proposed. The Fire Department may also consider information contained in its standard Access Packet.

(e) Town Action. The Town will consider the recommendations of the Fire Department and incorporate recommendations on any final plat approval within an area subject to wildfire hazard as the Town determines to be appropriate under the particular circumstances.

Exhibit C
Amendments to Chapter 18 – Building Regulation

Sec. 18-102 - Construction in areas subject to wildfire hazard.

(a) **Scope and Applicability.** The provisions of this Section govern the materials, systems, and assemblies that must be used in areas subject to wildfire hazards for structural fire-resistance-rated construction separation of adjacent exterior areas to safeguard against the spread of fire in case of a local wildfire event. Due to the importance of protecting the Town from wildfire hazards, these regulations will prevail over any conflicting rules or codes contained in a property covenant.

These regulations apply to the following construction activities:

- (1) All new single family, duplex and Townhome construction subject to SBR Type I Review in Section 18-24 above and any attached addition to a single family of conditioned space.
- (2) All non-residential, mixed use, townhome (non-single family construction) and/or multi-family construction which is applicable to SBR Type II review under Section 18-25 items (1) through (5), and any attached addition to a conditioned space.
- (3) All un-conditioned buildings, sheds, 200 square feet or greater whether attached or detached.
- (4) New roofs or a repair which replaces 50 percent or more of the existing roof area, or replaces 400 square feet or more of the existing roof.
- (5) New decks or a repair which requires 50 percent or more of the deck or is 70 square feet or larger.
- (6) Any new or replacement door to the exterior.
- (7) Any new or replacement fuel storage tank.

Construction activities subject to these wildfire regulations, owners/applicants must demonstrate ability to comply with the regulations prior to building permit (when required) or otherwise based on conditioned building area and must demonstrate ability to comply before any new construction, remodel, addition or tenant finish begins; this compliance must be verified prior to a certificate of occupancy or certificate of completion is granted by the Building Official.

(b) **Exceptions:** The following construction activities are exempt from these regulations:

- (1) New Manufactured housing approved by Colorado Department of Housing or HUD-standard approved structure or a IRC-standard approved structure with a permanent foundation.
- (2) Remodels that fall under the Level 1 and Level 2 Categories per the International Existing Building Code.

In addition, the TRC, upon consultation with the Fire Department and Building Official, may exempt other construction activities if determined to be reasonable under the circumstances.

(c) Definitions.

AREAS SUBJECT TO WILDFIRE HAZARDS. All land within the Town of Basalt, Colorado.

All other defined words and phrases used in this section shall have the same meaning as provided in the applicable International Code as adopted by the Town in this Chapter.

(d) Building Components and Code Requirements for Areas Subject to Wildfire Hazards.

- (1) Roofs. Class A fire-rated roof coverings must be used on all structures.
- (2) Eaves, Overhangs, Soffits. Eaves, overhangs, and soffits must be made of non-combustible materials, made of ignition-resistant materials, have an application of gypsum sheathing, or have one-hour fire-resistance rating on exterior wall assembly applied to the underside of rafter tails, soffit, or roof deck in areas exposed to radiant or convective heat.
- (3) Gutters and Downspouts. Gutters and downspouts must be non-combustible or fire-resistant rated. Leaf/debris guards or other protective means must be provided in all gutters to prevent the accumulation of leaves, needles and debris.
- (4) Exterior Walls and Siding. Wall coverings or wall assemblies must be made of non-combustible materials, ignition-resistant materials, fire-resistant rated materials, heavy timber exterior wall assembly, log wall construction assembly, or other assemblies that meet established performance criteria.
- (5) Vents. Vents must be non-combustible and properly covered with screens that have a minimum opening dimension of 1/16-inch and a maximum of 1/8-inch or rated vents must be installed.
- (6) Exterior Doors. Exterior doors installed, where radiant or convective heat exposure is likely, must be made of non-combustible or ignition-resistant material, be constructed of solid core wood that complies with thickness requirements, or meet established fire-resistance rating or performance requirements.
- (7) Decks and Attachments. Deck surfaces must be constructed with noncombustible, exterior fire-retardant-treated wood, approved wood thermoplastic composite lumber, ignition resistant materials, or other material that complies with established performance requirements. Deck framing must be one-hour fire-resistant construction, use noncombustible materials or be constructed with other approved materials.

- (8) Detached Accessory. Applicable Accessory structures as defined in Section 18-101 within 50 feet of primary structures are subject to the same minimum requirements as the primary structure.
- (9) Fences. Wood fences must be connected to garages and habitable buildings with a non-combustible material at least 36 inches wide which may be part of the fence, a gate, or masonry wall.
- (10) Fuel Tanks. Fuel tanks must be installed underground with an approved container. Propane tanks must be buried if possible or installed according to NFPA 58 Standards and on a contour away from the structure with standard defensible space vegetation mitigation around any above ground tank. Enclosures around the tank must be constructed with materials approved for two (2) hour fire resistive construction on the exterior side of the walls.
- (11) Address Identification. Each building or building under construction must be provided with approved address identification that satisfies the requirements under the International Fire Code and the applicable international code for that type of construction and also be of non-combustible numbers and placed on non-combustible building wall, post, monument, or boulder.

Exhibit D
Amendments to Chapter 7 – Health Sanitation and Animals

Sec. 7-36 Requirements for Fire Protection.

To mitigate fire hazards within the Town, all owners, lessees, tenants, or occupants of any property within the Town shall comply with the following:

- (1) Roofs and gutters must be kept reasonably clear of debris.
- (2) Yards must be kept reasonably clear of all litter, slash-mulch, and flammable debris.
- (3) All flammable materials must be stored on a parallel contour a minimum of ten feet away from any structure or stored within a container approved for storing that material.
- (4) Grasses and other vegetation in lawn areas within a ten (10) foot perimeter of a habitable structure or garage shall be maintained to a height of no more than six (6) inches. This limitation does not include vegetation in pots, flower beds, and shrubs.
- (5) Except for retail sales, outdoor firewood/woodpiles must be stacked on a parallel contour a minimum of fifteen (15) feet away from any structure, within a closed fire-resistant box, or under an appropriate protective covering.
- (6) Fences must be kept clear of brush and debris.

Exhibit E
Amendments to Chapter 13 – Municipal Utilities

ARTICLE V – UTILITY STANDARDS

Sec. 13-90. – Utility Approach Access

Access to all building exterior electrical and gas utilities, meters, regulators, and piping shall remain free and clear of all obstructions including fencing, vegetation, and snow. Enclosures are permitted provided proper ventilation is installed.