

**Town of Basalt, Colorado
Ordinance No. 22
Series of 2011**

**EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
BASALT, COLORADO, APPROVING CONSTRUCTION ON SUNDAYS UNTIL
DECEMBER 18, 2011, AND WAIVING CONSENT PROVISIONS**

RECITALS

1. The Town of Basalt (the "Town") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the "Charter").

2. Section 18-12, Chapter 18, Building Regulations allows the Town Manager to approve construction on Sunday but owner/builders are not able to satisfy the requirement that each neighbor within a three-hundred foot radius of the construction site provide consent in order to conduct construction activities on Sundays in time to do the needed construction.

3. It is necessary for the Town to make appropriate adjustments to the requirements in order to complete construction projects before winter and the upcoming holidays.

4. Section 4.7 of the Home Rule Charter for the Town of Basalt authorizes the adoption of an emergency Ordinance to take effect immediately upon passage where necessary for the preservation of public peace, health, or safety. An emergency Ordinance requires the affirmative vote of every member of the Council present, or by a quorum plus one, whichever is less.

5. The approval of this Ordinance is necessary to protect the Town's interests because without allowing construction on Sunday, construction projects are not able to be completed before winter makes completion difficult, unsafe, or impossible.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AS FOLLOWS:

After recording:
Return to Town of Basalt
101 Midland Avenue
Basalt, CO 81621

Section 1. Construction on Sunday from 7 AM to 5 PM is hereby approved starting Sunday October 30, 2011, continuing each Sunday with the final Sunday being December 18, 2011. Construction on Sunday during this time period will be subject to approval by the Town Manager upon his finding that the construction project satisfies the waiver provisions of Section 18-12(e) with the exception of the consent provisions of subsection (2). In lieu of Section 18-12 (e)(2), the entity responsible for construction is required to provide notice to all housing units and establishments within 300 feet of the construction site informing them of the Sunday construction before construction is allowed to occur on Sunday.

Section 2. The Town Council of the Town of Basalt, Colorado hereby finds, declares and determines that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, safety and welfare.

Section 3. The Town Clerk is directed to publish this Ordinance as soon as reasonably possible pursuant to Section 4.7 of the Basalt Town Charter.

INTRODUCED AND READ AND ADOPTED as provided by law as an emergency Ordinance by the Town Council, of the Town of Basalt, Colorado this 25th day of October, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pam Schilling, Town Clerk

FINAL adoption, passage and approval as an Emergency Ordinance, by a vote of 5 to 0, this 25th day of October, 2011 by:

- the unanimous vote of all Town Council members present; or
- a vote of a quorum plus one Council member.