

ORDINANCE NO. 7
Series 2018

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO AUTHORIZING THE
APPOINTMENT OF FIRE MARSHALS

WHEREAS, Colorado Revised Statutes (2009), 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, Colorado Revised Statutes, 31-1-201 (1(b) authorizes a municipality to provide by ordinance for the appointment, term of office, removal, powers duties, and compensation of all officers not otherwise provided for and of all employees; and

WHEREAS, Colorado Revised Statutes (2009), 31-15-401, grants municipalities certain police powers, including the authority to control and limit fires, and

WHEREAS, the Town of Pitkin, Colorado adopted a fire ban as set forth in Ordinance No. 5, Series 2018; and

WHEREAS, the Town of Pitkin wishes to appoint persons to serve as fire marshals in the Town of Pitkin; Colorado, and

WHEREAS, the Town of Pitkin has been well served by the Pitkin Fire Department, which is not a governmental agency or affiliated in any way with the Town of Pitkin, Colorado; and

WHEREAS, the Town of Pitkin wishes to appoint persons to serve as fire marshals in the Town of Pitkin; Colorado, and

WHEREAS, the ordinance for appointment of fire marshals is necessary for the immediate preservation of the public health and safety by reducing the risk of fire damage, and therefore upon the vote of three-fourths of the members of the Town of Pitkin, Colorado Board of Trustees the ordinance shall take effect immediately pursuant to C.R.S. 31-16-105.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, as follows:

1. The officers of the Pitkin Fire Department (Chief, Assistant Chief, EMS Director, Captain, Lieutenant, and Lieutenant) are hereby appointed to serve as Fire Marshals for the Town of Pitkin, Colorado.
2. The Town of Pitkin Board of Trustees may appoint, by a majority vote, such other persons as they deem appropriate to serve as Fire Marshals
3. The Fire Marshal(s) serve as volunteers and shall not receive compensation.

4. The Fire Marshal's duties shall include the following:
 - a. Order the immediate termination of fires burn burning in violation of the fire ban;
 - b. Issue citations pursuant to Town of Pitkin, Colorado Ordinance No. 5, Series 2018;
 - c. Take reasonably prudent and necessary actions to control and limit fires;
 - d. _____

5. Unless the appointment is vacated by a majority vote of the Town of Pitkin Board of Trustees, the Fire Marshals' appointment shall continue so long as the persons appointed as Fire Marshals serve as Officers of the Pitkin Fire Department, or if appointed pursuant to paragraph 2 above, for the period of two years. The Board of Trustees may vacate the appointment of any Fire Marshal upon a majority vote by the Town of Pitkin, Colorado Board of Trustees.

6. The ordinance shall take effect immediately upon adoption by a three-fourths vote of the Town of Pitkin Board of Trustees based upon the need for the immediate preservation of the public health and safety pursuant to C.R.S. 31-11-105(1).

READ, ADOPTED AND ORDERED PUBLISHED THIS 17th, DAY OF July, 2018.

Rachel New, Mayor

(SEAL)
ATTEST:

Sara Gibb, Town Clerk