

**Town of Basalt
Ordinance No. 23
Series of 2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, AMENDING THE BASALT MUNICIPAL CODE TO REPEAL AND
REPLACE 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. By Ordinance No. 12, Series of 2018, the Town Council adopted a new Article X – Fire Restrictions under Chapter 7 – Health, Sanitation and Animals of the Basalt Municipal Code (the “Fire Restrictions”) to impose fire restrictions and provide greater enforcement capabilities by Town Police.

C. Based on experience with the Fire Restrictions over the past 2-plus years, the Town wishes to amend the Fire Restrictions to ensure they are clear and enforceable.

D. The Town Council believes adoption of the amended Fire Restrictions is in the best interests of the public health, safety, and welfare of the Town and its citizens.

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 repealing and replacing 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, Code of Federal Regulations, Parts 173.88 and 173.100, and including, but not limited to, the following articles and devices commonly known and used as fireworks: (1) toy cannons or toy canes in which explosives are used; (2) blank cartridges; (3) firecrackers; (4) torpedoes; (5) skyrockets; (6) rockets; (7) Roman candles; (8) cylindrical fountains; (9) cone fountains; (10) wheels; (11) ground spinners; (12) illuminating torches and colored fire in any form; (13) dayglo bombs and torches; (14) sparklers; (15) snakes; and (16) 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: (1) toy caps which contain less than twenty-six hundredths of a grain of explosive compound per cap; (2) highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices; and (3) educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.

Open-burning 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, recreational fires, or use of portable outdoor fireplaces. 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 fire means an outdoor fire burning materials other than rubbish where the fuel being burned is contained in an incinerator, outdoor fireplace, portable 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.

Portable outdoor fireplace means a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in

design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

Sec. 7-202. – Open-burning and the sale, use, and possession of fireworks prohibited.

The following activities are prohibited in the Town, unless such activities are authorized by exemption permit issued pursuant Section 7-204:

- (a) Open-burning fires;
- (b) The sale, use, and possession of fireworks;
- (c) The operation of any combustion engine, including chainsaws, or spark-producing tools without an approved spark arrester properly installed, a properly-functioning chemical pressurized fire extinguisher, and a round point shovel readily available for use;
- (d) Welding or operating acetylene or other torch devices with an open flame except in cleared areas of at least twenty (20) feet in diameter and with a properly-functioning chemical pressurized fire extinguisher readily available for use;
- (e) Use of any explosive devices including, but not limited to, blasting caps, exploding targets, model rockets, fireworks, flare guns, and any device which is explosive in nature and may cause ignition of surrounding materials; and
- (f) Throwing, tossing, or dropping from a moving or standing vehicle any lighted smoking material, lighted match, lighted material of any nature, or device of any nature which is prone to set fire to material on the ground.

Sec. 7-203. – Permitted fires; Restrictions.

- (a) *Recreational Fires.* Recreational fires are permitted unless otherwise prohibited by any fire restriction imposed pursuant to this Article, including but not limited to any “stage” fire restriction imposed by Eagle County or Pitkin County,
- (b) *Gas Grills.* Unless specifically prohibited by a fire restriction imposed pursuant to this Article, stoves, broilers, bar-b-ques, or smokers using propane or natural gas as a fuel are permitted.

- (c) *International Fire Code.* Except as otherwise addressed by this Article, the applicable provisions of International Fire Code adopted under Chapter 18 shall apply.

7-204. – Administrative Authority.

- (a) *Exemption Permit.* Upon written application to the Fire Protection District, the Fire Chief, upon consultation with the Town Police Department, is authorized to issue a permit for exemption from the prohibitions of this Chapter for special events or otherwise if the Fire Chief determines in his reasonable discretion that issuance of an exemption permit is in the best interests of the Town. The Fire Chief may impose such terms or conditions on the exemption permit as he deems necessary or appropriate to protect the health, safety, and welfare of the Town. Any exemption permit issued pursuant to this section shall be subject to the applicable rules and regulations of the Fire Protection District, including obtaining any required permits. Permits shall be granted in accordance with the appropriate sections of the International Fire Code, as applicable, and must be kept on the premises designated therein.
- (b) *Authority to Impose Additional Fire Restrictions.* During periods of extreme fire danger, and upon consultation with the Fire Protection District, the Town Manager is authorized to impose additional fire restrictions by executive order, including but not limited to prohibiting certain types of permitted burning, such as recreational fires. Notice of such additional fire restrictions shall be provided to the Town Council at its next meeting following the issuance of the executive order.
- (c) *Other Fire Restrictions.* 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. The most restrictive of such fire restrictions shall apply.

Sec. 7-205. – Enforcement of Fire Restrictions

- (a) In the event of a conflict between this Article and any other provision of the Code, the more restrictive provision shall apply.
- (b) In addition to criminal penalties, the Police Department and Fire Chief of the Fire Protection District or his or her designated representative may seize and destroy any fireworks or extinguish any open-burning fires prohibited under this Article.

3. 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.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON OCTOBER 27, 2020, by a vote of 7 to 0 on OCTOBER 13, 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on OCTOBER 27, 2020.

TOWN OF BASALT, COLORADO

By: 
William G. Kane, Mayor

ATTEST:

By: 
Pamela Schilling, Town Clerk



First Publication: Thursday, October 22, 2020
Final Publication: Thursday, November 5, 2020
Effective Date: Thursday, November 19, 2020