



DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 4

SALE AND INSTALLATION OF WOOD-BURNING APPLIANCES AND THE USE OF CERTAIN WOOD BURNING APPLIANCES DURING HIGH POLLUTION DAYS

5 CCR 1001-6

I. DEFINITIONS

A. Unless otherwise required by the context, as used in this Regulation:

1. "Accredited Laboratory" means an independent testing laboratory that has obtained accreditation pursuant to the Federal Regulations 40 CFR Part 60 Subpart AAA (2015).
2. ~~(State Only) "Approved Masonry Heater" means a masonry heater as defined in Section I.A.12 that has complied with all requirements of Section IV.~~
3. "Approved Pellet Stove" means a pellet stove as defined in Section I.A.18, that has complied with all the requirements of Section III.
4. "Boiler" means a domestic solid wood-burning appliance used primarily for heating space where the appliance is located, by the distribution through pipes of a gas or fluid heated in the appliance. This appliance must be tested and listed as a boiler under accepted U.S. or Canadian safety testing codes.
5. "Burn down time" shall mean that period of time not to exceed three hours following the declaration of a high pollution day required for the cessation of combustion within any wood-burning stove, pellet stove, masonry heater or wood-burning fireplace pursuant to this Regulation.
6. REPEALED.
7. "Cookstove" means a domestic wood-burning appliance that is designed primarily for cooking food and that has the following characteristics:
 - a. An oven, with a volume of 1 cubic foot or greater, and an oven rack;
 - b. A device for measuring oven temperatures;
 - c. A flame path that is routed around the oven;
 - d. A shaker grate;
 - e. An ash pan;
 - f. An ash clean-out door below the oven; and

- g. The absence of a fan or heat channels to dissipate heat from the appliance.
8. "Dealer" means a person who sells wood-burning stoves, pellet stoves, wood-burning fireplaces or masonry heaters on a regular basis.
- 8.5 "Exempt device" means a wood-burning device that does not meet the definition of a wood-burning stove by EPA standards (as contained in 40 CFR Part 60 Subpart AAA (2015)) and is not a fireplace, masonry heater, nor pellet stove as defined in this regulation.
9. "Furnace" means a domestic solid wood-burning appliance that is designed to be located outside of ordinary living areas and is used for heating spaces other than the space where the appliance is located by the distribution through ducts of air heated in the appliance. The appliance must be tested and listed as a furnace under accepted U.S. or Canadian safety testing codes.
10. "High pollution day" means those periods of time declared by Colorado Department of Public Health and Environment as provided for in Section 25-7-106.3(1), C.R.S.
11. "Manufacturer" means a person who constructs a wood-burning stove or pellet stove or is engaged in the business of designing and constructing masonry heaters or wood-burning fireplaces.
12. ~~(State Only) "Masonry Heater" means an appliance designed for or capable of burning wood, capable of and intended for domestic space heating or domestic water heating, which meets the following criteria:~~
13. "Method 5G" and "Method 5H" are test methods for determination of particulate emissions from wood-burning heaters from dilution tunnel sampling and stack locations as described in 40 CFR, Part 60, Subpart AAA, Appendix A (2004).
14. "Method 28" is a test method designed to establish certification test conditions and the particulate matter weighted emission values, as described in 40 CFR Part 60 Subpart AAA, Appendix A (2004).
15. "Method 28A" is a test method to measure air to fuel ratios and minimum achievable burn rates as described in 40 CFR, Part 60 Subpart AAA, Appendix A (2004).
16. "Model" means a group of wood stoves, pellet stoves, wood-burning fireplaces or masonry heaters that are identical to one another regarding design, emissions, and heating performance.
17. "New wood stove" means any wood-burning stove other than one which was sold to an individual for personal use prior to January 1, 1987.
18. "Pellet Stove" means a heater which meets the following criteria: (1) the manufacturer makes no reference to burning cordwood in advertising or other literature, (2) the unit is safety listed for pellet fuel only, (3) the unit's operating and instruction manual must state the use of cordwood is prohibited by federal law, and (4) the unit must be manufactured and sold including a hopper and auger combination as integral parts.
19. "Phase III Certified wood-burning stove" means a wood-burning stove that meets the emission standards set forth in Section II.A.
20. "Primary source of heat" shall mean one or more residential wood-burning stoves, pellet stoves, masonry heaters or wood-burning fireplaces that provide more than half the annual heating demands for the residence.
21. "Standard method" means the applicable testing procedures and criteria set forth in the Federal Regulations 40 CFR Part 60 Subpart AAA, Appendix A (2004).

- 21.5 “Wood-burning appliance” means any stove, fireplace, masonry heater, furnace, fire pit, fixture or device used, or intended for use, to burn only clean, dry, untreated wood.
22. “Wood-burning fireplace” means an appliance with an open hearth (i.e. devoid of wood-burning inserts, gas logs, or electric devices), is not a masonry hearer, may or may not be equipped with air-controlling doors, is primarily constructed of masonry materials (brick, stone or ceramic) and is installed in a dwelling or building for purpose of burning wood.
23. “Wood-burning stove” means an appliance, primarily constructed of metal, designed for or capable of burning wood, including a fireplace insert, capable of and intended for domestic space heating or domestic water heating.

II. LIMITATION ON THE SALE AND INSTALLATION OF WOOD-BURNING STOVES

- A. No person shall advertise to sell, offer to sell, sell, or install a new wood-burning stove in Colorado unless it has been tested, certified, and labeled for emission performance in accordance with applicable criteria and procedures specified in 40 CFR Part 60, Subpart AAA and meets the following emission standards.
 1. On or after July 1, 1988, no person shall advertise to sell, offer to sell, sell, or install a new wood-burning stove in Colorado unless it meets the emission standards set forth in 40 CFR Part 60, Section 60.532(b)(1) or (2) (1988).
 2. On or after May 15, 2015, no person shall advertise to sell, offer to sell, sell, or install a new wood-burning stove in Colorado unless it meets the emission standards set forth in 40 CFR Part 60, Section 60.532(a) (2015).
 3. (State Only) On or after May 15, 2020, no person shall advertise to sell, offer to sell, sell, or install a new wood-burning stove in Colorado unless it meets the emission standards set forth in 40 CFR Part 60, Section 60.532(b) or (c) (2015).
- B. The certification requirement shall apply to:
 1. Advertisements for sale and offers for sale communicated by any means to any person in Colorado, including, but not limited to, offers to sell or advertisements for sale that are mailed to any person in Colorado.
 2. Any sale occurring in Colorado, including, but not limited to, sales in which a new wood-burning stove is shipped, delivered, or transported to any person in Colorado by a person located either inside or outside Colorado and to both the initial sale and any subsequent resale of a new wood-burning stove.
- C. Exemptions
 1. Exempt Devices, as defined in Section I.A.8.5 of this regulation.
 2. Boilers
 3. Furnaces
 4. Cookstoves
- D. On and after January 1, 1993 no person shall sell or install a used wood-burning device within those portions of the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson which are located in the AIR program area, as such area is defined in Section 42-4-304(20)(a) (2006), C.R.S., unless it meets the requirements set forth in Section II.A.

III. APPROVAL PROCEDURE FOR PELLETT STOVES

- A. Before December 31, 2015, no person shall advertise to sell, offer to sell, sell, or install a pellet stove unless it has been designated as an approved pellet stove in accordance with this Sections III.A. through III.F.
- B. On or after August 1, 1992, a manufacturer of a pellet stove who wishes to have a particular model line designated as an approved pellet stove, shall submit to the Division for their review, the following information:
1. test results showing an air to fuel ratio of 35:1 or greater, using Method 28A.
 2. test results using Method 5H, or Method 5G corrected to 5H, that have been conducted under minimum burn conditions, (category 1), Method 28.
 3. a one page letter signed by the laboratory president, verifying the information required in III.B.1. and 2.
- C. All tests conducted under II.B shall be performed by an accredited laboratory.
- D. Within twenty (20) working days after receipt of an application for approval, the Division shall notify the applicant if the application is complete. Within thirty (30) working days after receipt of a complete application, the Division shall notify the applicant whether the application satisfies all requirements for approval.
- E. If the Division denies approval, the Division shall notify the applicant in writing of the opportunity for a hearing before the Commission pursuant to Section 24-4-104(9), C.R.S.
- F. The Division shall grant approval if all information required by Section III A. is submitted and the test results in Section III.B.2. demonstrate particulate emissions do not exceed 4.1 grams per hour.
- G. On or after December 31, 2015, no person shall advertise to sell, offer to sell, sell, or install a pellet stove in Colorado unless it has been tested, certified, and labeled for emission performance in accordance with criteria and procedures specified in 40 CFR Part 60, Subpart AAA (2015) and meets the following emission standards:
1. Until May 15, 2020, pellet stoves must continue to demonstrate that particulate emissions do not exceed 4.1 grams per hour.

V. ENFORCEMENT

- A. The Division may enter and inspect the property or premises of any manufacturer, or dealer, for the purpose of investigating any actual, suspected, or potential violation of this regulation; and may, at reasonable times, have access to and copy any document, inspect any wood-burning stove, wood-burning stove component, pellet stove, wood-burning fireplace or testing equipment, or test the emissions of any wood-burning stove, wood-burning fireplace, or pellet stove possessed by any manufacturer, or dealer, for the purpose of ascertaining compliance or noncompliance with this regulation.
- B. The Division shall also enforce the provisions of this regulation through all means authorized by Part 1 Title 25, C.R.S.

VI. LIST OF APPROVED WOOD-BURNING APPLIANCES

The Division shall request each dealer to make available to consumers a list of certified wood-burning stoves, exempt devices, approved pellet stoves and approved masonry heaters to be compiled by the Division.

VII. HIGH POLLUTION DAYS

A. Applicability

Limitations on the use of wood burning appliances shall be applicable only in those portions of the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson are located in the AIR program area, as such area is defined in Section 42-4-304(20)(a) (2006), C.R.S. but not including those areas above seven thousand feet elevation.

B. Provisions of this section may be enforced by the appropriate local agency. Local agencies are encouraged to develop suitable enforcement programs and enter into an agreement with the State to promote more effective enforcement of this regulation. Approval of a wood-burning stove, or pellet stove model pursuant to this regulation does not constitute authorization not to comply with requirements of any local ordinance or resolution relating to the installation or use of any wood-burning appliance.

C. This section shall not apply within any municipality that had an ordinance mandating restricted use of wood-burning stoves, pellet stoves, and wood-burning fireplaces on high pollution days in effect on January 1, 1990.

1. All such exempt areas shall be required to submit a yearly report to the Commission no later than June 30, providing information concerning the enforcement actions pursuant to their ordinance for the previous heating season.

D. Prohibitions of use

No person shall operate a stove, fireplace, furnace, fire pit, fixture or device used, or intended for use, to burn only clean, dry, untreated wood during a high pollution day unless the appliance is exempt pursuant to Section VII.E. A burn down time shall be allowed for the burn down of existing fires prior to the initiation of enforcement action. The use of any fuel other than clean, dry, untreated wood in any stove, fireplace, fire pit, fixture or device used, or intended for use, to burn only clean, dry, untreated wood shall not constitute grounds for allowing its usage on a high pollution day.

E. Exemptions

1. Persons utilizing their wood-burning stove, pellet stove, or wood-burning fireplace as a primary source of heat.
2. Persons operating a certified wood-burning stove or wood-burning fireplace insert that meets the requirements in Section II.
3. Persons operating an approved or certified pellet stove or pellet-burning fireplace insert that meets the requirements in Section III.

VIII. REQUIREMENTS FOR INSTALLATION OF FIREPLACES

- A. On and after the January 1, 1993, no person shall install any fireplace in any dwelling in the area defined in Section VII.A. unless it is one of the following:
1. a gas appliance.
 2. an electric device.
 3. a fireplace insert that meets the requirements set forth in Section II.A.
 4. an approved pellet burning fireplace insert that meets the requirements set forth in Section III.
 5. any other clean burning device approved by the Commission which meets the emission standard set forth in Section II.A.
- B. This section shall not apply to any municipality or a county, which has a provision in effect on January 1, 1993, which is substantially equivalent of this section as determined by the Commission.

IX. IMPLEMENTATION OF LOCAL CONTROL STRATEGIES

The local jurisdictions listed below shall implement and enforce the indicated ordinances and resolutions, as they exist on January 1, 1993. This ordinance limits wood-burning on high pollution days as determined by the Colorado Department of Public Health and Environment. In addition, each shall implement and enforce any ordinance adopted in accordance with this regulation. The indicated ordinances or resolutions may be amended in the sole discretion of the respective governing body, provided that they shall be submitted immediately to the Colorado Air Quality Control Commission and the United States Environmental Protection Agency as revisions to the State Implementation Plan. The listed ordinances and resolutions shall remain in full force and effect until such time as the jurisdiction obtains full approval of a State Implementation Plan revision.

Community	HPD Ordinance Number	Date Enacted	Construction Ordinance	Date Enacted
Arvada	2451	11/87		
Aurora	87-118	4/86	92/47	5/92
Boulder	5007	10/86	5445	4/92
Broomfield	794	11/88		
Denver	Chapter 4.24	10/86	Chapter 4.24	5/90
Douglas County			R-991-128	11/91
Englewood	31	9/92	39	10/92
Federal Heights	565	1/88		
Glendale	2	1/88	15	10/92
Greenwood Village	17	6/88	9	3/92
Jefferson County	R-CC89-873	12/89	R-CC90-617	1/91
Lafayette	24	11/88		7/93
Lakewood	113	12/86	61	10/92
Littleton	17	12/88	26	8/92
Longmont	1	1/89		
Mountain View	5	1/91		
Sheridan	22	11/88	1	1/93
Thornton	2120	10/91	2194	10/92
Westminster	6/14	11/87	20	12/92

X. REFERENCES

Written statements of the basis and purpose of this regulation and revisions as well as all other material referenced in this Regulation is hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those referenced and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission. The material incorporated by reference is also available through the United States Government Printing Office, online at www.gpo.gov/fdsys.

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Arvada - Ordinance 2451

Rule Title -

State Effective Date 11/02/1987

State Adoption Date

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2451 - Arvada.pdf](#)

As amended 10-19-87 on 2nd reading

COUNCIL BILL NO. 87-67
ORDINANCE NO. 2451

AN ORDINANCE AMENDING CHAPTER 21, OFFENSES - MISCELLANEOUS,
OF THE ARVADA CITY CODE BY ADDING A NEW ARTICLE V THAT
RESTRICTS WOODBURNING ON POLLUTION ALERT DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 21, Offenses - Miscellaneous, of the Arvada City Code is hereby amended by adding a new Article V entitled "Woodburning Restrictions," which shall read as follows:

"ARTICLE V. WOODBURNING RESTRICTIONS

S 21-75. Short title.

This article shall be known and may be cited as the "Arvada Woodburning Restrictions Ordinance."

S 21-76. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases as used in this article shall have the following meanings:

- (1) "Barbecue devices" means devices that are utilized solely for the purpose of cooking food.
- (2) "Building" means a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property.
- (3) "Fireplace" means a hearth, fire chamber or similarly prepared place, and a chimney.
- (4) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health; provided, however, that a high pollution day shall not include Saturdays, Sundays, or legal holidays, which are holidays designated by CRS S 24-11-101.
- (5) "Sole source of heat" means one or more solid fuel burning devices that constitute the only source of heat in a building. No solid fuel burning device or devices shall be considered the sole source of heat if the dwelling is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.
- (6) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, including coal burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible

material. Solid fuel burning devices do not include barbecue devices or natural gas fired fireplace logs.

S 21-77. Woodburning restriction.

- (a) It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day, unless an exemption has been granted as hereinafter provided. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of a declaration by the Colorado Department of Health of a high pollution day.
- (b) At the time of a declaration of a high pollution day by the Colorado Department of Health, the city manager shall allow three hours for the burndown of existing fires in solid fuelburning devices prior to commencement of enforcement of this article.

S 21-78. Exemptions.

- (a) The city manager, or a designee thereof, shall grant an exemption to the enforcement of S 21-77(a) hereof to any person who relies on a solid fuelburning device as a sole source of heat; provided, however, such solid fuelburning device was installed in the building prior to November 1, 1987. As a condition of granting an exemption, any person applying for an exemption shall be required to sign an affidavit stating reliance on a solid fuelburning device installed prior to November 1, 1987, as the sole source of heat. An exemption granted by the city manager shall be effective for one year from the date it is granted.
- (b) There shall be an exemption from enforcement of this article for heating or cooking by a solid fuel burning device in the event of the interruption of either a heating or cooking source to a building.

S 21-79. Inspections.

The city does hereby find, determine, and declare that any violation of this article violates the public peace, health, safety, and welfare of the city. The city, by and through its inspectors, is authorized to make inspections of solid fuelburning devices that are burning on high pollution days. If any person refuses or restricts the entry and free access by a city inspector to any part of a building or premises, or refuses inspection or sampling of any device, the facility, or process where inspection is sought by the city, city inspectors are hereby authorized to seek issuance of a search warrant from the municipal court in the manner provided for search and seizure in the Colorado Municipal Court Rules of Procedure.

S 21-80. Penalty.

Penalty for violation of any provision of this article shall be a fine of not less than \$25.00 nor more than \$500.00. Each day of a continuing violation shall be deemed to be a separate violation.

Section 2. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED this 5th day of
October, 1987.

PASSED, ADOPTED AND APPROVED this 19th day of October 1987.



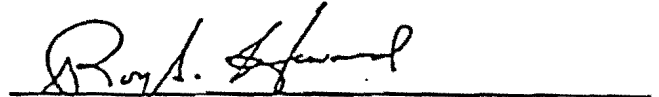
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Publication Dates: October 7, 1987 .
October 28, 1987 .

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Aurora - Ordinance 87-118

Rule Title -

State Effective Date 05/22/1987

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 87-118 - Aurora.pdf](#)

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ORDINANCE NO. 87-118

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 41
OF THE CITY CODE OF THE CITY OF AURORA, COLORADO,
REGARDING WOODBURNING RESTRICTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO:

Section 1. That the City Code of the City of Aurora,
Colorado, is hereby amended by adding a Section to be numbered
41-728, which Section reads as follows:

SEC. 41-728. BURNING RESTRICTIONS.

(a) DEFINITIONS:

"BARBEQUE DEVICES" MEANS DEVICES THAT ARE UTILIZED SOLELY FOR
THE PURPOSE OF COOKING FOOD.

"HIGH POLLUTION DAY" MEANS THAT PERIOD OF TIME DECLARED TO BE
A HIGH POLLUTION DAY BY THE COLORADO DEPARTMENT OF HEALTH.

"PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
COMPANY, OR OTHER ASSOCIATION.

"SOLE SOURCE OF HEAT" MEANS ONE OR MORE RESIDENTIAL SOLID
FUEL-FIRED HEATING DEVICES WHICH CONSTITUTE THE ONLY SOURCE OF
HEAT IN A PRIVATE RESIDENCE FOR PURPOSES OF SPACE HEATING. A
RESIDENTIAL SOLID FUEL-FIRED HEATING DEVICE OR DEVICES SHALL BE
CONSIDERED TO BE THE SOLE SOURCE OF HEAT IF THE PRIVATE RESIDENCE
IS EQUIPPED WITH A PERMANENTLY INSTALLED FURNACE OR HEATING
SYSTEM, DESIGNED TO HEAT THE RESIDENCE, BUT IS DISCONNECTED FROM
ITS ENERGY SOURCE, E.G. HEATING OIL, NATURAL GAS, ELECTRICITY, OR
PROPANE.

"SOLID FUEL-FIRED HEATING DEVICE" MEANS A DEVICE DESIGNED FOR
SOLID FUEL COMBUSTION SO THAT USABLE HEAT IS DERIVED FOR THE
INTERIOR OF A BUILDING, AND INCLUDES SOLID FUEL-FIRED STOVES,
FIREPLACES, SOLID FUEL-FIRED COOKING STOVES, AND COMBINATION FUEL
FURNACES OR BOILERS WHICH BURN SOLID FUEL. SOLID FUEL-FIRED
HEATING DEVICES DO NOT INCLUDE BARBEQUE DEVICES OR NATURAL GAS
FIRED FIREPLACE LOGS.

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(b) HIGH POLLUTION PROHIBITION:

(1) AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, NO PERSON MAY OPERATE A SOLID FUEL-FIRED HEATING DEVICE DURING A HIGH POLLUTION DAY UNLESS AN EXEMPTION HAS BEEN GRANTED PURSUANT TO SECTION (c) BELOW. IT SHALL BE THE DUTY OF ALL PERSONS OWNING OR OPERATING A SOLID FUEL-FIRED DEVICE TO BE AWARE OF ANY DECLARATION OF A HIGH POLLUTION DAY BY THE COLORADO DEPARTMENT OF HEALTH.

(2) AT THE TIME OF THE DECLARATION OF A HIGH POLLUTION DAY, THE CITY MANAGER SHALL ALLOW THREE (3) HOURS FOR THE BURNDOWN OF EXISTING FIRES IN SOLID FUEL BURNING DEVICES PRIOR TO THE INITIATION OF ENFORCEMENT.

(c) EXEMPTION FOR SOLE HEAT SOURCE:

(1) A PERSON WHO RELIES ON A SOLID FUEL-FIRED HEATING DEVICE AS HIS SOLE SOURCE OF HEAT MAY APPLY TO THE CITY MANAGER OR HIS DESIGNEE FOR A TEMPORARY EXEMPTION FROM SECTION (b) ABOVE.

(2) A PERSON APPLYING FOR AN EXEMPTION MUST SIGN A SWORN STATEMENT THAT HE RELIES ON A SOLID FUEL-FIRED HEATING DEVICE AS HIS SOLE SOURCE OF HEAT.

(3) AN EXEMPTION OBTAINED UNDER THIS SECTION SHALL BE EFFECTIVE FOR TWELVE (12) MONTHS FROM THE DATE IT IS GRANTED.

(d) NON-OWNER OCCUPIED DWELLING UNITS:

IT SHALL BE UNLAWFUL FOR A SOLID FUEL-FIRED HEATING DEVICE TO BE THE SOLE SOURCE OF HEAT IN ANY NON-OWNER OCCUPIED DWELLING UNIT. ANY VIOLATION OF SECTION (b) ABOVE BY THE TENANT OF SUCH A DWELLING UNIT SHALL BE CONSIDERED A VIOLATION BY THE OWNER OF THE DWELLING UNIT IF A SOLID FUEL-FIRED HEATING DEVICE IS THE TENANT'S SOLE SOURCE OF HEAT. IN SUCH A CASE, THE OWNER, AND NOT THE TENANT, SHALL BE LIABLE FOR ANY PENALTY IMPOSED.

(e) INSPECTIONS:

FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES, IS HEREBY AUTHORIZED TO MAKE INSPECTIONS OF SOLID FUEL-FIRED HEATING DEVICES WHICH ARE BEING OPERATED ON HIGH POLLUTION DAYS. IF ANY PERSON REFUSES OR RESTRICTS ENTRY AND FREE ACCESS TO ANY PART OF A PREMISE, OR REFUSES INSPECTION OR SAMPLING OF ANY DEVICE, FACILITY OR PROCESS WHERE INSPECTION IS SOUGHT, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES,

SHALL SEEK FROM THE MUNICIPAL COURT A WARRANT FOR INSPECTION AND ORDER THAT SUCH PERSON REFUSING INSPECTION BE REQUIRED TO PERMIT AN INSPECTION AT A REASONABLE TIME, WITHOUT INTERFERENCE, RESTRICTION, OR OBSTRUCTION. THE COURT SHALL HAVE FULL POWER, JURISDICTION, AND AUTHORITY TO ENFORCE ALL ORDERS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER.

(f) ENFORCEMENT:

ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY THE PENALTIES SET FORTH IN SECTION 1-14 OF THE CITY CODE.

(g) ONE YEAR REVIEW:

THIS ORDINANCE SHALL BE AUTOMATICALLY REPEALED ON MAY 1, 1988 UNLESS RE-ADOPTED BY THE CITY COUNCIL. - *re-adopted 5/23/88*

Section 2. That all ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. That pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

INTRODUCED, READ AND ORDERED PUBLISHED this 23rd day of March, A.D. 1986.

PASSED AND ORDERED PUBLISHED BY REFERENCE this 13th day of April, A.D. 1986.

Dennis Champine

DENNIS CHAMPINE, Mayor

ATTEST:

Donna L. Young

DONNA L. YOUNG, Deputy City Clerk

APPROVED AS TO FORM: *[Signature]* CA

First Publication:	<u>4-1-87</u>
Final Publication:	<u>4-22-87</u>
Effective Date:	<u>5-22-87</u>

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State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Aurora - Ordinance 92-14

Rule Title .

State Effective Date 05/22/1992

State Adoption Date 05/22/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 92-14 - Aurora.pdf](#)

EFFECTIVE DATE: 5-22-92

ORDINANCE NO. 92-14

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 9
OF THE CITY CODE OF THE CITY OF AURORA, COLORADO,
BY THE ADDITION OF A NEW SECTION 9-40
REGARDING SOLID FUEL BURNING FIREPLACES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO:

Section 1. That Chapter 9 of the City Code of the City of
Aurora, Colorado, is hereby amended by adding a section to be
numbered 9-40, which Section reads as follows:

SEC. 9-40. SOLID FUEL BURNING FIREPLACES.

(A) SECTION 3705(A) OF THE UBC SHALL BE AMENDED BY THE
ADDITION OF THE FOLLOWING:

EVERY NEW SOLID FUEL BURNING FACTORY-BUILT FIREPLACE
SHALL HAVE PERMANENTLY INSTALLED EITHER:

- (1) APPROVED GAS LOGS;
- (2) OTHER APPROVED GAS OR ALCOHOL SPECIFIC APPLIANCES;
- (3) A PHASE III CERTIFIED DEVICE AS DEFINED IN SECTION
41-728 OR OTHER SOLID FUEL BURNING DEVICE MEETING
THE MOST STRINGENT EMISSION STANDARDS FOR WOOD
STOVES ESTABLISHED UNDER STATE STATUTE AND/OR
REGULATIONS PROMULGATED BY THE COLORADO AIR
QUALITY CONTROL COMMISSION EXISTING AT THE TIME OF
INSTALLATION OF THE FIREPLACE, AS DEMONSTRATED BY
A TEST BY AN E.P.A. ACCREDITED LABORATORY, AND
WHICH IS SAFETY TESTED TO UNDERWRITER'S LABORATORY
STANDARDS.

(B) SECTION 3707(A) OF THE UBC SHALL BE AMENDED BY THE
ADDITION OF THE FOLLOWING:

EVERY NEW MASONRY FIREPLACE SHALL HAVE PERMANENTLY
INSTALLED EITHER:

- (1) APPROVED GAS LOGS;

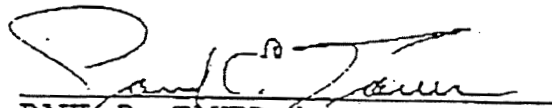
- (2) OTHER APPROVED GAS OR ALCOHOL SPECIFIC APPLIANCES;
- (3) A PHASE III CERTIFIED DEVICE AS DEFINED IN SECTION 41-728 OR OTHER SOLID FUEL BURNING DEVICE MEETING THE MOST STRINGENT EMISSION STANDARDS FOR WOOD STOVES ESTABLISHED UNDER STATE STATUTE AND/OR REGULATIONS PROMULGATED BY THE COLORADO AIR QUALITY CONTROL COMMISSION EXISTING AT THE TIME OF INSTALLATION OF THE FIREPLACE, AS DEMONSTRATED BY A TEST BY AN E.P.A. ACCREDITED LABORATORY, AND WHICH IS SAFETY TESTED TO UNDERWRITER'S LABORATORY STANDARDS.

Section 2. That all ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed..

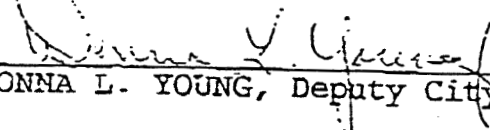
Section 3. That pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

INTRODUCED, READ AND ORDERED PUBLISHED this 25rd day of March, A.D. 1992.

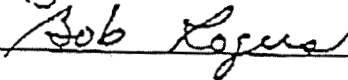
PASSED AND ORDERED PUBLISHED BY REFERENCE this 15th day of April, A.D. 1992.


PAUL E. TAUER, Mayor




DONNA L. YOUNG, Deputy City Clerk

APPROVED AS TO FORM:



[sfbf]

First Publication:	4-1-92
Final Publication:	4-22-92
Effective Date:	5-22-92

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Boulder - Ordinance 5007

Rule Title .

State Effective Date 11/25/1986

State Adoption Date 11/25/1986

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 5007 - Boulder.pdf](#)

ORDINANCE NO. 5007

AN EMERGENCY ORDINANCE ENACTING A NEW CHAPTER 6-9 AND ADDING A NEW SECTION 10-3-13, B.R.C. 1981, FOR THE PROTECTION OF THE QUALITY OF THE AIR IN THE CITY OF BOULDER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Chapter 6-9 is enacted to read:

TITLE 6 HEALTH, SAFETY, AND SANITATION

Chapter 9 Air Quality

6-9-1 Legislative Intent.

- (a) It is the intent of the city council to regulate activities contributing to the degradation of the air quality within the city limits in order to preserve the health, safety, and welfare of its inhabitants.
- (b) The city council finds that air pollution presents a threat to the health of the inhabitants of the city. As of March 3, 1978, the city was classified as a nonattainment area in carbon monoxide, ozone, and particulates. Federal standards must be met or various federal funding programs may be cut back. It is the intent of the city council to implement requirements that will enable the city to meet federal standards by reducing the total amount of hazardous materials in the atmosphere. The city council finds that there now exist woodstoves which have emissions that are ninety-five percent less than the emissions of conventional devices.
- (c) It is the intent of city council to preserve and improve visibility, particularly scenic vistas.
- (d) It is the intent of city council to allow low income persons to heat their homes if wood is the primary source of heat for their homes.
- (e) The city council finds that there are federal and state laws that regulate certain activities that affect the quality of the air, but those laws do not exclude local government regulation, if such local regulation is not inconsistent therewith. The city council further finds that the provisions of this chapter address the city's local concerns, including, without limitation, certain limitations on activities that have an impact on the quality of the air and the implementation of effective enforcement. The city council finds that the provisions of this chapter are not inconsistent with federal and state law.

6-9-2 Definitions.

- (a) The following words and phrases have the following meanings unless the context clearly indicates otherwise:

- (1) "Barbeque device" means a device that is used solely for the purpose of cooking food.
- (2) "Fireplace" means a hearth, fire chamber, or similarly prepared place and a chimney.
- (3) "Phase I certified device" means an airtight woodstove, including without limitation a fireplace insert, which the user can verify to a reasonable scientific certainty has particulate emissions that do not exceed the following standards:
 - (i) Prior to July 1, 1988, no woodstove with a minimum heat output of 40,000 Btu per hour or less shall be certified unless the stove meets the following standards:
 - (A) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, the stove shall emit particulates at a rate of 30 grams per hour or less and carbon monoxide at a rate of 400 grams per hour or less.
 - (B) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-5, the stove shall emit particulates at a rate of 22 grams per hour or less and carbon monoxide at a rate of 400 grams per hour or less.
 - (ii) Prior to July 1, 1988, no woodstove with a minimum heat output of more than 40,000 Btu per hour, shall be certified unless the stove meets the following standards:
 - (A) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 37, and 1 gram per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 800, and 10 grams per hour for each 1,000 Btu per hour heat output.

- (B) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 30, and 0.7 grams per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 800, and 10 grams per hour for each 1,000 Btu per hour heat output.
 - (ii) And stoves with a minimum long life catalyst, a thermometer for reading the temperature of the catalyst, and a thermometer for reading the temperature of the stove.
- (4) "Phase II certified device" means an airtight woodstove, including without limitation a fireplace insert, which the user can demonstrate to a reasonable scientific certainty has particulate emissions that do not exceed the following standards:
- (i) On or after July 1, 1988, no woodstove with a minimum heat output of 40,000 Btu per hour or less, shall be certified unless the stove meets the following standards:
 - (A) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, the stove shall emit particulates at a rate of 12 grams per hour or less and carbon monoxide at a rate of 200 grams per hour or less.
 - (B) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, the stove shall emit particulates at a rate of 8.5 grams per hour or less and carbon monoxide at a rate of 200 grams per hour or less.
 - (ii) On or after July 1, 1988, no woodstove with a minimum heat output of more than 40,000 Btu per hour shall be certified unless the stove meets the following emissions standards:
 - (A) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6,

with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 15, and 0.4 grams per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 400, and 5 grams per hour for each 1,000 Btu per hour heat output.

(B) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 12, and 0.3 grams per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 400, and 5 grams per hour for each 1,000 Btu per hour heat output.

(iii) And stoves with a minimum long life catalyst, a thermometer for reading the temperature of the catalyst, and a thermometer for reading the temperature of the stove.

(5) "Primary source of heat" means that source of heat which heats more than fifty percent of the space heating load in any building.

(6) "Sole source of heat" means one or more woodstoves which constitute the only source of heating in a building. No woodstove shall be considered to be the sole source of heat if the building is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane, whether connected or disconnected from its energy source.

(7) "Woodstove" means a solid fuel burning device designed for solid fuel combustion so that useable heat is derived for the interior of a building, and includes, without limitation, solid fuel-fired stoves, woodstoves of any nature, solid fuel-fired cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Woodstoves do not include fireplaces, barbeque devices, or natural gas-fired fireplaces.

(d) Words defined in Chapter 1-2, B.R.C. 1981, have the meanings there expressed if not differently defined by this chapter.

6-9-3 No-Burn Days

- (a) The city manager may designate no-burn days when monitoring indicates violations within the city of air quality standards established by either the United States Environmental Protection Agency or the Colorado Department of Health, or when meteorological conditions warrant such designation.
- (b) No person shall use any woodstove or fireplace during a no-burn day unless an exemption has been granted pursuant to subsection (e) below.
- (c) No-burn days shall last for a 24-hour period. Such days may be declared to be over at any time during that period. Such days may be renewed at the end of that 24-hour period if violations still exist, or if meteorological conditions are such that it is likely that violations will continue to occur.
- (d) At the time of the declaration of a no-burn day, the city manager shall allow three hours for the burndown of existing fires prior to the initiation of enforcement.
- (e) It is a specific defense to a charge of burning on a no-burn day that:
 - (1) For offenses between January 1, 1987, and July 1, 1992, the burning occurred in a Phase II certified device; or
 - (2) The person had obtained a temporary exemption demonstrating both an economic need to burn solid fuel for building space heating purposes and a reliance on a woodstove as the primary source of heat. The city manager may grant such exemptions according to the following standards:
 - (i) A person applying for an exemption shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Boulder County.
 - (ii) A person applying for an exemption must sign a verified affidavit demonstrating reliance on a woodstove as the primary source of heat.
 - (iii) An exemption obtained under this section shall be effective for one year from the date it is granted; or
 - (3) A power outage, interruption of natural gas supply, or temporary equipment failure existed at the time and location of the violation that did not result from any action of the person charged with the violation.

6-9-4 Woodstove Installation and Retrofit.

- (a) No person shall repair, alter, move, or install a woodstove without having first obtained a building permit in accordance with Title 10, B.R.C. 1981. No person shall replace a woodstove which is substantially destroyed, demolished, or in need of replacement, except with a Phase I or Phase II certified device as set forth in subsections (b) and (c) below. Woodstoves lawfully existing and installed as of the date of enactment of this ordinance may be repaired to the extent that such repair, in the reasonable judgment of the city manager, is necessary to prevent the existence of an unsafe condition.
- (b) As of January 1, 1987, no person shall install a woodstove in any building unless it is a Phase I or Phase II certified device.
- (c) As of July 1, 1988, no one shall install a woodstove in any building unless it is a Phase II certified device.

6-9-5 Limit on Coal Burning.

- (a) No person shall burn coal or any substance other than wood or wood products in a woodstove or a fireplace.
- (b) Between January 1, 1987, and January 1, 1988, it is a specific defense to a charge of burning coal that the woodstove or fireplace burns only coal and is the primary source of heat for that building.

6-9-6 Non-Owner Occupied Dwelling Units.

No person shall rent a building if a woodstove or fireplace is the sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed.

6-9-7 Enforcement.

- (a) Every person convicted of a violation of any provision of this chapter shall pay a fine according to the following schedule:
 - (1) first conviction, no more than one hundred dollars;
 - (2) second conviction, no more than two hundred dollars; and
 - (3) third conviction, no more than three hundred dollars.
- (b) The date when the actual violation occurred will control regardless of the date of conviction.
- (c) The record of the violator for two years prior to the date of the current violation will be considered.
- (d) No fines shall be assessed for violations of Sections 6-9-3 and 6-9-5, B.R.C. 1981, until November 15, 1987.

Section 2. A new Section 10-3-13, B.R.C. 1981, is added to read:

10-3-13 Stove as Sole Source of Heat Prohibited.

No owner of a dwelling unit required to be licensed under this chapter shall permit a woodstove or fireplace, as defined in Section 6-9-2, B.R.C. 1981, to be the sole source of heat for such dwelling.

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

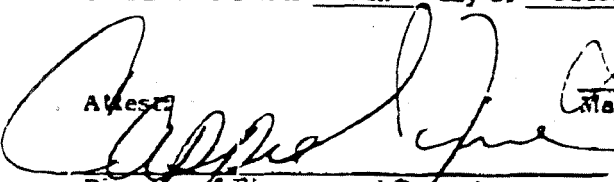
Section 4. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 5. The council finds that an emergency exists due to the fact that the Better Air Program and high pollution season have already begun. Accordingly, the council finds that an emergency exists, and this ordinance shall take effect immediately upon its passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 7th day of October, A.D. 1986.

Attest:


Director of Finance and Record
Ex-Officio City Clerk

Mayor

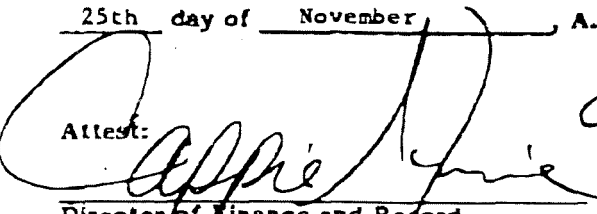


READ ON SECOND READING, AMENDED, PASSED BY A TWO-THIRDS VOTE,

ADOPTED BY EMERGENCY, AND ORDERED PUBLISHED BY TITLE ONLY this

25th day of November, A.D. 1986

Attest:


Director of Finance and Record
Ex-Officio City Clerk

Mayor



PL EN DKS

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Boulder - Ordinance 5445

Rule Title .

State Effective Date 04/21/1992

State Adoption Date 04/21/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 5445 - Boulder.pdf](#)

ORDINANCE NO. 5115

AN ORDINANCE AMENDING SECTIONS 1 THROUGH 7 OF CHAPTER 6-9, B.R.C. 1981, AND ENACTING SECTION 6-9-5, NEW CONSTRUCTION FIREPLACE INSTALLATION, B.R.C. 1981, TO LIMIT THE TYPES OF FIREPLACES ALLOWED IN NEW CONSTRUCTION, AND SETTING FORTH DETAILS IN RELATION THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 6-9-1, B.R.C. 1981, is amended by the addition of a new subsection (e) to read as follows, and subsequent subsections are renumbered accordingly:

(e) City council finds that the burning of solid fuel has been determined to be a cause of air pollution and that regulations concerning the installation of solid fuel burning devices are necessary for the protection of the health, safety, and welfare of its inhabitants.

Section 2. Subsection 6-9-2(a), B.R.C. 1981, is amended to read as follows:

6-9-2 Definitions.

(a) The following words and phrases have the following meanings unless the context clearly indicates otherwise:

- (1) "Barbecue device" means a device that is used solely for the purpose of cooking food.
- (2) "Fireplace" means a hearth, fire chamber, or similarly prepared place and a chimney.
- (3) "Phase I certified device" means an airtight woodstove, including without limitation a fireplace insert, which the user can verify to a reasonable scientific certainty has particulate emissions that do not exceed the following standards:

(A) Prior to July 1, 1988, no woodstove with a minimum heat output of 40,000 Btu per hour or less shall be certified unless the stove meets the following standards:

(i) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6,

the stove shall emit particulates at a rate of 30 grams per hour or less and carbon monoxide at a rate of 100 grams per hour or less.

(ii) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-5, the stove shall emit particulates at a rate of 22 grams per hour or less and carbon monoxide at a rate of 100 grams per hour or less.

(B) Prior to July 1, 1988, no woodstove with a minimum heat output of more than 40,000 Btu per hour, shall be certified unless the stove meets the following standards:

(i) For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 37, and 1 gram per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 800, and 10 grams per hour for each 1,000 Btu per hour heat output.

(ii) For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 30, and 0.7 grams per hour for each 1000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 800, and 10 grams per hour for each 1,000 Btu per hour heat output.

(C) All stoves with a minimum long-life catalyst, a thermometer for reading the temperature of the catalyst, and a thermometer for reading the temperature of the stove.

(4) "Phase II certified device" means a solid fuel burning device which meets the emission standards set forth in Subsection 11, A, 12, Regulation No. 4, Colorado Air Quality Control Commission, 5 CCR 1001-6, for wood stoves an airtight woodstove, including without limitation a fireplace insert, which the user can demonstrate to a reasonable scientific certainty has particulate emissions that do not exceed the following standards:

(A) On or after July 1, 1988, no woodstove with a minimum heat output of

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To	Tom Miltland	From	APeters
Co.	RACE	Co.	
Dept.	5813	Phone #	441-1277
Fax #	679-5872	Fax #	

40,000 Btu-per-hour or less, shall be certified unless the stove meets the following standards:

(i) — For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, the stove shall emit particulates at a rate of 12 grams per hour or less and carbon monoxide at a rate of 200 grams per hour or less.

(ii) — For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, the stove shall emit particulates at a rate of 8.5 grams per hour or less and carbon monoxide at a rate of 200 grams per hour or less.

(H) — On or after July 1, 1988, no woodstove with a minimum heat output of more than 40,000 Btu-per-hour shall be certified unless the stove meets the following emission standards:

(i) — For stoves tested in accordance with Appendix A, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 15, and 0.4 grams per hour for each 1,000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 400, and 5 grams per hour for each 1,000 Btu per hour heat output.

(ii) — For stoves tested in accordance with Appendix B, Colorado Air Quality Control Commission, Regulation No. 4, 5 CCR 1001-6, with respect to particulates, the number of grams per hour emitted shall be less than or equal to the sum of 12, and 0.3 grams per hour for each 1,000 Btu per hour heat output; with respect to carbon monoxide, the number of grams per hour emitted shall be less than or equal to the sum of 400, and 5 grams per hour for each 1,000 Btu per hour heat output.

(E) — And stoves with a minimum long life catalyst, a thermometer for reading the temperature of the catalyst, and a thermometer for reading the temperature of the stove.

(4) ~~"Primary source of heat" means a solid fuel burning device which meets the emission standards set forth in Section 11, Paragraph B of Regulation No. 4, Colorado Air Quality Control Commission, 5 CCR 1001-6, for wood stoves.~~

(5) "Primary source of heat" means that source of heat which heats more than fifty percent of the space heating load in any building.

(6) "Sole source of heat" means one or more wood stoves which constitute the only source of heating in a building. No wood stove shall be considered to be the sole source of heat if the building is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane, whether connected or disconnected from its energy source.

(7) ~~"Woodstove Solid Fuel Burning Device" means a solid fuel-burning device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel-fired stoves, wood stoves of any nature, fireplaces, pellet stoves, solid fuel-fired cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Woodstoves Solid Fuel Burning Devices do not include fireplaces, barbecue devices, or natural gas-fired fireplaces, or electrical appliances.~~

Section 3. Section 6-9-3, B.R.C. 1981, is amended to read as follows:

6-9-3 No-Burn Days

(a) No-burn days shall be in effect on such days as the Colorado Department of Health designates no-burn days for the Denver Metropolitan area.

(b) In addition, the city manager may designate no-burn days when monitoring indicates actual or potential violations within the city of air quality standards established by either the United States Environmental Protection Agency (EPA) or the Colorado Department of Health, or when meteorological conditions warrant such designation.

(c) No person shall use any woodstove or fireplace solid fuel burning device during a no-burn day unless an exemption has been granted pursuant to subsection (e) below except as provided in subsection (f) below.

(d) No-burn days shall last for a 24-hour period. Such days may be declared to be over at any time during that period. Such days may be renewed at the end of that 24-hour period if violations still exist, or if meteorological conditions are such that it is likely that violations will continue to occur.

(e) At the time of the declaration of a no-burn day, the city manager shall allow three hours for the burndown of existing fires prior to the initiation of enforcement.

(f) It is a specific defense to a charge of burning on a no-burn day that:

- (1) For offenses between January 1, 1987, and July 1, 1992, the burning occurred in a Phase II certified device; or
- (2) The burning occurred in a Phase III certified device or in a solid fuel burning device that meets the same emission standards as are required for a Phase III certified wood stove and is tested by an EPA accredited laboratory; or
- (23) The person had obtained a temporary exemption demonstrating both an economic need to burn solid fuel for building space heating purposes and a reliance on a woodstove solid fuel burning device as the primary source of heat. The city manager may grant such exemptions according to the following standards:
 - (A) A person applying for an exemption shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Boulder County.
 - (B) A person applying for an exemption must sign a verified affidavit demonstrating reliance on a woodstove solid fuel burning device as the primary source of heat.
 - (C) An exemption obtained under this section shall be effective for one year from the date it is granted; or
- (34) A power outage, interruption of natural gas supply, or temporary equipment failure existed at the time and location of the violation that did not result from any action of the person charged with the violation.

Section 4. Section 6-9-4, B.R.C. 1981, is amended to read as follows:

6-9-4 Woodstove Solid Fuel Burning Device Installation and Retrofit.

- (a) No person shall repair, alter, move, or install a woodstove solid fuel burning device without having first obtained a building permit in accordance with Title 10, B.R.C. 1981.
- (b) No person shall replace a woodstove solid fuel burning device, which is substantially destroyed, demolished, or in need of replacement, except with a woodstove solid fuel burning device, unless the replacement is a Phase I or Phase II-III certified device as set forth in subsections (b) and (c) below. Woodstoves solid fuel burning devices lawfully existing and installed as of the date of enactment of this ordinance may be repaired to the extent that such repair, in the reasonable judgment of the city

manager, is necessary to prevent the existence of an unsafe condition.

- (bc) ~~As of January 1, 1987, no person shall install a woodstove solid fuel burning device in any building unless it is a Phase I or Phase II certified device; if the installation it meets the most stringent emission standards for that particular device established by the Colorado Air Quality Control Commission in effect such date. If there are no standards established for that device, then it shall be the most stringent emission standards in effect as of such date for wood stove demonstrated by testing at an EPA accredited laboratory.~~
- (c) ~~As of July 1, 1988, no one shall install a woodstove in any building unless it is a Phase II certified device.~~

Section 5. Section 6-9-5, B.R.C. 1981, is amended to read as follows:

6-9-5 Limit on Coal Burning.

- (a) No person shall burn coal or any substance other than wood or wood products in a woodstove or a fireplace solid fuel burning device.
- (b) ~~Between January 1, 1987, and January 1, 1988, it is a specific defense to a charge of burning coal that the woodstove or fireplace burns only coal and is the primary source of heat for that building.~~

Section 6. Section 6-9-6, B.R.C. 1981, is amended to read as follows:

6-9-6 Non-Owner Occupied Dwelling Units.

No person shall rent a building if a woodstove or fireplace solid fuel burning device is the sole source of heat. In such a case, the owner, and not the tenant, shall be liable for penalty imposed.

Section 7. Section 6-9-7, B.R.C. 1981, is amended to read as follows:

6-9-7 Enforcement.


- (a) Every person convicted of a violation of any provision of this chapter shall pay a penalty according to the following schedule:
 - (1) first conviction, no more than one hundred dollars;
 - (2) second conviction, no more than two hundred dollars; and
 - (3) third conviction, no more than three hundred dollars.

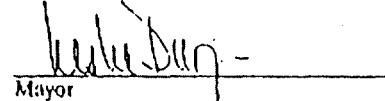
- (b) The date when the actual violation occurred will control regardless of the date of conviction.
- (c) The record of the violator for two years prior to the date of the current violation will be considered.
- (d) ~~No fines shall be assessed for violations of Sections 6-9-3 and 6-9-5, B.H.C. 1981, until November 15, 1987.~~

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

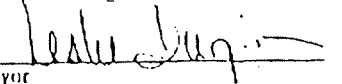
Section 9. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

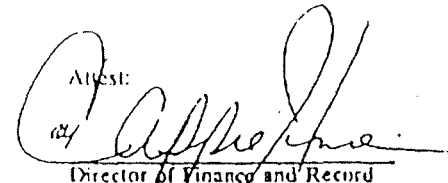
INTRODUCTION AND MOTION TO PUBLISH BY TITLE ONLY this 21st day of January, 1992.

Attest:
BY 
Director of Finance and Record
Ex-Officio City Clerk


Mayor

READ ON SECOND READING, PASSED, ADOPTED, AND ORDER
PUBLISHED BY TITLE ONLY this 21st day of April, 1992.


Mayor

Attest:
BY 
Director of Finance and Record
Ex-Officio City Clerk

CM EN GBK

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Broomfield - Ordinance 794

Rule Title .

State Effective Date 11/24/1988

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 794 - Broomfield.pdf](#)

~~Ordinance~~

ORDINANCE NO. 794

AN ORDINANCE ADDING A NEW CHAPTER 8.15 TO THE
BROOMFIELD MUNICIPAL CODE REGARDING RESTRICTIONS ON
WOOD BURNING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOMFIELD,
COLORADO:

Section 1: A new chapter 8.15 is added to the Broomfield Municipal Code to read as follows:

CHAPTER 8.15
BURNING RESTRICTIONS

Sections:

- 8.15.010 Definitions
- 8.15.020 High pollution prohibition
- 8.15.030 Exemptions
- 8.15.040 Defense
- 8.15.050 Rental dwelling units
- 8.15.050 Inspections

8.15.010 Definitions: The following words and phrases shall have the indicated meanings:

A. "High pollution day" means that period of time declared to be a high pollution day by the Colorado Department of Health.

B. "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence for purposes of space heating. If there is a furnace or heating system designed to heat the residence, a solid fuel-fired heating device or devices shall be considered to be the sole source of heat only if the furnace or heating system is disconnected from its energy source, e.g. heating oil, natural gas, electricity, or propane.

C. "Solid fuel-fired heating device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces and furnaces or boilers. "Solid fuel-fired heating device" does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs.

8.15.020 High pollution prohibition.

A. It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to section 8.15.030 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

B. At the time of the declaration of a high pollution day, the City shall allow three (3) hours for the burndown of existing fires in solid fuel-burning devices prior to the initiation of enforcement.

8.15.030 Exemptions

A. A person may operate a solid fuel-fired heating device during a high pollution day if he has previously obtained an exemption from the city manager or his designee. An exemption may be granted if the applicant submits a sworn statement either (1) that he relies on a solid fuel-burning device as his sole source of heat and that said device was installed prior to the effective date of the ordinance codified herein, or (2) that he relies on an electrical heating system as his primary source of heat and that said system was installed prior to the effective date of the ordinance codified herein.

B. An exemption obtained under this section shall be effective for one year from the date it is granted and may be renewed upon submission of a new sworn statement as provided in subsection A above.

8.15.040 Defense. It shall be an affirmative defense to a charge of burning on a high pollution day under section 8.15.020 above that a power outage, interruption of natural gas supply or temporary equipment failure existed at the time and location of the violation, which did not result from any action of the person charged with the violation.

8.15.050 Rental dwelling units. It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any rental dwelling unit. Any violation of section 8.15.020 above by the tenant of such a dwelling unit shall be construed to be a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed.

8.15.060 Inspections. For the purpose of determining compliance with the provisions of this Chapter, the Director of Public Safety, a City police officer, or a Community Services Officer is authorized to make inspections to determine whether solid fuel-fired heating devices are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of the premises, or refuses inspection of any device, the Director of the Public Safety, a City police officer, or a Community Services Officer may seek from the Municipal Court a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The Court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this Chapter.

Section 2. Penalty clause. The penalties for violation of this ordinance shall be as prescribed in Chapter 1.12 of the Broomfield Municipal Code.

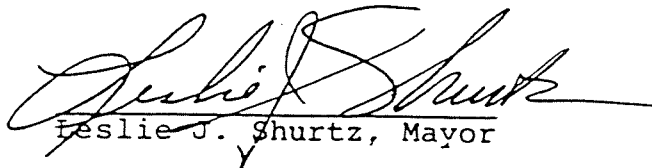
Section 3. Severance clause. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts

thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 4. Effective date. This ordinance shall become effective seven (7) days after public notice following final passage.

INTRODUCED, READ AND ADOPTED on first reading and ordered published in full this 25th day of October, 1988.


FINALLY ADOPTED AND ORDERED FINALLY PUBLISHED by title only this 8th day of November, 1988.


Leslie J. Shurtz, Mayor

ATTEST:

Dicki Marcy
Vicki Marcy, City Clerk

APPROVED AS TO FORM:


Matthew D. Glasser
City Attorney

Effective Date: November 24, 1988

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Denver - Ordinance 293

Rule Title .

State Effective Date 05/30/1990

State Adoption Date 05/30/1990

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 293 - Denver.pdf](#)

BY AUTHORITY

ORDINANCE NO. 293

COUNCIL BILL NO. 282

SERIES OF 1990
AS AMENDED 05-29-90

COMMITTEE OF REFERENCE:
HEALTH HOUSING
HUMAN SERVICES

A B I L L

FOR AN ORDINANCE AMENDING THE DENVER REVISED MUNICIPAL CODE BY ADDING A NEW ARTICLE III TO CHAPTER 4 ENTITLED "STATIONARY SOURCES" TO PRESERVE AND IMPROVE AIR QUALITY IN THE CITY AND COUNTY OF DENVER.

WHEREAS, the geographic location and atmospheric conditions of the City and County of Denver are conducive to the formation and retention of air pollution from industrial sources, motor vehicle emissions, and solid fuel burning devices; and

WHEREAS, the 1987-88 Metro Denver Brown Cloud Study found that up to 50% of the cloud results from mobile sources and 24% is due to woodburning; and

WHEREAS, emissions from fireplaces contribute four times more carbon monoxide and three times more particulates than the Phase III solid fuel-fired heating device required by Denver for burning on high pollution days; and

WHEREAS, burning unclean and damp solid fuel or improper burning of appropriate solid fuel may result in excessive levels of visible emissions; and

WHEREAS, reducing emissions from solid fuel-fired heating devices will enhance air quality and protect sensitive populations from related health effects; and

WHEREAS, air pollution from industrial sources may have a cumulative impact on Denver residents, even though individual facilities may satisfy applicable emission standards; and

WHEREAS, the Council finds that reduction in emissions from industrial sources, and solid fuel burning devices will enhance the quality of life for those who live and work in Denver and will protect sensitive populations from harmful health effects of air pollution; and

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(3) A new or existing industrial facility emits a hazardous air pollutant and a human health risk assessment has determined that the cumulative impact of existing sources of said pollutant, in the case of an existing industrial facility, or the cumulative impact of existing sources together with the projected incremental impact of the new source, in the case of a new facility, will result in an estimated risk of human cancer of at least one case per million population.

(b) The board shall promulgate regulations governing the nature and extent of the offsets that may be required and the methods by which they may be achieved; provided, however, that no offset will be required that exceeds 150 percent of the

(f) The board may by regulation narrow the list of industrial categories included within the definition of industrial facility if it finds that industrial plants or facilities within a category do not adversely affect air quality.

(d) Fees.

(1) The board shall prescribe, by regulation,

(b) Permits For Existing Industrial Facilities. Owners or Operators of all existing industrial facilities shall obtain an air quality permit for each existing industrial facility. To obtain an

WHEREAS, the City has previously adopted ordinances to

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this article, such right shall be specifically limited by the rights herein reserved to the city, and no subsequent legislative or administrative action or inaction by the city shall be deemed to constitute any impairment of contract or obligation, taking of property, or other impairment of such rights.

- (2) Subsection (1) shall be deemed an integral part of this section 4-22(c), and in the event that any portion of shall be finally declared by a court of competent jurisdiction to be unconstitutional or otherwise unlawful, then it is the expressed intent of the council of the city that this entire Section 4-22(c) shall be declared void ab initio.

Sec. 4-23 Opacity (a) Emissions from stationary sources.

It shall be unlawful for any person to emit any air contaminants from stationary sources, including solid fuel-fired heating devices, which exceed twenty (20) per cent opacity, provided, however, that the provisions of this subsection shall not apply to:

- (1) Gasoline- or diesel-powered engines for which standards are provided in Article IV of this Chapter, or
- (2) Emissions from noncommercial barbecues, or
- (3) Boiler emissions from soot blowing or fuel changing operations which do not exceed six (6) minutes in any sixty (60) consecutive minutes.

(b) Solid Fuel-Fired Heating Devices. It shall be unlawful for any person to emit any air contaminants from solid fuel-fired heating devices which exceed forty (40) percent opacity for ten (10) consecutive minutes.

Sec. 4-24. Combustion.

(a) Open Burning

- (1) It shall be unlawful for any person to engage in or allow open burning within the city unless and until a written permit has been issued by the department,

provided however, that permits will not be required for fires used for noncommercial cooking of food for human beings nor for smokeless or safety flares used for the combustion of gases or used to indicate some danger to the public.

- (2) When a person applies for an open burning permit, as required by subsection (a), the department will issue or deny the same based upon one or more of the following considerations: practical alternatives for the disposal of material to be burned; approval or disapproval of the fire department; the location of the proposed burning to buildings; the potential contribution of the proposed burning to the total air pollution in the area; the climatic conditions and the amount and characteristics of the air pollution existing on the date of burning; the probability that the applicant will comply with fire and safety standards and permit restrictions. Each open burning permit is issued upon the condition that it may be summarily revoked by the department.
- (3) It shall be unlawful for any person to disregard or violate any requirement or restriction contained in an open burning permit or to engage in open burning after a permit has been revoked by the department.

(b) Incinerator burning.

It shall be unlawful for any person to burn any material in any incinerator within the city unless such incinerator is of the multiple chamber type or the domestic auxiliary fuel-fired type which has been approved by both the building department and the department of health and hospitals prior to its use and which meets the air pollution emission standards of this chapter.

(c) Solid fuel burning.

- (1) High pollution prohibition. It shall be unlawful for any person to operate a solid fuel-fired heating

device during a high pollution day unless an exemption has been granted pursuant to this section. It shall be the duty of all persons owning or operating a fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

- (2) Exemptions for sole source of heat. The manager shall grant an exemption from section 4-21(c)(1), of this chapter to any person who relies on a solid fuel-fired heating device as his or her sole source of heat. The board may formulate regulations regarding these exemptions.
- a. A person applying for an exemption must document that a nonfireplace solid fuel-fired heating device is the only source of heat for at least twenty (20) percent of the gross floor area of his or her residence.
- b. An exemption obtained under this section shall be effective for one year from the date it is granted.
- (3) Exemption for defective heating system. The manager shall grant an exemption from section 4-21(c)(1), of this chapter to any person who submits proof from a licensed HVAC contractor that the heating system in his/her residence is defective. An exemption obtained under this subsection shall be effective for thirty (30) days from the date it is granted.
- (4) Exemption for new technology stoves. The manager shall grant an exemption from section 4-21(c)(1), of this chapter to any person who has a PHASE III solid fuel-fired heating device.
- (5) All new solid fuel-fired heating devices installed in Denver shall be Phase III solid fuel-fired heating devices. This provision shall apply to woodstoves installed on or after July 1, 1990, and to fireplaces installed on or after July 1, 1994.

- (6) Only one (1) solid fuel-fired heating device may be installed in a single unit dwelling, as defined in Section 59-2(131) of the Revised Municipal Code, which is constructed or added to after the effective date of this section.
- (7) Multiple unit dwellings, as defined in Section 59-2(88) of the Revised Municipal Code, constructed or added to after the effective date of this section shall be limited to one (1) solid fuel-fired heating device for every 7,000 square feet of lot area multiplied by the number of floors in the unit; e.g., a three (3) story multi-family residential unit located on a 7,000 square foot lot or parcel of land could have three (3) solid fuel-fired heating devices.

Sec. 4-24. Particulate emission.

(a) Stationary fuel-burning equipment. It shall be unlawful for any person to emit particulate matter from any stationary fuel-burning equipment which exceeds the following standards:

- (1) Fuel-burning equipment having one million or less Btu total input per hour shall not emit particulate matter in excess of 0.5 pounds for each million Btu's per hour utilized;
- (2) Fuel-burning equipment having between one million and five hundred million Btu total input per hour shall not emit particulate matter in excess of that amount calculated from the following formula:

$$PE = K(FI)^x$$

where PE equals the particulate emissions in pounds per million Btu's utilized;

K equals the constant 0.5;

FI equals the fuel input in million Btu's per hour;

x equals the power of minus 0.26.

- (3) Fuel-burning equipment having more than five hundred million Btu total input per hour shall not emit

particulate matter in excess of 0.1 pounds for each million Btu's per hour utilized.

(b) Solid waste burning equipment. It shall be unlawful for any person to emit particulate matter from any solid waste burning equipment which exceeds the following standards:

- (1) Solid waste burning equipment having a rating of less than two hundred (200) pounds of solid wastes per hour shall not emit particulate matter in excess of 0.15 grains per cubic foot;
- (2) Solid waste burning equipment having a rating of two hundred (200) or more pounds of solid wastes per hour shall not emit particulate matter in excess of 0.10 grains per cubic foot;
- (3) Grains per cubic foot for purposes of this section shall be corrected to standard conditions and dry flue gas corrected to twelve (12) percent carbon dioxide (CO₂).

(c) Manufacturing unit process. It shall be unlawful for any person to emit particulate matter from any process unit of manufacturing which exceeds the amount of particulate emission as calculated in the following formula:

$$PE=K(PW)^x$$

where PE equals the particulate emissions in pounds per hour;

K equals a constant;

PW equals the process weight in tons per hour;

x equals a power as specified below.

- (1) When the process weight (PW) of a manufacturing process is thirty (30) or less tons per hour, the formula expressed herein shall be used and the particulate emission, (PE) shall not exceed in pounds per hour, an amount greater than the constant (K) 3.59 times the process weight (PW) in tons per hours taken to the power of 0.62;
or, $PE=3.59(PW)^{0.62}$.

(2) When the process weight (PW) of a manufacturing process is greater than thirty (30) tons per hour, the formula expressed herein shall be used and the particulate emission (PE) shall not exceed in pounds per hour, an amount greater than the constant (K) 17.31 times the process weight (PW) taken to the power of 0.16; or, $PE=17.31(PW)^{0.16}$.

(d) Standard for particulate emissions measurement. For the purpose of this section, emission rates shall be measured according to the American Society of Mechanical Engineer's Power Test Code, (PTC)27, dated 1957, and entitled "Determining Dust Concentrations in a Gas Stream" or any equivalent method accepted by the department.

(e) Evaluation of units separately. For the purpose of this section, when two (2) or more fuel-burning units are connected to a single stack, each unit shall be evaluated separately and the maximum particulate emission allowed shall be based on the sum of the individual units. When more than one stack is used for one fuel-burning unit, the maximum particulate emissions from the combined total of all stacks shall not exceed the limitation as specified in this section.

Sec. 4-25. Sulfur dioxide emission.

(a) Stack emission concentration. It shall be unlawful for any person to emit from any single source, a concentration of sulfur dioxide in excess of five hundred (500) parts per million based on volume.

(b) Ground level concentrations. It shall be unlawful for any person to emit sulfur dioxide which causes a ground level concentration on any adjacent premise to exceed;

- (1) 0.25 parts per million or more (by volume) for a period of five (5) or more continuous minutes;
- (2) 0.1 part per million or more (by volume) for a period of sixty (60) or more continuous minutes;
- (3) 0.05 parts per million or more (by volume) for a period of twenty-four (24) or more continuous hours.

(c) Method of measurement:

(1) To determine the concentration of sulfur dioxide in stack emissions, measurements shall be made by one of the following methods:

- a. "Rapid Microtitration of Sulfate," James S. Fritz and Stanley S. Yamamura, *Analytical Chemistry*, Vol. 27, No. 9, pages 1461-1464, September 1955;
- b. "Determination of Sulfur Oxides in Stack Gases," Edwin B. Siedman, *Analytical Chemistry*, Vol. 30, No. 10, pages 1680-1682, October 1958;
- c. Any equivalent method which has been approved by the department.

(2) To determine the ground level concentration of sulfur dioxide, measurements shall be made by one of the following methods:

- a. "Tentative Method of Analysis for Sulfur Dioxide Content of the Atmosphere (Colorimetric)," 42401-01-69T Intersociety Committee for a Manual of Methods for Ambient Air Sampling and Analysis, *Health Laboratory Science*, Volume 7, (1) pages 4-12, (1970);
- b. Any equivalent method which has been approved by the department.

(d) Oxidized forms. For purposes of this section, all oxidized forms of sulfur, including but not limited to, sulfur trioxide (SO₃), sulfuric acid mist (H₂SO₄) and thionyl chloride (SOCl₂) shall be considered as sulfur dioxide (SO₂).

Sec. 4-26. Storage of petroleum products.

It shall be unlawful for any person to place, store or hold in any stationary tank, reservoir or other container with more than forty thousand (40,000) gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of one and five-tenths (1.5) pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient

at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with a vapor loss control device approved by the department which is properly installed and in good working order.

Sec. 4-27. Asbestos.

(a) Allowable limits. No person shall emit into the atmosphere any asbestos fibers from any stationary source, manufacturing process, demolition, renovation, or construction activity in excess of the standards for the type of asbestos specified in Table A. Special precautions and handling methods are also required to limit asbestos exposure to workers and the general public.

Table A.
Maximum Number of Asbestos Fibers
Allowable in the Atmosphere

Type of Asbestos	No. of fibers greater than 5 microns/cc*
Amosite	0.5
Chrysolite	2.0
Crocidolite	0.2
Other forms	2.0*

*Maximum number of asbestos fibers longer than five (5) microns permitted or allowable per cubic centimeter of air.

(b) Demolition or renovation of buildings, etc., with asbestos-containing materials. Any person who intends to demolish any building, structure, facility, or renovate any such premise, whereby the heating or air conditioning system is removed or any insulation, fireproofing or acoustical material is dislodged, shall make a thorough inspection of the entire premises to determine if asbestos-containing materials have been used for insulation, fireproofing or acoustical purposes, etc., and shall notify the department of health and hospitals in writing of such findings prior to the demolition or renovation operation. Demolition or renovation of I and J occupancy structures as defined by the building code of

the city and any new construction, renovation or remodeling operation whereby insulation, fireproofing or acoustical materials are not removed during or prior to construction shall be exempt from this section.

(c) Removal of asbestos materials. When asbestos is found at the premises, it shall be removed in accordance with an approved plan submitted prior to the demolition or renovation. If asbestos is found during demolition or renovation activities and if a plan for removal has not been submitted to and approved by the department, no further demolition or renovation shall continue until an approved plan is obtained. The plan shall contain the means for accomplishing the following precautions and handling methods:

- (1) Asbestos shall be completely isolated by enclosure during the removal and clean-up operation.
- (2) Materials containing asbestos shall be adequately wetted and shall remain wet during all stages of removal and handling. Surface-active agents shall be added to the water to improve the wetsability.
- (3) All persons involved in the handling and removal of asbestos and materials containing asbestos shall be provided with, and shall wear protective clothing and respiratory protective devices approved by the manager or his authorized representative.
- (4) All asbestos-containing waste materials shall be collected and sealed in approved impermeable bags and shall be placed in a container suitable for transportation which is approved by the manager or his authorized representative. These containers shall be properly labeled, handled and stored at the demolition or renovation site.
- (5) All asbestos-containing waste materials shall be transported in an approved manner and to a disposal site which has been approved by the manager or his authorized representative.

(6) During the asbestos removal operation, air samples shall be collected to determine compliance with subsection (a) and Table a. The sampling locations and the type of sampling device utilized shall be approved by the manager or his authorized representative prior to sample collection.

(d) Emergency demolition waiver of section. Any building, structure, facility or installation which contains asbestos materials and has been declared by the building department to be structurally unsound, unsafe, and designated for emergency demolition, shall not be required to meet the provisions of subsections (a) through (c).
Sec. 4-28 through 4-40. RESERVED.

PASSED BY THE COUNCIL May 29 1990

Cathy Reynolds - PRESIDENT Pro Tem

APPROVED: John Doe - MAYOR May 30 1990

ATTEST: Thomas Smith - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL May 11, 1990 June 4, 1990

PREPARED BY: SHAWN SULLIVAN Asst. City Atty

REVIEWED BY: Domestic Wells - CITY ATTORNEY 5/27 1990

SPONSORED BY COUNCIL MEMBER(S) _____



State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Denver - Ordinance 1018

Rule Title .

State Effective Date 12/16/1993

State Adoption Date 12/16/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 1018 - Denver.pdf](#)

BY AUTHORITY

ORDINANCE NO. 1018

COUNCIL BILL NO. 1009

SERIES OF 1993

COMMITTEE OF REFERENCE:

• AMENDED 12-13-93

Health, Housing,
Human Services

A B I L L

FOR AN ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY AND COUNTY OF DENVER BY AMENDING SECTIONS 4-2, 4-23 and 4-24 TO PRESERVE AND ENHANCE AIR QUALITY BY MODIFYING PROVISIONS GOVERNING SOLID FUEL FIRED DEVICES.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That from and after the date of enactment of this ordinance, Section 2, Chapter 4, also known and cited as Section 4-2 of the Revised Municipal Code of the City and County of Denver, be and the same is hereby amended to read as follows:

"Section 4-2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter and all regulations adopted hereunder.

(1) Air contaminant or air pollutant: Any fume, odor, smoke, particulate matter, vapor, gas or any combination thereof but not including water vapor or steam condensate.

(2) Air contamination source: Any source whatsoever at, from or by reason of which there is emitted or discharged into the atmosphere any air contaminant.

(3) Air pollution: The presence in the outdoor atmosphere of one (1) or more air contaminants.

New definition (4) on Page 1a

(5) ~~(4)~~ Air quality permit: The permit issued to industrial facilities by the department pursuant to regulations promulgated by the board to effect the purposes of this chapter.

(6) ~~(5)~~ Air quality review: A review of industrial facilities to be performed by the department in accordance with regulations promulgated by the board pursuant to this chapter.

(7) ~~(6)~~ Ambient air: The surrounding or outside air.

(8) ~~(7)~~ Approved: To be officially acceptable to the department or satisfactorily meeting the requirements of this chapter and any rules and regulations promulgated and adopted hereunder.

Amended 12-13-93 Insert new "(4)" definition to read:

(4) AIR PROGRAM AREA: That area defined as such in section 42-4-307 (18), Colorado Revised Statutes.

(9)(~~8~~) **Atmosphere:** The air that envelopes or surrounds the earth.

(10)(~~9~~) **Best available control technology:** An emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under the federal Clean Air Act emitted from or which results from any major emitting facility which the department, on a case-by-case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility through the application for production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for the control of each such pollutant. In no event shall the application of the best available control technology result in emissions of any pollutants which exceed the emissions allowed by any applicable standard established pursuant to Section 111 or 112 of the federal Clean Air Act.

(11)(~~10~~) **Board:** The board of health and hospitals of the city.

(12)(~~11~~) **Clean-burning fuels:** Compressed natural gas, liquefied natural gas, liquefied petroleum gas or hydrogen; multifuels, such as diesel/compressed natural gas fumigations; fuels containing not less than eighty-five (85) per cent ethanol or methanol; electricity or any other alternative fuel that the board determines to be clean-burning.

(13)(~~12~~) **Criteria pollutants:** Those pollutants for which national ambient air standards have been established pursuant to the federal Clean Air Act as amended, i.e., particulate matter, sulfur oxides, nitrogen dioxide, ozone, carbon monoxide and lead.

(14)(~~13~~) **Department:** The department of health and hospitals of the city.

(15)(~~14~~) **Device:** Any machine, equipment or contrivance which causes or which alters, contains, controls, prevents or removes air pollution from any air contamination source.

(16)(~~15~~) **Emergency vehicle:** Any surface or airborne vehicle used for the official business of the police and fire departments and any emergency medical vehicle as defined in chapter 17 of this Code.

(17)(~~16~~) **Emission or emit:** To discharge, release or to permit or

- cause the discharge or release of one (1) or more air contaminants into the atmosphere.
- (18) ~~(17)~~ *Emission offset*: A net reduction in total emissions of a specified air pollutant so that emissions of the specified air pollutant are less than were emitted prior to instituting the offset. An offset can be accomplished by the installation of air pollution control devices or by the elimination of or changes in the method or process of manufacture in existing stationary or mobile sources or in any other way approved by the board.
- (19) ~~(18)~~ *Engine*: Any internal combustion machine, such as found in motor vehicles, aircraft, locomotives and stationary power units, which utilizes gas or liquid fuel for combustion energy.
- (20) ~~(19)~~ *Existing industrial facilities*: Industrial facilities for which application for all applicable permits and approvals required from the city have been submitted prior to the effective date of this article.
- (21) ~~(20)~~ *Fireplace*: An opening made in a chimney and surrounded with brick, stone, metal or like material to hold a fire, and which has no specific method for recirculating heat or reducing emissions.
- (22) ~~(21)~~ *Fleet*: Ten (10) or more surface transportation vehicles, powered by an engine and owned by the same person, which are used for business or governmental purposes or, in the case of a non-profit corporation, that are used to further the purpose for which the nonprofit corporation was formed.
- (23) ~~(22)~~ *Fuel*: Any combustible substance or material or any combination of such.
- (24) ~~(23)~~ *Fuel-burning equipment*: Any furnace, boiler apparatus, stack or appurtenance thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.
- (25) ~~(24)~~ *Gas*: An aeroform fluid having neither independent shape nor volume but tending to expand indefinitely.
- (26) ~~(25)~~ *Gaseous fuel*: A fuel that exists as a gas at atmospheric temperature and pressure.
- (27) ~~(26)~~ *Hazardous air pollutant*: An air pollutant to which no

national ambient air quality standard is applicable and which, in the judgment of the Colorado Air quality Control Commission, causes or contributes to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness or injury; and any air pollutant listed by the state or federal government as a hazardous air pollutant.

(28) ~~(27)~~ *Health risk assessment*: An assessment, based on accepted scientific standards and information from inventories, sampling, modeling and/or estimation techniques, of the potential human health risk from exposure to specified levels of identified hazardous air pollutants and criteria pollutants.

(29) ~~(28)~~ *High-pollution Day*: That period of time in which the Colorado Department of Health anticipates levels of carbon monoxide or particulates exceeding federal ambient air quality standards or when air pollution standards are exceeded for particulates, carbon monoxide, or visibility.

(30) ~~(29)~~ *Incinerator*: A container, device or other appliance, including residential solid-fuel-fired devices, designed, used or intended to be used for the disposal or reduction of household, commercial or industrial waste material or any commercial or industrial material by burning.

(31) ~~(30)~~ *Industrial facility*: An industrial plant or operation that has been assigned or comes within an industrial category assigned one (1) of the following standard industrial code numbers: 226 dyeing and finishing textiles except wool fabrics and knit goods; 227 carpets and rugs; 2434 wood kitchen cabinets; 2435 hardwood veneer and plywood; 2436 softwood veneer and plywood; 2491 wood preserving; 2499 wood products not elsewhere classified; 25 furniture and fixtures; 26 paper and allied products; 27 printing and publishing; 28 chemicals and allied products; 29 petroleum refining and related industries; 30 rubber and miscellaneous plastics products; 31 leather and leather products; 32 stone, clay, glass and concrete products; 33 primary metal industries; 34 fabricated metal products except machinery and transportation

equipment; 35 industrial and commercial machinery and computer equipment; 36 electronic and other electrical equipment and components; 37 transportation equipment; 38 measuring, analyzing and controlling instruments: Photographic, medical and optical goods, watches and clocks; 39 miscellaneous manufacturing industries; 4231 terminal and joint terminal maintenance facilities for motor freight transportation; 4953 refuse systems; 4959 sanitary services, e.g., sweeping services; 5093 scrap and waste materials; 5171 petroleum bulk stations; 7261 crematoria only; 7948 racing, including track operations.

- (32)-~~(32)~~ **Manager:** The manager of the department of health and hospitals of the city.
- (33)-~~(33)~~ **New Industrial Facilities:** Industrial facilities and temporary industrial facilities, not exempted through regulation by the board, which have not applied for all applicable permits prior to the effective date of this article.
- (34)-~~(34)~~ **New Solid-Fuel-Fired Device:** Any solid-fuel-fired device other than one which was acquired by an individual for his or her personal use prior to January 1, 1993.
- (35) ~~(35)~~ **Nuisance:** The doing of or the failure to do something which allows or permits air contaminants to escape into the open air which are or tend to be detrimental to the health, comfort, safety or welfare of the public or which causes or tends to cause substantial annoyance, inconvenience or injury to persons exposed thereto or causes or tends to cause damage to property.
- (36)-~~(36)~~ **Opacity:** The degree to which an air contaminant emission obscures the view of a trained observer expressed in percentage of the obstruction or the degree (percentage) to which transmittance of light is reduced by an air contaminant emission.
- (37) ~~(37)~~ **Open Burning:** Fire or smoldering where any material is burned in the outdoor air or in a receptacle other than a furnace, approved incinerator or other equipment connected to a stack or chimney.
- (38) ~~(38)~~ **Particulate matter:** Any material, except unconfined water, that exists in a finely divided form as a liquid or solid.

- * (39) ~~(38)~~ *Person*: Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner and shall include any municipal corporation, state or federal governmental agency, district or any officer or employee thereof.
- * (40) ~~(39)~~ *Phase II Wood Stove*: A wood burning device that has been certified by the United States Environmental Protection Agency or the Colorado Department of Health to meet the following criteria: wood stoves containing catalytic devices that emit less than 5.1 grams of particulate matter per kilogram of wood burned or other wood stoves that emit less than 7.5 grams of particulate matter per kilogram of wood burned.
- (41) ~~(40)~~ *Premises*: Any building structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts and properties without buildings.
- (42) ~~(41)~~ *Process*: Any individual action, operation or treatment involving chemical, industrial or manufacturing factors and all other methods or forms of manufacturing or processing that may emit air contaminants.
- (43) ~~(42)~~ *Process weight*. The total weight of all materials introduced into a unit process, including gaseous fuels.
- (44) ~~(43)~~ *Reduction*: Any process utilizing heat, including but not limited to rendering, drying, dehydrating, digesting, evaporating and protein concentrating.
- (45) ~~(44)~~ *Shall or must*: Mandatory provisions.
- (46) ~~(45)~~ *Smolder*: To burn and produce smoke without flame.
- * (47) ~~(46)~~ *Solid-fuel-fired device*: A device designed for the combustion of solid fuels, including but not limited to wood, coal and paper, including wood burning devices, fireplaces, solid-fuel-fired stoves and combustion fuel furnaces which burn solid fuel. Solid-fuel-fired devices do not include natural gas-fired devices, commercial ovens or stoves used to prepare food for human consumption, ~~or~~ public utility facilities generating steam or electricity, or solid-fuel-fired barbecue devices. The board may promulgate rules and regulations, as authorized in Section 4-6(a), to further define solid-fuel-fired devices including exclusions to the definition for

fuels or classes of technology where the board determines that the excluded fuel or technology is reliably cleaner burning than a Phase II woodstove or where the board determines that no reasonable alternative to the burning of solid fuel exists. In no case shall such definitions or exclusions be inconsistent with the requirements of Chapter 24 of the ^{Denver} Revised Municipal Code.

- (48) ~~(47)~~ *Solid waste*: Refuse consisting of paper, wood, yard wastes, food wastes, plastic, leather, rubber and such other combustibles and noncombustible glass, rock, etc., which may be generated from residential and commercial operations and from industrial sites.
- (49) ~~(48)~~ *Standard condition*: A gas pressure of 29.92 inches of mercury and a gas temperature of twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit).
- (50) ~~(49)~~ *Stationary source*: Any building, structure, facility, equipment or installation or any combination thereof belonging to the same industrial facility which emits or may emit any air pollutant subject to regulation under the federal Clean Air Act, which is located on one (1) or more contiguous or adjacent properties and which is owned or operated by the same person or by persons under common control.
- (51) ~~(50)~~ *Traffic operations*: Activities necessary to direct traffic, to repair, install or maintain traffic control devices, to paint traffic-control lanes or to pave, maintain or repair streets and sidewalks or to accomplish similar activities.
- (52) ~~(51)~~ *Trained Observer*: A person who is certified by the state department of health to be trained in the area of odor and/or opacity identification of air pollutants."

Section 2. That from and after the date of enactment of this ordinance, Subsection (b) of Section 23 of Chapter 4 also known and cited as Subsection 4-23(b) of the Revised Municipal Code of the City and County of Denver, be and the same is hereby amended to read as follows.

"Section 4-23. Opacity.

- (b) *Solid-fuel-fired devices*. It shall be unlawful for any person to emit any air contaminants from a solid fuel-fired

device which exceeds twenty (20) percent opacity."

Section 3. That from and after the date of enactment of this ordinance, Section 24 of Chapter 4 of the Revised Municipal Code of the City and County of Denver be and the same is hereby amended to read as follows:

"Section 4-24

(a) *Open Burning*

(1) It shall be unlawful for any person to engage in or allow open burning within the city except when a written permit has been issued by the department; provided, however, that permits will not be required for fires used exclusively for noncommercial cooking of food for human consumption nor for smokeless or safety flares used for the combustion of gases or used to indicate some danger to the public.

(b) *Incinerator burning.*

It shall be unlawful for any person to burn any materials in any incinerator within the city unless such incinerator is of the multi-chamber type or the domestic auxiliary fuel-fired type which has been approved by both the Building Division of the Department of Public Works and the department prior to its use and which meets the air pollution emission standards of this chapter.

(c) *Solid Fuel Burning.*

(1) *High Pollution Day Prohibition.* It shall be unlawful for any person to operate a solid-fuel-fired device during a high pollution day unless a permit has been granted by the manager pursuant to this section. It shall be the responsibility of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(2) *Permits*

Upon application for a high pollution day burning permit as provided for in subsection (1), above, the manager

will issue or deny the same based upon one (1) or more of the following considerations:

- i. necessity of the burning to provide heat for the building;
- ii. the type and amount of emissions from the device to be permitted;
- iii. compliance with relevant City Building and Housing Codes;
- iv. completeness of the application and the accuracy of the information contained therein;
- v. proximity to other permittees and potential impact on neighboring property.

NEW DEVICES. See page 10 for (3)

~~(2) New Devices. / No person shall sell, advertise for sale, offer for sale, install, or offer to install any new solid fuel-fired device unless it is certified to meet the standards applicable for a Phase II woodstove.~~

(4) *Number limited for single-unit dwelling.* One (1) solid fuel-fired device may be installed in a single-unit dwelling, as defined in subsection 59-2(131) of the Revised Municipal Code, which is constructed or added to after the effective date of this section.

(5) *Square-foot limitation for multiple-unit dwellings.* Multiple-unit dwellings, as defined in subsection 59-2(88) of the Revised Municipal Code, constructed or added to after the effective date of this section shall be limited to one (1) solid fuel-fired device for every seven thousand (7000) square feet of lot area multiplied by the number of floors in the unit, e.g., a three-story multifamily residential unit located on a seven-thousand-square-foot lot or parcel of land could have three (3) solid fuel-fired devices. "

PASSED BY THE COUNCIL December 13, 1993

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR December 16, 1993

ATTEST: [Signature] - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Douglas County - Resolution R-991-128

Rule Title .

State Effective Date 11/14/1991

State Adoption Date 11/14/1991

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Resolution R-991-128 - DouglasCo.pdf](#)

RESOLUTION NO. R-991-128

DC9134039

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

NE
FE

A RESOLUTION ADOPTING EMISSION PERFORMANCE STANDARDS FOR FIREPLACES
IN THE UNINCORPORATED AREA OF DOUGLAS COUNTY

WHEREAS, areas of Douglas County have exceeded healthful levels for total particulate emissions, especially through the winter months; and

WHEREAS, the Board of County Commissioners believes that the use of fireplaces, wood stoves, and other solid fuel burning devices has contributed to the degradation of air quality within Douglas County, including violations of federal health standards; and

WHEREAS, there is a large number of very low polluting wood stoves and fireplaces sold in this country; and

WHEREAS, pursuant to §30-28-201(2), C.R.S., the Board of County Commissioners wishes to adopt a building code provision to regulate the construction and installation of fireplaces in order to minimize emission levels; and

WHEREAS, said building code provision relating to the construction and installation of fireplaces contains standards which are the same or stricter than the approved emission performance standards for fireplaces established by the Air Quality Control Commission in the Department of Health pursuant to §25-7-407, C.R.S.; and

WHEREAS, pursuant to §30-28-201, et seq., C.R.S., the Douglas County Planning Commission has reviewed, approved, and certified said code to the Board of County Commissioners; and

WHEREAS, proper notice and publication of this public hearing have been provided pursuant to law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas as follows:

1. The fireplace standards, attached hereto and incorporated by reference herein as Exhibit "A", are hereby adopted as a building code provision for the unincorporated territory of Douglas County and are referred to and made a part hereof as if fully set out in this Resolution.

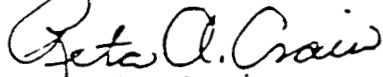
2. Certified copies of restrictions on use of solid fuel appliances adopted herein shall be available to the public for a fee not to exceed the cost of printing at the Building Division office of the Douglas County Department of Planning and Community Development, 416 Jerry Street, Castle Rock, Colorado 80104.

PASSED AND ADOPTED THIS 14th day of November, 1991, in Castle Rock, Douglas County, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS,
COLORADO

By: 
Robert A. Christensen
Chairman

ATTEST:


Reta A. Crain
Clerk and Recorder

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Englewood - Ordinance 31

Rule Title .

State Effective Date 07/20/1992

State Adoption Date 07/20/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 31 - Englewood.pdf](#)

BY AUTHORITY

ORDINANCE NO. 31
SERIES OF ~~1991~~ 1992

COUNCIL BILL NO. 25
INTRODUCED BY COUNCIL
MEMBER HATHAWAY

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, OF THE ENGLEWOOD MUNICIPAL CODE 1985, BY ADDING A NEW SECTION 11 RELATING TO A BAN ON WOOD BURNING ON HIGH POLLUTION DAYS.

WHEREAS, the health, safety and welfare of the citizens of Englewood are adversely affected by poor air quality within the city limits; and

WHEREAS, it is necessary for the Denver Metropolitan area to make reasonable efforts to attain the standards established in the Federal Clean Air Act or lose federal highway funds; and

WHEREAS, residential wood combustion produces particulate matter and carbon monoxide that contributes to the deterioration of air quality which is physically harmful and aesthetically unpleasant;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Title 6, Chapter 1 Englewood Municipal Code 1985, is hereby amended by adding a new Section 11 to read as follows:

6-1-11: WOOD BURNING AND SOLID FUEL-FIRED HEATING DEVICES

A. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE MEANINGS AS INDICATED:

BARBECUE DEVICES	DEVICES THAT ARE UTILIZED SOLELY FOR THE PURPOSE OF COOKING FOOD.
COLORADO PHASE III AND EPA PHASE II EMISSIONS STANDARDS	EMISSIONS WHICH CONTAIN NOT MORE THAN EIGHT (8) GRAMS PER HOUR OF PARTICULATES AND NOT MORE THAN ONE HUNDRED (100) GRAMS PER HOUR OF CARBON MONOXIDE.
HIGH POLLUTION DAY	THAT PERIOD OF TIME DECLARED TO BE A HIGH POLLUTION DAY BY THE COLORADO DEPARTMENT OF HEALTH.
PERSON	AN INDIVIDUAL, PARTNERSHIP, CORPORATION, COMPANY OR OTHER ASSOCIATION.
SOLE SOURCE OF HEAT	ONE (1) OR MORE RESIDENTIAL SOLID FUEL-FIRED HEATING DEVICES WHICH CONSTITUTE THE ONLY SOURCE OF HEAT IN A PRIVATE RESIDENCE FOR THE PURPOSE OF SPACE HEATING. A RESIDENTIAL SOLID FUEL-FIRED HEATING DEVICE OR DEVICES SHALL BE CONSIDERED TO BE THE SOLE SOURCE OF HEAT IF THE PRIVATE RESIDENCE IS EQUIPPED WITH A PERMANENTLY INSTALLED FURNACE OR HEATING SYSTEM, DESIGNED TO HEAT THE RESIDENCE, BUT IS

DISCONNECTED FROM ITS ENERGY SOURCE. E.G. HEATING OIL, NATURAL GAS, ELECTRICITY OR PROPANE.

SOLID FUEL

ANY COMBUSTIBLE SUBSTANCE OR MATERIAL, INCLUDING BUT NOT LIMITED TO WOOD, COAL AND PAPER, SO THAT USABLE HEAT IS DERIVED FOR THE INTERIOR OF A BUILDING.

SOLID FUEL-FIRED HEATING DEVICE

A DEVICE DESIGNED FOR SOLID FUEL COMBUSTION SO THAT USABLE HEAT IS DERIVED FOR THE INTERIOR OF A BUILDING, AND INCLUDES SOLID FUEL-FIRED STOVES, FIREPLACES, SOLID FUEL-FIRED COOKING STOVES AND COMBINATION FUEL FURNACES OR BOILERS WHICH BURN SOLID FUEL. SOLID FUEL-FIRED HEATING DEVICES DO NOT INCLUDE BARBECUE DEVICES OR NATURAL GAS FIRED OR FIREPLACE LOGS.

B. HIGH POLLUTION PROHIBITION.

1. AFTER THE EFFECTIVE DATE OF THIS SECTION, NO PERSON MAY OPERATE A SOLID FUEL-FIRED HEATING DEVICE DURING A HIGH POLLUTION DAY UNLESS AN EXEMPTION HAS BEEN GRANTED PURSUANT TO SECTION (C) BELOW. IT SHALL BE THE DUTY OF ALL PERSONS OWNING OR OPERATING A SOLID FUEL-FIRED DEVICE TO BE AWARE OF ANY DECLARATION OF A HIGH POLLUTION DAY BY THE COLORADO DEPARTMENT OF HEALTH.
2. AT THE TIME OF THE DECLARATION OF A HIGH POLLUTION DAY, THE CITY MANAGER SHALL ALLOW THREE (3) HOURS FOR THE BURN DOWN OF EXISTING FIRES IN SOLID FUEL-BURNING DEVICES PRIOR TO THE INITIATION OF ENFORCEMENT.

C. EXEMPTIONS.

1. A PERSON WHO HAS AN ECONOMIC NEED TO BURN SOLID FUEL FOR RESIDENTIAL SPACE HEATING PURPOSES OR WHO RELIES ON A SOLID FUEL-FIRED HEATING DEVICE AS HIS OR HER SOLE SOURCE OF HEAT MAY APPLY FOR A TEMPORARY EXEMPTION FROM SECTION B OF THIS ORDINANCE.
 - (a) A PERSON MAY DEMONSTRATE ECONOMIC NEED BY CERTIFYING HIS OR HER ELIGIBILITY FOR ENERGY ASSISTANCE ACCORDING TO ECONOMIC GUIDELINES ESTABLISHED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM (L.E.A.P.), AS ADMINISTERED BY ARAPAHOE COUNTY.
 - (b) A PERSON MAY DEMONSTRATE THAT HE OR SHE RELIES ON A SOLID FUEL-FIRE OR SOLAR HEATING DEVICE AS HIS OR HER SOLE SOURCE OF HEAT BY SIGNING A SWORN STATEMENT TO THAT EFFECT.
2. A PERSON IS EXEMPT FROM SECTION B OF THIS ORDINANCE TO BURN A SOLID FUEL-FIRE HEATING DEVICE PROVIDED THAT DEVICE HAS BEEN CERTIFIED TO MEET COLORADO PHASE III EMISSION STANDARDS OR EPA PHASE II STANDARDS FOR WOODSTOVES AND FIREPLACE INSERTS.

3. AN EXEMPTION OBTAINED UNDER THIS SECTION SHALL BE EFFECTIVE FOR TWELVE (12) MONTHS FROM THE DATE IT IS GRANTED.
- D. DEFENSE. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CHARGE OF BURNING ON A HIGH POLLUTION DAY UNDER SECTION B ABOVE, THAT A POWER OUTAGE, INTERRUPTION OF NATURAL GAS SUPPLY, OR TEMPORARY EQUIPMENT FAILURE EXISTED AT THE TIME AND LOCATION OF THE VIOLATION, WHICH DID NOT RESULT FROM ANY ACTION OF THE PERSON CHARGED WITH THE VIOLATION.
- E. INSPECTIONS. FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES, IS HEREBY AUTHORIZED TO MAKE INSPECTIONS OF SOLID FUEL-FIRED HEATING DEVICES WHICH ARE BEING OPERATED ON HIGH POLLUTION DAYS. IF ANY PERSON REFUSES OR RESTRICTS ENTRY AND FREE ACCESS TO ANY PART OF A PREMISE, OR REFUSES INSPECTION OR SAMPLING OF ANY DEVICE, FACILITY OR PROCESS WHERE INSPECTION IS SOUGHT, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES, SHALL SEEK FROM THE MUNICIPAL COURT A WARRANT FOR INSPECTION. THE COURT SHALL HAVE FULL POWER, JURISDICTION, AND AUTHORITY TO ENFORCE ALL ORDERS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER.
- F. ENFORCEMENT.
 1. ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION SHALL BE PUNISHED BY THE PENALTIES SET FORTH IN TITLE 1, CHAPTER 4 OF THE ENGLEWOOD MUNICIPAL CODE.
 2. THE MUNICIPAL COURT JUDGE SHALL TAKE JUDICIAL NOTICE OF ANY DECLARATION OF A HIGH POLLUTION DAY ISSUED BY THE COLORADO DEPARTMENT OF HEALTH.

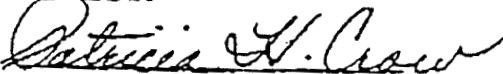
Introduced, read in full, and passed on first reading on the 6th day of July 1992.

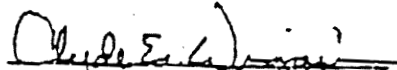
Published as a Bill for an Ordinance on the 9th day of July, 1992.

Read by title and passed on final reading on the 20th day of July, 1992.

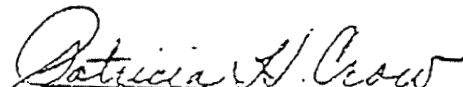
Published by title as Ordinance No. 31, Series of 1992, on the 23rd day of July 1992.

ATTEST:


Patricia H. Crow, City Clerk


Clyde E. Wiggins, Mayor

I, Patricia H. Crow, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 31, Series of 1992.


Patricia H. Crow

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Englewood - Ordinance 39

Rule Title .

State Effective Date 07/20/1992

State Adoption Date 07/20/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

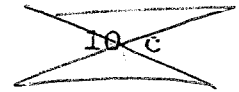
Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 39 - Englewood.pdf](#)



BY AUTHORITY

ORDINANCE NO. 39
SERIES OF 1992

COUNCIL BILL NO. 37
INTRODUCED BY COUNCIL
MEMBER VAN DYKE

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, BY ADDING A NEW SECTION 12, TO THE ENGLEWOOD MUNICIPAL CODE 1985, WHICH GENERALLY PROHIBITS THE INSTALLATION OF SOLID FUEL BURNING DEVICES AND RESTRICTS THE REPAIR AND REPLACEMENT OF SOLID FUEL DEVICES.

WHEREAS, the local governments in the metropolitan area have recognized that air pollution must be addressed by a collective effort on both the state and local level; and

WHEREAS, further degradation of air quality will adversely affect the health, safety and welfare of existing and future residents, and will impede the ability of the City of Englewood to attract future residential and commercial development to the City of Englewood; and

WHEREAS, studies of the metropolitan area have concluded that carbon monoxide, ozone, nitrogen oxides, sulphur dioxide and particulate matter are major components of air pollution along the Front Range.

WHEREAS, residential solid fuel combustion has been found to produce significant quantities of carbon monoxide and particulates, which can be physically harmful, and in the case of particulates, contribute to visible pollution; and

WHEREAS, without restriction on solid fuel burning devices on new construction and remodeling, the air degradation attributable to such new development potentially will greatly exceed that from existing solid fuel burning within the City; and

WHEREAS, alternative fuel combustion devices, such as gaseous fireplaces are readily available and are being installed in a significant percentage of new residential construction in Englewood. Gaseous burning devices produce a fraction of the carbon monoxide and particulate emissions of solid fuel combustion devices, and do not materially degrade in performance over time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Title 6, Chapter 1, of the Englewood Municipal Code 1985, is hereby amended by adding a new Section 12, to read as follows.

6-1-12: RESTRICTIONS ON INSTALLATION OF SOLID FUEL BURNING DEVICES.

A. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE MEANINGS AS INDICATED.

SOLID FUEL BURNING DEVICE	ANY FIREPLACE, STOVE, FIREBOX OR SIMILAR DEVICE DESIGNED OR USED FOR THE PURPOSE OF BURNING WOOD, COAL, PULP, PAPER OR OTHER SOLID COMBUSTIBLE MATERIAL SPECIFICALLY EXCLUDING PELLETS. ANY DEVICE WHICH MEETS THE REQUIREMENTS FOR BURNING SOLID FUEL SUCH AS CHIMNEY DIAMETER OR CONSTRUCTION UNDER THE APPLICABLE PROVISIONS OF THE UNIFORM BUILDING CODE AND/OR UNIFORM PLUMBING CODE, AND/OR UNIFORM
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DISCONNECTED FROM ITS ENERGY SOURCE, E.G. HEATING OIL, NATURAL GAS, ELECTRICITY OR PROPANE.

SOLID FUEL

ANY COMBUSTIBLE SUBSTANCE OR MATERIAL, INCLUDING BUT NOT LIMITED TO WOOD, COAL AND PAPER, SO THAT USABLE HEAT IS DERIVED FOR THE INTERIOR OF A BUILDING.

SOLID FUEL-FIRED HEATING DEVICE

A DEVICE DESIGNED FOR SOLID FUEL COMBUSTION SO THAT USABLE HEAT IS DERIVED FOR THE INTERIOR OF A BUILDING, AND INCLUDES SOLID FUEL-FIRED STOVES, FIREPLACES, SOLID FUEL-FIRED COOKING STOVES AND COMBINATION FUEL FURNACES OR BOILERS WHICH BURN SOLID FUEL. SOLID FUEL-FIRED HEATING DEVICES DO NOT INCLUDE BARBECUE DEVICES OR NATURAL GAS FIRED OR FIREPLACE LOGS.

B. HIGH POLLUTION PROHIBITION.

1. AFTER THE EFFECTIVE DATE OF THIS SECTION, NO PERSON MAY OPERATE A SOLID FUEL-FIRED HEATING DEVICE DURING A HIGH POLLUTION DAY UNLESS AN EXEMPTION HAS BEEN GRANTED PURSUANT TO SECTION (C) BELOW. IT SHALL BE THE DUTY OF ALL PERSONS OWNING OR OPERATING A SOLID FUEL-FIRED DEVICE TO BE AWARE OF ANY DECLARATION OF A HIGH POLLUTION DAY BY THE COLORADO DEPARTMENT OF HEALTH.
2. AT THE TIME OF THE DECLARATION OF A HIGH POLLUTION DAY, THE CITY MANAGER SHALL ALLOW THREE (3) HOURS FOR THE BURN DOWN OF EXISTING FIRES IN SOLID FUEL-BURNING DEVICES PRIOR TO THE INITIATION OF ENFORCEMENT.

C. EXEMPTIONS.

1. A PERSON WHO HAS AN ECONOMIC NEED TO BURN SOLID FUEL FOR RESIDENTIAL SPACE HEATING PURPOSES OR WHO RELIES ON A SOLID FUEL-FIRED HEATING DEVICE AS HIS OR HER SOLE SOURCE OF HEAT MAY APPLY FOR A TEMPORARY EXEMPTION FROM SECTION B OF THIS ORDINANCE.
 - (a) A PERSON MAY DEMONSTRATE ECONOMIC NEED BY CERTIFYING HIS OR HER ELIGIBILITY FOR ENERGY ASSISTANCE ACCORDING TO ECONOMIC GUIDELINES ESTABLISHED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM (L.E.A.P.), AS ADMINISTERED BY ARAPAHOE COUNTY.
 - (b) A PERSON MAY DEMONSTRATE THAT HE OR SHE RELIES ON A SOLID FUEL-FIRE OR SOLAR HEATING DEVICE AS HIS OR HER SOLE SOURCE OF HEAT BY SIGNING A SWORN STATEMENT TO THAT EFFECT.
2. A PERSON IS EXEMPT FROM SECTION B OF THIS ORDINANCE TO BURN A SOLID FUEL-FIRE HEATING DEVICE PROVIDED THAT DEVICE HAS BEEN CERTIFIED TO MEET COLORADO PHASE III EMISSION STANDARDS OR EPA PHASE II STANDARDS FOR WOODSTOVES AND FIREPLACE INSERTS.

3. AN EXEMPTION OBTAINED UNDER THIS SECTION SHALL BE EFFECTIVE FOR TWELVE (12) MONTHS FROM THE DATE IT IS GRANTED.
- D. DEFENSE. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CHARGE OF BURNING ON A HIGH POLLUTION DAY UNDER SECTION B ABOVE, THAT A POWER OUTAGE, INTERRUPTION OF NATURAL GAS SUPPLY, OR TEMPORARY EQUIPMENT FAILURE EXISTED AT THE TIME AND LOCATION OF THE VIOLATION, WHICH DID NOT RESULT FROM ANY ACTION OF THE PERSON CHARGED WITH THE VIOLATION.
- E. INSPECTIONS. FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES, IS HEREBY AUTHORIZED TO MAKE INSPECTIONS OF SOLID FUEL-FIRED HEATING DEVICES WHICH ARE BEING OPERATED ON HIGH POLLUTION DAYS. IF ANY PERSON REFUSES OR RESTRICTS ENTRY AND FREE ACCESS TO ANY PART OF A PREMISE, OR REFUSES INSPECTION OR SAMPLING OF ANY DEVICE, FACILITY OR PROCESS WHERE INSPECTION IS SOUGHT, THE CITY MANAGER, THROUGH AUTHORIZED REPRESENTATIVES, SHALL SEEK FROM THE MUNICIPAL COURT A WARRANT FOR INSPECTION. THE COURT SHALL HAVE FULL POWER, JURISDICTION, AND AUTHORITY TO ENFORCE ALL ORDERS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER.
- F. ENFORCEMENT.
1. ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION SHALL BE PUNISHED BY THE PENALTIES SET FORTH IN TITLE 1, CHAPTER 4 OF THE ENGLEWOOD MUNICIPAL CODE.
 2. THE MUNICIPAL COURT JUDGE SHALL TAKE JUDICIAL NOTICE OF ANY DECLARATION OF A HIGH POLLUTION DAY ISSUED BY THE COLORADO DEPARTMENT OF HEALTH.

Introduced, read in full, and passed on first reading on the 6th day of July 1992.

Published as a Bill for an Ordinance on the 9th day of July, 1992.

Read by title and passed on final reading on the 20th day of July, 1992.

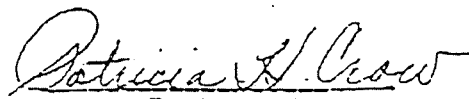
Published by title as Ordinance No. 31, Series of 1992, on the 23rd day of July 1992.


Clyde E. Wiggins, Mayor

ATTEST:


Patricia H. Crow, City Clerk

I, Patricia H. Crow, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 31, Series of 1992.


Patricia H. Crow

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Federal Heights - Ordinance 565

Rule Title .

State Effective Date 01/05/1988

State Adoption Date 01/05/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 565 - Federal Heights.pdf](#)

ORDINANCE NO. 565

INTRODUCED BY:

Series 1987

Councilwoman Earley

Councilmen Headley & Martin

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE IV
OF THE MUNICIPAL CODE OF THE CITY OF FEDERAL HEIGHTS, COLORADO
REGARDING RESTRICTIONS ON SOLID FUEL BURNING

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF
FEDERAL HEIGHTS, COLORADO, That:

Section 1. Chapter VI, Article IV of the Federal Heights
Municipal Code is hereby amended by adding Section 21, which
Section shall read as follows:

6-4-21 Burning Restrictions.

A. Definitions.

"Barbecue Devices" means devices that are utilized
solely for the purpose of cooking food.

"High Pollution Day" means that period of time
declared to be a high pollution day by the Colorado Department of
Health.

"Person" means an individual, partnership,
corporation, company or other association.

"Sole Source of Heat" means one or more residential
solid fuel-fired heating devices which constitute the only source
of heat in a private residence for purposes of space heating. A
residential solid fuel-fired heating device or devices shall be
considered to be the sole source of heat if the private residence
is equipped with a permanently installed furnace or heating
system, designed to heat the residence, but is disconnected from
its energy source, e.g., heating oil, natural gas, electricity or
propane.

"Solid Fuel-Fired Heating Device" means a device
designed for solid fuel combustion so that usable heat is derived
for the interior of a building, and includes solid fuel-fired
stoves, fireplaces, solid fuel-fired cooking stoves, and
combination fuel furnaces or boilers which burn solid fuel. Solid
fuel-fired heating devices do not include barbecue devices or
natural gas-fired fireplace logs.

B. High Pollution Prohibition.

1. After the effective date of this Ordinance, no
person may operate a solid fuel-fired heating device during a high
pollution day unless an exemption has been granted pursuant to
Section C. below. It shall be the duty of all persons owning or
operating a solid fuel-fired device to be aware of any declaration
of a high pollution day by the Colorado Department of Health.

2. At the time of the declaration of a high

pollution day, the City Administrator shall allow three (3) hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

C. Exemption for Sole Heat Source.

1. A person who relies on a solid fuel-fired heating device as his sole source of heat may apply to the City Administrator or his designee for a temporary exemption from Section B. above.

2. A person applying for an exemption must sign a sworn statement that he relies on a solid fuel-fired heating device as his sole source of heat.

3. An exemption obtained under this Section shall be effective for twelve (12) months from the date it is granted.

D. Inspections.

For the purpose of determining compliance with the provisions of this Section, the City Administrator, through authorized representatives, is hereby authorized to make inspections of solid fuel-fired heating devices which are being operated on high pollution days. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the City Administrator, through authorized representatives, shall seek from the Municipal Court a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction or obstruction. The Court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this Chapter.

Section 2. This Ordinance is deemed necessary for the protection of the health, safety and welfare of the citizens of Federal Heights.


Section 3. If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts hereof be declared unconstitutional or invalid.

Section 4. The Council finds and declares that an emergency exists and that for the preservation of the continued operation of the City, this Ordinance shall become effective and be in full force immediately upon passage, on second reading

Section 5. Violations of this Ordinance shall be punishable in accordance with the provisions of 1-1-7 of the Federal Heights Municipal Code.

INTRODUCED, READ AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, This eighteenth day of December, 1987.

READ, PASSED AND ADOPTED, ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, This fifth day of January, 1988.



Lester M. Bauer, Mayor

ATTEST:



Margaret M. French, City Clerk

APPROVED AS TO FORM:

Karen E. Nieman, City Attorney

PUBLISHED: Westminster Window

December 24, 1987

January 14, 1988

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Glendale - Ordinance 02

Rule Title .

State Effective Date 10/20/1992

State Adoption Date 01/05/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2 - Glendale.pdf](#)

~~Glendale~~

ORDINANCE NO. 2

SERIES OF 1988

AN ORDINANCE AMENDING CHAPTER 14 1/2 OF THE CODE OF ORDINANCES OF THE CITY OF GLENDALE BY ADDING AN ARTICLE REGARDING WOODBURNING RESTRICTIONS ON HIGH POLLUTION DAYS, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council recognizes that air pollution in the Denver Metropolitan area is a significant problem, and,

WHEREAS, the City of Glendale does not presently have an ordinance which specifically applies to woodburning restrictions on high pollution days, and

WHEREAS, the City Council has determined that it is necessary to establish an ordinance restricting woodburning on high pollution days as established by the State of Colorado Department of Health.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO:

1. Chapter 14 1/2 of the Code of Ordinances of the City of Glendale is amended by the addition of new a Article III, to read:

ARTICLE III. WOOD BURNING RESTRICTIONS

Section 14 1/2-20. Purpose; intent.

This article is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Glendale through the reduction, prevention and control of air pollution. It is the intent of this article to establish and provide for the enforcement of woodburning restrictions which will assure that ambient air be adequately pure and free from smoke, contamination, pollutants or synergistic agents injurious to humans, plant life, animal life or property, or which interfere with the comfortable enjoyment of life or property or the conduct of business.

Section 14 1/2-21. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article and all regulations adopted hereunder:

a. "Barbecue Devices" means devices that are utilized solely for the purpose of cooking food.

b. "High Pollution Day" means that period of time declared to be a high pollution day by the State of Colorado Department of Health.

c. "Person" means an individual, partnership, corporation, company or other association.

d. "Sole Source of Heat" means one or more residential solid fuel-fired heating devices which constitute the only source of heat in a private residence for the purposes of space heating. No residential solid fuel-fired heating device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system, designated to heat the residence connected or disconnected from its energy source, utilizing oil, natural gas, electricity, or propane.

e. "Solid Fuel Fired Heating Device" means a device designated for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include barbecue devices or natural gas fired fireplace logs.

Section 14 1/2-22. Pollution Prohibited.

a. After the effective date of this ordinance, no person may operate a solid fuel-fired heating device during a high pollution day unless an exemption has been granted pursuant to Section 23 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

b. At the time of the declaration of a high pollution day, the City Manager shall allow three (3) hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

Section 14 1/2-23. Exemption for Sole Heat Source.

a. A person who relies on a solid fuel-fired heating device as his sole source of heat may apply to the City Manager or his designee for a temporary exemption from Section 22 above.

b. A person applying for an exemption must sign a sworn statement that he relies on a solid fuel-fired heating device as his sole source of heat.

c. An exemption obtained under this section shall be effective for twelve (12) months from the date it is granted.

Section 14 1/2-24. Non-Owner Occupied Dwelling Units.

It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any non-owner occupied dwelling unit. Any violation of Section 22 above by the tenant of such a dwelling unit shall be considered a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed.

Section 14 1/2-25. Inspections.

For the purpose of determining compliance with the provisions of this chapter, the City Manager, through authorized representatives, is hereby authorized to make inspections of solid fuel-fired heating devices which are being operated on high pollution days. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the City Manager, through authorized representatives, shall seek from the Municipal Court a warrant for inspection and order that such person refusing inspection be

required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The Court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this chapter.

Section 14 1/2-26. Enforcement.

Any person violating any provisions of this ordinance shall be punished by the penalties set forth in Section 1-7 of the Code of Ordinance of the City of Glendale.

2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance or of said standards; the City Council hereby declares that it would have passed the ordinance and adopted such standards in each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

3. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

4. The City Council deems this an emergency ordinance and needed for the immediate preservation of the public health, safety and welfare, and said ordinance shall become effective immediately upon adoption.

INTRODUCED BY COUNCIL MEMBER Wheatley,
SECONDED BY COUNCIL MEMBER Parnell, AND UNANIMOUSLY
ADOPTED AND DECLARED AN EMERGENCY BY THE CITY COUNCIL OF THE
CITY OF GLENDALE, COLORADO, THIS 5th DAY OF January,
1998.

William D. Amery
Mayor

ATTEST:

J. Ann Skaggs
City Clerk

APPROVED:

Charles W. Stein
City Attorney

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Glendale - Ordinance 14

Rule Title .

State Effective Date 10/20/1992

State Adoption Date 01/05/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 14 - Glendale.pdf](#)

ORDINANCE NO. 14 ..

SERIES OF 1992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, AMENDING TITLE 15, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF GLENDALE AND THE UNIFORM BUILDING CODE, 1991 EDITION, IN REGARD TO THE REDUCTION OF WOOD BURNING STOVES AND FIREPLACES, AND THE USE OF LESS POLLUTING DEVICES.

WHEREAS, the City of Glendale finds that air pollution in the City of Glendale is a threat to the health and welfare of its citizens and that a major contributor to said pollution is wood smoke, and

WHEREAS, the City Council has determined that it is necessary to regulate the type of wood burning devices which may be hereafter used in the City of Glendale, and encourage the use of less polluting devices, in an effort to control pollution caused by wood smoke, and

WHEREAS, the City Council deems it necessary to amend the Uniform Building Code, 1991 Edition, to include provisions for the regulation of fireplaces.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, AS FOLLOWS:

1. Title 15, Article III, of the Code of Ordinances of the City of Glendale is hereby amended to include the following definitions in Section 3702 of the Uniform Building Code, 1991 Edition:

FIREPLACE INSERT is any wood-burning device designed to be installed in an existing fire place which complies as a Phase III wood stove as outlined in this section.

PHASE III WOOD STOVE is any wood-burning device that meets the most stringent standards adopted by the State of Colorado Regional Air Quality Control Commission, or any non-affected wood-burning device approved by the Commission.

2. Title 15, Article III, of the Code of Ordinances of the City of Glendale, is hereby further amended to include a new Section 3708 in the Uniform Building Code, 1991 Edition, which shall read as follows:

Fireplace Control

Fireplace Installation. Any new or remodeled fireplace to be installed in any occupancy shall be one of the following:

1. A Gas appliance;
2. An electric device; or
3. A Phase III wood stove or fireplace insert.
4. A site built fireplace that complies with the State of Colorado Regional Air Quality Commission regulations regarding air pollution.

(b) Certification. Any person who installs or constructs any wood stove or fireplace shall provide evidence of a certificate issued by the Regional Air Quality Control Commission for such fireplace and, in case of site built fireplaces, demonstrate compliance with such certificate.

3. Any and all ordinances or sections thereof in conflict with these amended provisions set forth herein are repealed.

4. This Ordinance shall become effective the 26th day of October, 1992.

INTRODUCED BY COUNCIL MEMBER Felker

SECONDED BY COUNCIL MEMBER Foster, AND PASSED ON FIRST READING BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, THIS 1st DAY OF September, 1992, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING.

Stephen P. [Signature]
Mayor

ATTEST:
J Ann Skaggs
City Clerk

APPROVED:
Charles G. [Signature]
City Attorney

PASSED ON THE SECOND READING BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, THIS 4th DAY OF October, 1992, AND ORDERED PUBLISHED BY SAID COUNCIL.

Stephen P. [Signature]
Mayor

ATTEST:
J Ann Skaggs
City Clerk

APPROVED:
Charles G. [Signature]
City Attorney

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Greenwood Village - Ordinance 9

Rule Title .

State Effective Date 03/25/1992

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 9 - Greenwood Village.pdf](#)

A BILL FOR AN ORDINANCE

ORDINANCE NO. 9

SERIES OF 1992

INTRODUCED BY MS. POTICHA

AN ORDINANCE AMENDING SECTION 13.08.020 OF THE CITY OF GREENWOOD VILLAGE CODE, KNOWN AS THE CITY OF GREENWOOD VILLAGE AMENDMENTS TO UNIFORM BUILDING CODE - 1989, BY THE ADDITION OF A NEW SUBSECTION (SS.1) THEREOF CONCERNING THE INSTALLATION OF APPROVED GAS BURNING OR ELECTRIC APPLIANCES OR APPROVED FIREPLACE INSERTS IN ALL FIREPLACES WHICH ARE INSTALLED OR CONVERTED AFTER THE EFFECTIVE DATE OF THE ORDINANCE, AND PROHIBITING THE INSTALLATION OF FIREPLACE STOVES OR FIREPLACE INSERTS UNLESS SAID STOVES OR INSERTS MEET CERTAIN COMBUSTION STANDARDS.

WHEREAS, the burning of solid fuel for heating or aesthetic purposes in the City of Greenwood Village has been determined by the Council to be a cause of air pollution in the City; and

WHEREAS, the Council has determined that, in the interest of the protection of the public health, safety and welfare and the abatement of nuisances, regulations on the installation of solid fuel burning appliances should be adopted; and

WHEREAS, the Council has determined that it is in the best interest of the citizens of the City that the Code of the City be amended to prohibit the installation of solid fuel burning appliances; and

WHEREAS, the installation of approved gas burning or electric appliances or approved fireplace inserts provide an available and environmentally safe alternative to solid fuel burning fireplaces and stoves; now, therefore

THE COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO
ORDAINS:

Section 13.08.020 of the City of Greenwood Village Code is hereby amended by the addition of new subsection (SS.1) thereof to read as follows:

13.08.020 City of Greenwood Village Amendments to Uniform Building Code - Adopted.

. . .

(SS.1) New section 3708 is added to read as follows:

Section 3708. FIREPLACES.

- (a) No fireplace, as defined in Section 3702, of the Uniform Building Code, 1988 Edition, as amended, shall be installed or converted from solid fuel burning unless the fireplace contains an approved gas burning appliance, an approved electric appliance or an approved fireplace insert. Each fireplace which is installed or converted after the effective date of this ordinance to include an approved gas burning appliance or an approved electric appliance and which is not suitable for solid fuel combustion shall contain a written notice permanently affixed to said fireplace which shall identify the fireplace as one in which the burning of wood or other solid fuel is unsafe and is prohibited. All fireplaces shall comply with all the requirements of Chapter 37 of the Uniform Building Code, 1988 Edition, as amended.
- (b) No fireplace stove, as defined in Section 408 of the Uniform Mechanical Code, 1988 Edition, or fireplace insert shall be installed within any building or structure, unless said fireplace stove or fireplace insert meets the requirements of Phase III combustion standards.
- (c) As used in this section, the term "Phase III combustion standards" means the most stringent standards adopted by the Colorado Air Quality Control Commission pursuant to Section 25-7-106.3, C.R.S.

INTRODUCED AND APPROVED ON FIRST READING ON THE 2ND DAY
OF MARCH, 1992, AND ORDERED PUBLISHED IN THE VILLAGER.

Rollin D. Barnard
Rollin D. Barnard, Mayor

ATTEST:

Barbara Smith
Barbara Smith, City Clerk

INTRODUCED AND APPROVED ON SECOND READING ON THE 16TH DAY OF MARCH, 1992, AND ORDERED PUBLISHED IN THE VILLAGER BY REFERENCE TO TITLE ONLY.

Rollin D. Barnard
Rollin D. Barnard, Mayor

ATTEST:

Barbara Smith
Barbara Smith, City Clerk

EFFECTIVE: March 25, 1992

~~D:\JBG\GV.ORD\CODEFUEL~~

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Greenwood Village - Ordinance 17

Rule Title .

State Effective Date 07/09/1988

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 17 - Greenwood Village.pdf](#)

A BILL FOR AN ORDINANCE

ORDINANCE NO. 17

SERIES OF 1988

INTRODUCED BY MRS. CRAWFORD

AN ORDINANCE AMENDING TITLE VII, CHAPTER 5, OF THE
GREENWOOD VILLAGE OFFICIAL CODE-1980 BY THE
ADDITION OF A NEW SECTION 7-5-18 PERTAINING TO
BURNING RESTRICTIONS.

THE COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO
ORDAINS:

Title VII, Chapter 5, of the Greenwood Village Official
Code-1980 is amended by the addition of a new Section 7-5-18
which shall read as follows:

7-5-18 BURNING RESTRICTIONS.

(A) Definitions.

- 1) "Barbeque devices" means devices that are utilized solely for the cooking of food.
- 2) "Fireplace" means a hearth, fire chamber or similar place and a chimney.
- 3) "High pollution day" means that period of time declared to be a high pollution day by the Colorado Department of Health.
- 4) "Person" means an individual, partnership, corporation, or other association.
- 5) "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence. No solid fuel-fired heating device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane.

- 6) "Solid fuel-fired heating device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel-fired stoves, fireplaces, wood stoves of any nature, solid fuel-fired cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. "Solid fuel-fired heating device" does not include barbeque devices or natural gas-fired fireplace logs.

(3) High Pollution Day Prohibition.

- 1) It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to subsection (C) below. It shall be the duty of all persons owning or operating a solid fuel-fired heating device to be aware of any declaration of a high pollution day by the Colorado Department of Health.
- 2) At the time of the declaration of a high pollution day, the Police Department shall allow three hours for the burn-down of existing fires in solid fuel-fired heating devices prior to initiating enforcement of this Section.

(C) Exemption for Sole Source of Heat.

- 1) A person may operate a solid fuel-fired heating device during a high pollution day if he has previously obtained an exemption from the Police Department. An exemption may be granted if the applicant submits a sworn statement that he relies on a solid fuel-fired heating device as his sole source of heat, and that said device was installed prior to January 1, 1988.
- 2) An exemption obtained under this subsection shall be effective for twelve months from the date it is granted and may be renewed upon compliance with the requirements of paragraph 1) above.

(D) Non-Owner Occupied Dwelling Units.

It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any non-owner occupied dwelling unit. Any violation of subsection (B) above by the tenant of such a dwelling unit shall be con-

sidered a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such case, the owner, and not the tenant, shall be subject to the penalty prescribed in subsection (H) below.

(F) Inspections.

For the purpose of determining compliance with the provisions of this section, the Chief of Police, or a City police officer, is authorized to make inspections of solid fuel-fired heating devices which are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of a premises where a solid fuel-fired heating device is being operated on a high pollution day, or refuses inspection or sampling of any such device where inspection is sought, the Chief of Police, or City police officer, may apply to the Municipal Court for the issuance of a warrant for inspection and an order that the owner, lessee, or occupant of the premises must submit to an inspection without interference, restriction, or obstruction. If the Municipal Court finds that there are reasonable grounds to believe that the burning restrictions contained in this section are being or have been violated, it may issue the requested warrant and order. The Municipal Court shall have full jurisdiction, authority, and power to issue warrants for entry into any place by the Chief of Police, or a City police officer, where the Court is presented with reasonable grounds to believe that the burning restrictions contained in this section are being or have been violated."

(G) Enforcement.

The Chief of Police or a City police officer shall have the responsibility for the enforcement of this section.

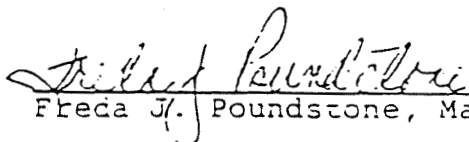
(H) Violations.

- 1) Where the Chief of Police or a City police officer has reasonable grounds to believe that any of the provisions of this section are being violated, he shall issue a written warning to the violator. If the Chief of Police or a City police officer subsequently observes within the following twelve-month period another violation of said provisions on the same premises, he may issue a summons and complaint to the violator.
- 2) Any person who shall be convicted of a violation of any provision of this section shall be punished by a fine of \$25.00 for the first offense, \$50.00 for the second offense, and \$25.00 more than the


fine for the preceding offense for the third and any subsequent offense up to a maximum fine of \$499.00.

- (I) At the time any person may be issued a summons and complaint for violation of the provisions of this section, the police officer charging such violation may give a penalty assessment notice to the person charged.
- 1) Such notice shall contain the information required by section 8-1-2(D) except that it need not contain the number of such person's driver's license.
 - 2) If a person to whom a penalty assessment notice is tendered accepts the notice, such acceptance shall constitute an acknowledgment of guilt and a promise to pay the fine specified in subsection (H) above to the City's Municipal Court, either in person or by mail, within 20 days from the date of the violation. A penalty assessment notice given to a corporation may be accepted by an officer or by an authorized employee or agent of the corporation. Refusal, neglect, or inability to pay the specified fine within said time period constitutes a refusal to accept the penalty assessment notice.
 - 3) If a person to whom a penalty assessment notice is tendered refuses to accept the notice, then the notice shall constitute a summons and complaint.

INTRODUCED, READ IN FULL, AND APPROVED ON FIRST READING ON THE 16th DAY OF May, 1988, AND ORDERED PUBLISHED IN THE VILLAGER.


Freda J. Poundstone, Mayor

ATTEST:


Barbara Smith, City Clerk

INTRODUCED, PASSED, AND APPROVED ON SECOND READING ON THE 6th DAY OF June, 1988, AND ORDERED PUBLISHED IN THE VILLAGER BY REFERENCE TO TITLE ONLY.

Freda J. Poundstone
Freda J. Poundstone, Mayor

ATTEST:

Barbara Smith
Barbara Smith, City Clerk

EFFECTIVE: July 9, 1988

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Jefferson County - Resolution CC89-873

Rule Title .

State Effective Date 12/29/1989

State Adoption Date 12/29/1989

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Resolution CC89-873 - JeffersonCo.pdf](#)

Commissioner Stone moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC89-873

RE: Mandatory Restriction On the Use of Solid Fuel Burning Devices Below 7,000 Feet On High Pollution Days

WHEREAS, the Board of County Commissioners previously adopted Resolution Number 87-976 which urged voluntary restriction on the use of solid fuel burning devices within unincorporated Jefferson County on high pollution days; and

WHEREAS, the Board now desires to regulate the use of solid fuel burning devices, which contribute to the degradation of the air quality within Jefferson County, by placing mandatory restrictions on the use of such devices in areas in the County below 7,000 feet in elevation.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Jefferson, State of Colorado that, subject to the terms and conditions herein, it shall be unlawful for all citizens in the unincorporated portion of Jefferson County living in areas below 7,000 feet in elevation to use solid fuel burning devices on days declared to be high pollution days:

1. Definitions

As used herein, the following terms have the following meanings:

a. "Solid Fuel Burning Device" means a device designed for the combustion of solid fuels including but not limited to wood, coal, paper or similar materials so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or heaters which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include devices used solely for the cooking of food or natural gas-fired fireplace logs.

b. "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.

c. "High pollution day" means a period of time designated as a high pollution day for the Denver metropolitan area by the Colorado Department of Health.

2. Exemptions:

a. It is an affirmative defense to a charge of solid fuel burning on a high pollution day that a person has obtained a temporary exemption demonstrating:

(1) An economic need to burn solid fuel for residential space heating purposes; or

(2) Reliance on a solid fuel burning device installed prior to December 1, 1989, as the sole source of heat.

b. The County's Director of Community Resources, or his designee, may grant such exemptions according to the following standards:

(1) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(2) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to January 1, 1990, as the sole source of heat.

(3) An exemption obtained under this section shall be effective for one year from the date it is granted.

c. This resolution shall not be applicable to any solid fuel burning sources located at or above 7,000 feet in elevation within the County.

d. This resolution shall not be applicable to any solid fuel burning sources for which a permit has been obtained

from the State of Colorado or the United States Environmental Protection Agency.

3. Non-Owner Occupied Dwelling Units:

After January 1, 1990, no person shall rent a building if a woodstove or fireplace is the sole source of heat. In such case, the owner, and not the tenant, shall be liable for any penalty imposed.

4. Inspections:

For the purpose of determining compliance with the provisions of this resolution, County inspectors, duly appointed by the Board of County Commissioners, are authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days and to issue citations for violations of this resolution. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors may seek from the appropriate court in and for the County of Jefferson a search warrant authorizing an inspector to enter the premises and comply with this resolution.

5. Hearings:

a. Any person cited for a violation of this resolution shall be entitled to an administrative hearing before either the Board of County Commissioners or an administrative hearing officer appointed by the Board of County Commissioners at which the person cited for violation shall have the right to present their case by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any witness testifying shall be placed under oath.

b. All hearing officers appointed by the Board of County Commissioners to hear cases involving alleged violations of this resolution shall be an attorney at law in good standing and admitted to practice in this state, with five years' experience practicing law.

c. A full and complete record of all proceedings and testimony presented shall be taken and filed. This record shall be kept on file with the Clerk to the Board of County Commissioners.

d. Any order or determination by the hearing officer shall be subject to judicial review pursuant to the provisions of Rule 106 of the Colorado Rules of Civil Procedure.

e. With respect to any alleged violation of this resolution, the burden of proof at any hearing shall be upon the County.

6. Penalties:

a. Every person found to have violated this resolution shall pay a fine according to the following schedule:

- (1) first violation, one hundred dollars;
- (2) second violation, two hundred dollars; and
- (3) third violation, three hundred dollars.

b. The date when the actual violation occurred will control regardless of the date of conviction.

c. The record of the violator for two years prior to the date of the current violation will be considered in imposing the penalties specified herein.

Commissioner Clement seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner John P. Stone	- "Aye";
Commissioner Rich Ferdinandsen	- "Absent";
Commissioner Marjorie E. Clement, Chairman	- "Aye":

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

DATED: December 29, 1989

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Jefferson County - Resolution CC90-617

Rule Title .

State Effective Date 08/07/1990

State Adoption Date 08/07/1990

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Resolution CC90-617 - JeffersonCo.pdf](#)

Commissioner Clement moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF JEFFERSON
STATE OF COLORADO

RESOLUTION NO. CC90-617

RE: AMENDMENTS TO THE JEFFERSON COUNTY BUILDING CODE--NEW
FACTORY-BUILT FIREPLACES, MASONRY FIREPLACES, AND
VENTED DECORATIVE APPLIANCES OR ROOMHEATERS

WHEREAS, the Board of County Commissioners of Jefferson County is desirous of amending the Jefferson County Building Code as provided in the amendments attached hereto as Exhibit 1 to adopt controls to reduce airborne pollution caused by woodburning; and

WHEREAS, the Jefferson County Planning Commission, on July 11, 1990, reviewed and recommended approval of the proposed amendments to the Jefferson County Building Code; and

WHEREAS, after notice as provided by law, a public hearing on the proposed amendments was held by the Board of County Commissioners on June 26, 1990, at which time this matter was continued until July 31, 1990, for further testimony and/or decision, at which time this matter was continued until August 7, 1990, for decision; and

WHEREAS, the Board of County Commissioners finds that the amendments to the Jefferson County Building Code are in the best interest of and in accord with the public health, safety, morals, and general welfare of the citizens of Jefferson County; and further that the amendments to the Jefferson County Building Code are in accord with the safety, protection, and sanitation of present and future dwellings, buildings, and structures in Jefferson County.

NOW THEREFORE, BE IT RESOLVED that the proposed amendments to the Jefferson County Building Code, attached hereto as Exhibit 1 and containing proposed modifications of four separate provisions of the Uniform Building and Mechanical Codes be and hereby are adopted as part of the Jefferson County Building Code.

BE IT FURTHER RESOLVED THAT the Building Department Director is hereby authorized and directed to incorporate the changes on

Page 2
CC90-617

Exhibit 1, supra, into the Jefferson County Building Code, to become effective on January 1, 1991.

Commissioner Stone seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Marjorie E. Clement	- "Aye";
Commissioner John P. Stone	- "Nay";
Commissioner Rich Ferdinandsen, Chairman	- "Aye":

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

DATED: August 7, 1990

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Lafayette - Ordinance 24

Rule Title .

State Effective Date 11/15/1988

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 24 - Lafayette.pdf](#)

ORDINANCE NO. 24, Series 1988

INTRODUCED BY: Councilman Yoshihara

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAFAYETTE, COLORADO BY ADDING ARTICLE XII TO CHAPTER 30 WHICH ARTICLE SHALL BE TITLED "WOODBURNING PROHIBITIONS"; SAID ARTICLE PROHIBITING WOODBURNING IN THE CITY OF LAFAYETTE, COLORADO AT CERTAIN TIMES; SAID ARTICLE PROVIDING FOR A PENALTY FOR VIOLATION.

THE CITY OF LAFAYETTE ORDAINS:

SECTION 1. Chapter 30 of the Code of Ordinances of the City of Lafayette, Colorado is hereby amended by adding thereto Article XII titled "Woodburning Prohibitions" which shall read as follows:

ARTICLE XII.

WOODBURNING PROHIBITIONS

Section 30-300. Definitions. The following terms shall have the following meanings for the purposes of this article:

(a) "Barbecue devices" means devices that are utilized solely for the purpose of cooking food.

(b) "High pollution day" means that period of time declared to be a high pollution day by the State of Colorado Department of Health.

(c) "Person" means any individual, partnership, corporation, company or other association.

(d) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or

heating system utilizing oil, natural gas, electricity or propane.

(e) "Solid fuel-fired heating device" means a device designated for solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include barbecue devices or natural gas fired fireplace logs.

Section 30-301. High Pollution Prohibition.

(a) No person may operate a solid fuel-fired heating device during a high pollution day unless an exemption has been granted pursuant to Section 30-302 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(b) At the time of the declaration of a high pollution day, the City Administrator shall allow three hours for the burn down of existing fires in solid fuel burning devices prior to the initiation of enforcement.

Section 30-302. Exemption for Sole Heat Source.

(a) A person who relies on a solid fuel-fired heating device as his sole source of heat may apply to the City Administrator or his designee for a temporary exemption from Section 30-301 above.

(b) A person applying for an exemption must sign a sworn statement that he relies on a solid fuel-fired heating device as his sole source of heat.

(c) An exemption obtained under this section shall be effective for twelve months from the date it is granted.

Section 30-303. Inspections. For the purpose of determining compliance with the provisions of this article, the City Administrator, through authorized representatives, is hereby authorized to make inspections of solid fuel-fired heating devices which are being operated on high pollution days. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the City Administrator, through authorized representatives, shall seek from the Municipal Court a search warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction or obstruction. The Municipal Court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this article.

Section 30-304. Penalties. Any person violating any provision of this article shall be punished by a fine of not less than twenty-five dollars and not more than three hundred dollars.

SECTION 2. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the City of Lafayette, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 1st DAY OF November, 1988.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 15th DAY OF November, 1988.

CITY OF LAFAYETTE, COLORADO

BY Bob L. Burger
Mayor

ATTEST:

Beverly A. Smith
City Clerk

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Lakewood - Ordinance O-86-113

Rule Title .

State Effective Date 12/01/1986

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance O-86-113 - Lakewood.pdf](#)

0-86-113

A BILL FOR AN

ORDINANCE ENACTING A BAN ON WOODBURNING ON POLLUTION ALERT DAYS AND FURTHER
DECLARING AN EMERGENCY

WHEREAS, the health, safety and welfare of the citizens of Lakewood are adversely affected by the degradation of the air quality within the city limits; and

WHEREAS, it is necessary for the Denver Metropolitan area to make reasonable efforts to attain the standards established in the Federal Clean Air Act or lose federal highway funds; and

WHEREAS, residential wood combustion produces particulate matter which is physically harmful, aesthetically unpleasant and contributes to the degradation of the air quality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Definitions. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

- (1) "Barbeque devices" means devices that are utilized solely for the purpose of cooking food.
- (2) "Fireplace" means a hearth, fire chamber or similarly prepared place and a chimney.
- (3) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health.
- (4) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed, furnace or heating system utilizing oil, natural gas, electricity, or propane.
- (5) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices or natural gas-fired fireplace logs.

SECTION 2. Woodburning Prohibition.

- (1) It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 3. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.
- (2) At the time of the declaration of a high pollution day, the City Manager shall allow three hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

SECTION 3. It is an affirmative defense to a charge of burning on a high pollution day that a person has obtained a temporary exemption demonstrating (a) an economic need to burn solid fuel for residential space heating purposes, or (b) reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat. The City Manager may grant such exemptions according to the following standards:

- (1) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-Income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.
- (2) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.
- (3) An exemption obtained under this section shall be effective for one year from the date it is granted.

SECTION 4. For the purpose of determining compliance with the provisions of this chapter, City of Lakewood inspectors are hereby authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, and to take samples of air for analysis whenever necessary to determine the quantity and character of air pollutants. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the Municipal Court of the City of Lakewood a search warrant authorizing an inspector to enter the premises and comply with this Section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

SECTION 5. This ordinance shall be enforceable on and after December 1, 1986.

SECTION 6. Emergency. This ordinance is necessary for the immediate preservation of the public health and safety and an emergency exists by reason of the fact that the enactment of this ordinance is necessary to the orderly and efficient administration of the business of the City of Lakewood; therefore, this ordinance shall take effect following adoption immediately upon the signature of this ordinance by the Mayor (or Mayor Pro Tem) approving

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on November 10, 1986; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for November 24, 1986, at 7 o'clock p.m. at Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado.

Linda Shaw
Linda Shaw, Mayor

ATTEST:

Karen Goldman
Karen Goldman, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 24th day of November, 1986.

SIGNED AND APPROVED THIS 25th day of November, 1986, PURSUANT TO THE EMERGENCY PROVISION CONTAINED IN THIS ORDINANCE.

Linda Shaw
Linda Shaw, Mayor

I hereby certify and attest that the within and foregoing Ordinance was introduced, read and passed on first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 14th day of November, 1986; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:

Karen Goldman, City Clerk

Approved as to form:

City Attorney

Roger W. Noonan

Date

November 17, 1986

Approved as to content:

Community Development _____
Parks and Recreation _____
Employee Relations _____
Finance _____

Date _____
Date _____
Date _____
Date _____

City Manager KG
Public Safety _____
Public Works _____
City Clerk _____

Date 11/5
Date _____
Date _____
Date _____

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Lakewood - Ordinance O-92-61

Rule Title .

State Effective Date 11/28/1992

State Adoption Date 06/24/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance O-92-61 - Lakewood.pdf](#)

A BILL FOR AN

ORDINANCE AMENDING THE UNIFORM BUILDING CODE AND CHAPTER 8.12 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO PHASE III WOODBURNING APPLIANCES

WHEREAS, the General Assembly has determined that wood smoke is a major contributor to the air pollution in the Denver metropolitan area; and,

WHEREAS, the General Assembly has found that such air pollution and wood smoke is damaging to the health, safety and welfare of the population in the Denver metropolitan area; and

WHEREAS, in order to reduce wood smoke emissions into the air, the General Assembly has enacted Sections 25-7-411 to 25-7-413 of the Colorado Revised Statutes to encourage and promote the reduction of woodburning devices and the use of less polluting devices by taking advantage of new technology; and

WHEREAS, the City Council of the City of Lakewood wishes to encourage and promote the reduction of woodburning devices and the use of less polluting devices.

Be It Ordained by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 8.12 of the Lakewood Municipal Code is hereby repealed and reenacted as follows:

8.12.010 DEFINITIONS. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) "Barbeque devices" means devices that are utilized solely for the purpose of cooking food.

(2) "Fireplace" means a hearth, fire chamber or similarly prepared place and a chimney.

(3) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health.

(4) "Fireplace insert" means any woodburning device designed to be installed in an existing fireplace which meets the Phase III Wood Stove standard, as such term is defined in Subsection (5) of this section.

(5) "Phase III Wood Stove" means any woodburning device that meets the most stringent standards adopted

by the Air Quality Control Commission pursuant to Section 25-7-106.3(1), C.R.S., or any nonaffected woodburning device that is approved by the Commission.

(6) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

(7) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices of natural gas-fired fireplace logs.

8.12.020 INSTALLATION. On or after January 1, 1993, any new or remodeled fireplace to be installed shall be one of the following:

- (1) A gas appliance;
- (2) An electric device; or
- (3) A fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Air Quality Control Commission, or any other clean burning device that is approved by the Air Quality Control Commission.

8.12.030 WOODBURNING -- PROHIBITION.

(1) It is unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 8.12.040. It is the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(2) At the time of the declaration of a high pollution day, the City Manager shall allow three hours

for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

8.12.040 EXEMPTION.

(1) It is an affirmative defense to a charge of burning on a high pollution day that a person

(a) was utilizing an appliance listed in Section 8-12-020, or

(b) has obtained a temporary exemption demonstrating:

i) An economic need to burn solid fuel for residential space heating purposes; or

ii) Reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.

(2) The City Manager may grant exemptions as set forth in 8-12-040(b) according to the following standards:

(a) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(b) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.

(c) An exemption obtained under this section shall be effective for one year from the date it is granted.

8.12.050 INSPECTIONS. For the purpose of determining compliance with the provisions of this chapter, city inspectors are authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, and to take samples of air for analysis whenever

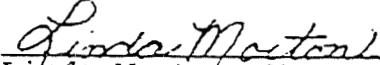
necessary to determine the quantity and character of air pollutants. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the Municipal Court of the City of Lakewood a search warrant authorizing an inspector to enter the premises and comply with this section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

SECTION 2. Subsection 14.02.040(3)(B) of the Lakewood Municipal Code is amended by the addition of the following paragraph:

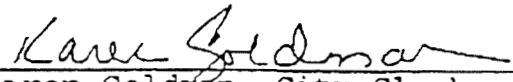
Sec. 304(g) Waiver for clean burning device. The building official shall waive the permit fee for the installation of a decorative gas appliance or Phase III certified solid fuel-burning device meeting the most stringent emission standards for wood stoves established under state statute and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an E.P.A. accredited laboratory. This waiver shall expire and be of no effect on January 1, 1994.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on October 26, 1992; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for November 9, 1992, at 7 o'clock p.m. at Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado.


Linda Morton, Mayor

ATTEST:


Karen Goldman, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 9th
day of November, 1992.

APPROVED AND SIGNED THIS 10th day of November, 1992.

Linda Morton
Linda Morton, Mayor

I hereby certify and attest that the within and foregoing Ordinance was introduced, read and passed on the first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 29th day of October, 1992; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:

Karen Goldman
Karen Goldman, City Clerk

Approved as to form:

City Attorney Reginald L. Brown Date November 3, 1992

Approved as to content:

City Manager William Date 10-21-92
Community Resources _____ Date _____
Police Department _____ Date _____
Employee Relations _____ Date _____
Planning, Permits and Public Works _____ Date _____
Finance _____ Date _____
City Clerk _____ Date _____
Economic Development _____ Date _____

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Littleton - Ordinance 26

Rule Title .

State Effective Date 08/18/1992

State Adoption Date 08/18/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 26 - Littleton.pdf](#)

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 26

Series of 1992

INTRODUCED BY COUNCILMEMBERS: Emley and Tonsing

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING THE UNIFORM BUILDING CODE BY PROVIDING FOR RESTRICTIONS ON NEW SOLID FUEL BURNING FIREPLACES AND STOVES.

WHEREAS, the burning of solid fuel for heating or aesthetic purposes is a cause of air pollution in the City;

WHEREAS, the General Assembly has determined that it is necessary to regulate the type of solid fuel burning devices which may be hereafter installed in the City of Littleton; and

WHEREAS, the City Council deems it necessary to amend the Uniform Building Code to include provisions for the regulation of solid fuel burning devices as required by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 4, Chapter 1, Section 5 of the Littleton City Code is hereby amended by the addition of new Subsections (PP) and (QQ) to read as follows:

ale (PP) Chapter 37 of the Uniform Building Code is hereby amended by the addition of a new Section 3708 to read:

Notwithstanding anything contained in this Chapter to the contrary, any new or remodeled fireplace shall be one of the following:

- (1) Gas appliance;
- (2) An electric device; or
- (3) A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the Air Quality Control Commission of the Department of Health of the State of Colorado, or any other clean burning device that is approved by said Commission.

Any person who installs or constructs any fireplace insert or fireplace shall provide evidence of a certificate issued by the Air Pollution Control Division of the Department of Health of the State of Colorado for such fireplace, and in the case of site-built fireplaces, shall demonstrate compliance with the certificate. Such

demonstration of compliance shall include inspection by the building inspector, or his or her designee, of the new fireplace after installation. The owner of any site-built fireplace shall be responsible for the payment of all costs of such inspection.

22
(10)

Section 802 of the Uniform Mechanical Code is hereby amended by the addition of the following sentence, as the last sentence thereof.

Every new installation of a solid fuel burning vented decorative appliance or room heater shall meet the most stringent emission standards for wood stoves established under the Uniform Building Code, as amended.

Section 2: The provisions of Section 1 of this ordinance shall be effective January 1, 1993.

Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 4: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 21st day of July, 1992, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published in full in the Littleton Independent of July 23, 1992.

PUBLIC HEARING on the Ordinance to take place on the ~~XIX~~ 18th of August, 1992, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of 6 FOR and 0 AGAINST on the ~~XIX~~ 18th ~~XIX~~ day of

707 670 5022
August, 1992, and ordered published by reference only in the
Littleton Independent on the 20th day of August, 1992.

ATTEST:

Janice A. Allen
CITY CLERK

Susan M. Robertson
PRESIDENT OF CITY COUNCIL

APPROVED AS TO FORM:

Shirley W. Berlow
CITY ATTORNEY



State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Littleton - Ordinance 51

Rule Title .

State Effective Date 12/06/1988

State Adoption Date 12/06/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 51 - Littleton.pdf](#)

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 51

Series of 1988

INTRODUCED BY COUNCILMEN Toussing and Thornton

AN ORDINANCE PROHIBITING THE INSTALLATION OF NONCONFORMING SOLID FUEL BURNING DEVICES; PROHIBITING THE OPERATION OF SOLID FUEL BURNING DEVICES ON HIGH POLLUTION DAYS; AND PROVIDING EXEMPTIONS FROM, AND ESTABLISHING FINES FOR, VIOLATIONS OF SUCH PROHIBITION.

WHEREAS, the health, safety and welfare of the citizens of the City of Littleton are adversely affected by the degradation of the air quality within the City limits; and

WHEREAS, residential wood combustion produces particulate matter which can be physically harmful, aesthetically unpleasant, and contribute to the degradation of the air quality; and

WHEREAS, the City Council desires to impose certain limitations on activities that have an impact on the quality of air and to provide for effective enforcement; and

WHEREAS, the City Council wishes to encourage the replacement of polluting devices with those that meet or exceed the standards of the State of Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 4 of the Littleton Municipal Code is hereby amended by the addition of a new Chapter 5:

4-5-1: Short Title. This ordinance shall be known and may be cited as the "Littleton Woodburning Ordinance."

4-5-2: Definitions. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

- A. "Approved solid fuel burning device" shall mean a solid fuel burning device which has been certified by the Colorado Department of Health in accordance with procedures specified in Colorado Air Quality Control Commission Regulations as meeting the emissions standards for certification under such regulation.

- B. "Burn down time" shall mean that period of time not to exceed three hours following the declaration of a high pollution day required for the cessation of combustion within any solid fuel burning device pursuant to this ordinance.
- C. "Exemption Permit" shall mean any symbol adopted by the City Manager for purposes of notification of exemption from the no burn regulations herein, which may include signs, placards, decals, or other appropriate symbols easily visible from the street side of the property upon which it is installed or placed.
- D. "Exempt solid fuel burning devices" shall mean those devices specifically exempted from regulation by the Commission in accordance with applicable state law.
- E. "Fireplace" shall mean a structure designed for the burning of wood (whether or not it is an integral part of the construction of a building) which would commonly be considered a fireplace.
- F. "High pollution day" shall mean that period of time declared by the City Manager or the Colorado Department of Health to be a high pollution day.
- G. "Nonconforming solid fuel burning device" shall mean any solid fuel burning device which is not an approved solid fuel burning device.
- H. "Person" shall mean an individual, partnership, corporation, company, or other association.
- I. "Sole source of heat" shall mean one or more residential solid fuel burning devices which constitute the only source of heat in a private residence. No residential solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system designed to heat the residence or any part thereof, connected or disconnected from its energy source, utilizing oil, natural gas, electricity or propane.

J. "Solid fuel burning device" shall mean any solid fuel burning device, including but not limited to, free-standing fireplaces, airtight stoves, franklin stoves, masonry fireplaces, pre-fabricated zero clearance fireplaces, any similar fireplace the operation of which requires it to be built in the structure as a component of the building, a fireplace insert or another device intended for use to heat interior habitable space or for aesthetic enjoyment, provided such device is capable of burning solid fuel such as wood, coal, or any other solid fuel. Solid fuel burning devices shall not include natural gas devices or solid fuel cooking devices.

4-5-3: Installation of New Solid Fuel Burning Devices
After the effective date of this ordinance, no person shall install a solid fuel burning device unless authorized to do so in a building permit. No building permit shall be issued authorizing the installation of a solid fuel burning device, unless such device is an approved solid fuel burning device or an exempt solid fuel burning device. Fireplaces shall be deemed approved solid fuel burning devices for purposes of installation only until such time as the Colorado Air Quality Control Commission (the "Commission") promulgates emissions standards for fireplaces. As of the compliance date specified in such regulations, only those fireplaces certified by the Colorado Department of Health as having emissions which do not exceed the emissions standards shall be considered to be approved solid fuel burning devices.

4-5-4: Solid Fuel Burning During High Pollution Days Prohibited.

A. It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption permit has been issued pursuant to Section 4-5-5 below. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Littleton City Manager or the Colorado Department of Health. Any such declaration shall constitute constructive notice of the existence of a high

2. Approved or exempt solid fuel burning devices. Any person who operates an approved or exempt solid fuel burning device shall be eligible for an exemption from the prohibition of operation contained in subsection 1 of this section. Persons entitled to an exemption under this section shall be issued an exemption permit which must be displayed on the premises to which the exemption applies and be visible from a place of public access on high pollution days.

3. Fireplaces. Fireplaces shall not be eligible for exemption from the provisions of this section until such time as emissions standards for fireplaces are promulgated by the Commission. Thereafter, only those fireplaces which have been certified by the Colorado Department of Health as having emissions that do not exceed the emissions standards shall be exempt from the provisions of this section.

B. The fee for an exemption permit shall be \$25.00. This fee shall not include the costs of any inspection or testing which may be required by regulations promulgated pursuant to Section 4-5-4(D) hereof. Any such costs shall be in addition to said fee and paid prior to said inspection or test. No fee shall be charged for a "sole source of heat" exemption.

C. An exemption shall remain in effect until:

1. A residence which has a "sole source of heat" exemption installs a permanent heating system using oil, natural gas, electricity or propane; or
2. A visible emission violation is detected for the third time in a single burning season (October through March) at a premise with an exemption permit for an "approved solid fuel burning device"; or

- 3. More stringent Federal or State laws or regulations are adopted or promulgated.

4-5-6: Investigation and Compliance.

For the purpose of determining compliance with the provisions of this ordinance City inspectors are hereby authorized to make inspections. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the municipal court a search warrant authorizing an inspector to enter the premises and comply with this section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this section.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion thereof.

Section 3: Repealer. All acts, orders, resolutions, or parts thereof taken by the City and in conflict with this ordinance are hereby repealed, except that this repealer shall not be construed so as to revive any act, order, ordinance, resolution or part thereof heretofore repealed.

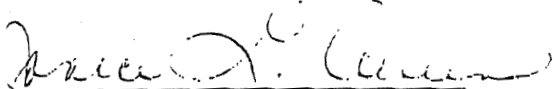
INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 15th day of November, 1988, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published in full in the Independent of November 18, 1988.

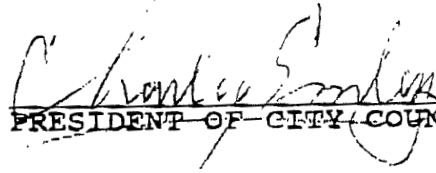
PUBLIC HEARING on the Ordinance to take place on the 6th day of December, 1988, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:30 p.m., or as soon thereafter as it may be heard.

227

as amended
PASSED on second and final reading, following public
hearing, by a vote of 5 FOR and 1 AGAINST on the 6th day
of December, 1988; and ordered published by reference only in
the Independent on the 9th day of December, 1988.

ATTEST:


CITY CLERK


~~PRESIDENT OF CITY COUNCIL~~

APPROVED AS TO FORM:


CITY ATTORNEY

CD/A:520.

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Longmont - Ordinance O-89-1

Rule Title .

State Effective Date 12/27/1988

State Adoption Date 12/27/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance O-89-1 - Longmont.pdf](#)

ORDINANCE NO. 0-89-1

AN ORDINANCE ADDING A NEW CHAPTER TO THE LONGMONT MUNICIPAL CODE REGARDING RESTRICTIONS ON SOLID FUEL-FIRED HEATING DEVICES AND COAL BURNING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGMONT, COLORADO:

Section 1: A new chapter is added to the Longmont Municipal Code to read as follows:

CHAPTER 16.44
BURNING RESTRICTIONS

Sections:

16.44.010	Definitions		
16.44.020	High Pollution Prohibition	16.44.060	Inspections
16.44.030	Exemptions	16.44.070	Violation--Penalty
16.44.040	Defense	16.44.080	Violation--Injunctive Relief
16.44.050	Coal Burning Prohibited	16.44.090	Severance Clause

16.44.010 Definitions: The following words and phrases shall have the indicated meanings:

A.) "High Pollution Day" means that period of time declared to be a high pollution day by the Colorado Department of Health.

B.) "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence for purposes of space heating.

C.) "Solid fuel-fired heating device" means a device designed for solid fuel combustion so that useable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, and furnaces or boilers. "Solid fuel-fired heating device" does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs.

16.44.020 High Pollution Prohibition

A.) It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to Section 16.44.030 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

B.) At the time of the declaration of a high pollution day, the City shall allow three (3) hours for the burn-down of existing fire in solid fuel-burning devices prior to the initiation of enforcement.

16.44.030 Exemptions

A.) A person may operate a solid fuel-fired heating device during a high pollution day if an exemption has previously been obtained from the City Manager

BURNING RESTRICTIONS

Page 2

or his designee. An exemption may be granted if the applicant submits a sworn statement that either, 1.) a solid fuel-fired burning device is the sole source of heat and that said device was installed prior to the effective date of the ordinance codified herein, or 2.) an electrical heating system is the primary source and a solid fuel-fired heating device is a supplemental heating system, and that said system was installed prior to the effective date of the ordinance codified herein. A fee to cover the administrative costs of the exemption certificate may be charged. The fee shall be established and from time to time revised by resolution of the City Council.

B.) An exemption obtained under this section shall be effective for one year from the date it is granted and may be renewed upon submission of a new sworn statement as provided in subsection A.), above.

C.) An exemption granted as provided herein may be revoked by the City if the solid fuel-fired heating device is operated inefficiently so as to create a nuisance due to excessive smoke production.

D.) The exemption certificate shall be posted in a conspicuous location near the main entrance to be visible from the street.

16.44.040 Defense

It shall be an affirmative defense to a charge of burning on a high pollution day under Section 16.44.020 above, that a power outage, interruption of natural gas supply, or temporary equipment failure existed at the time and location of the violation, which did not result from any action of the person charged with the violation.

16.44.050 Coal Burning Prohibited

It shall be unlawful to burn coal in any form in a solid fuel-fired heating device.

16.44.060 Inspections

For the purpose of determining compliance with the provisions of this chapter, the City Manager, or his designee is authorized to make inspections to determine whether solid fuel-fired heating devices are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of the premises, or refuses inspection of any device, the Municipal Court may issue a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The Court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this chapter.

16.44.070 Violation--Penalty

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is commit-

BURNING RESTRICTIONS

ge 3

ted, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.44.080 Violation--Injunctive Relief

Notwithstanding any other penalties, any violation of this chapter is deemed a public nuisance. Nothing in this chapter shall prevent the City Attorney from seeking appropriate legal or equitable relief from any court of competent jurisdiction.

16.44.090 Severance Clause

If any article, section paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

INTRODUCED, READ, AND ADOPTED on first reading and ordered published in full this 27TH day of DECEMBER, 1988.

FINALLY ADOPTED AND ORDERED FINALLY PUBLISHED by title only this ___ day of _____, 19__.

Mayor

ATTEST:

APPROVED AS TO FORM:

Bud A. Bailey
City Attorney

Effective Date: _____

NOTICE: PUBLIC HEARING ON THE ABOVE ORDINANCE WILL BE HELD ON THE _____ DAY OF _____, 1989 IN COUNCIL CHAMBERS AT 7:00 P.M.

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Mountain View - Ordinance 90-5

Rule Title .

State Effective Date 01/07/1991

State Adoption Date 01/07/1991

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 90-5 - Mountain View.pdf](#)

BEFORE THE TOWN COUNCIL
TOWN OF MOUNTAIN VIEW
STATE OF COLORADO

ORDINANCE 90-5

"AN ORDINANCE AMENDING CHAPTER 16, SECTION 13-04, OF THE CODE OF THE TOWN OF MOUNTAIN VIEW, COLORADO, EXEMPTING CERTAIN CERTIFIED WOOD BURNING STOVES FROM THE RESTRICTIONS OF SAID CHAPTER."

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VIEW,
COLORADO:

1. That Section 13-04 of Chapter 16 of the Town Code of the Town of Mountain View, Colorado be amended by adding thereto the following subsection C.

C. Exemption For New Technology Stoves. The Town Council shall grant an exemption from Section 16-13-03 of this chapter to any person who has a solid fuel-fired heating device which is currently certified as a Phase II Stove by the Colorado Air Pollution Control Division and the United States Environmental Protection Agency and does not exceed a standard of 8 g/rh. particulate and 100 g/hr. carbon monoxide, AND THAT SAID STOVE SHALL NOT EMIT ANY VISIBLE EMISSIONS DURING A HIGH POLLUTION DAY.

2. That all of the other terms and conditions of said Chapter 16 remain in full force and effect except as specifically amended herein.

INTRODUCED, READ AND ORDERED POSTED THIS 10th DAY OF December, A.D., 1990.

Betty A. VanHarte
Mayor

ATTEST:

Town Clerk

PASSED, ADOPTED AND APPROVED THIS 7th DAY OF January, A.D., ¹⁹⁹¹~~1990~~.

Betty A. VanHarte
Mayor

ATTEST:

Town Clerk

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Sheridan - Ordinance 1

Rule Title .

State Effective Date 02/09/1993

State Adoption Date 02/09/1993

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 1 - Sheridan.pdf](#)

ORDINANCE NO. 1
SERIES OF 1993
COUNCIL BILL NO. 1, SERIES OF 1993

INTRODUCED BY COUNCIL MEMBER MUELLER

A BILL FOR AN ORDINANCE TO AMEND THE BUILDING CODE OF THE CITY OF SHERIDAN, COLORADO TO SET REQUIREMENTS ON FIRE PLACES THAT COMPLY WITH THE COLORADO AIR QUALITY CONTROL ACT

SECONDED BY COUNCIL MEMBER JENKINS

Upon a roll call being taken the following votes were cast:

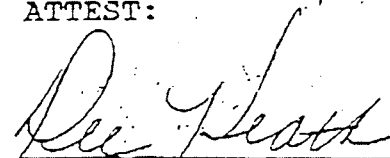
	YES	NO
James Egan	<u>X</u>	<u> </u>
Charles Herman	<u>X</u>	<u> </u>
Nancy Jenkins	<u>X</u>	<u> </u>
Aileen Marple	<u>X</u>	<u> </u>
Clifford Mueller	<u>X</u>	<u> </u>
Donald Smith	<u>X</u>	<u> </u>
Dale Patton	<u>X</u>	<u> </u>

This ordinance was published in full in the Englewood Herald newspaper on January 14, 1993 following approval by the City Council of the City of Sheridan after first reading on January 12, 1993.

PASSED AND APPROVED this 9TH day of FEBRUARY, 1993 and ordered published in the Englewood Herald newspaper.


Dale W. Patton, Mayor

ATTEST:


Dee Heath, City Clerk

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Sheridan - Ordinance 22

Rule Title .

State Effective Date 10/25/1988

State Adoption Date 10/25/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 22 - Sheridan.pdf](#)

which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices or natural gas-fired fireplace logs.

Sec. 18-281. Woodburning Prohibition.

(1) It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 3. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(2) At the time of the declaration of a high pollution day, the City Administrator shall allow three hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

Sec. 18-282. Affirmative defenses. It is an affirmative defense to a charge of burning on a high pollution day that a person has obtained a temporary exemption demonstrating (a) an economic need to burn solid fuel for residential space heating purposes, or (b) reliance on a solid fuel burning device installed prior to December 1, 1988, as the sole source of heat. The City Administrator may grant such exemptions according to the following standards:

(a) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under Low-Income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(b) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to December 1, 1988, as the sole source of heat.

(c) An exemption obtained under this section shall be effective for one year from the date it is granted.

Sec. 18-283. Inspections. For the purpose of determining compliance with the provisions of this chapter, City of Sheridan inspectors are hereby authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, and to take samples of air for analysis whenever necessary to determine the quantity and character of air pollutants. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the Municipal Court of the City of Sheridan a search warrant authorizing and inspector to enter the premises and comply with this Section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

Sec. 18-284. Violations. Violations of this Article shall be punishable by a fine not to exceed three hundred dollars (\$300.00).

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Sheridan, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECONDED BY COUNCILMEMBER Mueller

Upon a roll call being taken, the following was case:

	Yes	No
Charles Adlon	_____	_____✓
Charles Herman	_____x	_____
Carol Jonkoniec	_____x	_____
Aileen Marple	_____x	_____
Clifford Mueller	_____x	_____
Dale Patton	_____x	_____
Roger Rowland	_____	_____✓

PASSED AND APPROVED this 25th day of October, 1988, and ordered published in the Independent Newspaper.

Roger B. Rowland
Roger B. Rowland, Mayor

ATTEST:

Dee Heath
Dee Heath, City Clerk

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Thornton - Ordinance 2120

Rule Title .

State Effective Date 10/28/1991

State Adoption Date 10/28/1991

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2120 - Thornton.pdf](#)

ORDINANCE NO.: 2120
INTRODUCED BY: Votruba

AN ORDINANCE ADOPTING SECTIONS 27A-1 THROUGH 27A-6 OF THE THORNTON CITY CODE RELATING TO RESTRICTIONS AND EXEMPTIONS FOR SOLID FUEL-FIRED HEATING DEVICES.

WHEREAS, some persons residing in residences rely on solid fuel-fired devices as an alternate source to supplement their heating requirements; and

WHEREAS, some persons residing in residences have demonstrated a need to supplement their heat source by the use of solid fuel-fired devices as an alternative source of heat, even on high pollution days; and

WHEREAS, former Chapter 27A is no longer in effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the Thornton Municipal Code Chapter 27A is adopted to read as follows:

BURNING RESTRICTION, SOLID-FUEL

Thornton Code

Chapter 27A

Section 1. Definitions

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, shall have the following meanings:

- (A) AIR POLLUTION ALERT - A period of time designated as an "air pollution alert" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during a high-pollution day.
- (B) AIR POLLUTION EMERGENCY - A period of time designated as an "air pollution emergency" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during an air pollution alert.
- (C) AIR POLLUTION WARNING - A period of time designated as an "air pollution warning" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during an air pollution alert.

- (D) APPROVED SOLID FUEL-BURNING DEVICE - A solid fuel-burning device which has been certified by the Colorado Department of Health in accordance with procedures specified in Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, as meeting the emissions standards for Phase II certification under such regulation, as in effect on the effective date of this chapter.
- (D) BARBECUE DEVICES - Devices that are utilized solely for the purpose of cooking food.
- (E) EXEMPT SOLID FUEL-BURNING DEVICES - Those devices specifically exempted from regulation by the commission in accordance with Sections 25-7-403(2)(a)(viii) and 25-7-407(2)(b), C.R.S. (1987 Supp.).
- (F) HIGH POLLUTION DAY - A period of time declared to be a "high pollution day" by the Colorado Department of Health, representing a less severe air pollution condition than occurring during an air pollution alert.
- (G) SOLE SOURCE OF HEAT - One (1) or more solid fuel-burning devices that constitute the only source of heat in a residence for the purpose of central or space heating. A residential solid fuel-fired heating device or devices shall be considered to be the "sole source of heat" if the private residence is equipped with a permanently installed non-solid fuel-burning furnace or heating system designed to heat the residence which is physically disconnected from its non-solid fuel energy source, including heating oil, natural gas, electricity or propane.
- (F) SOLID FUEL-FIRED HEATING DEVICE - A device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves and combination of fuel furnaces or boilers which burn solid fuel. "Solid fuel-fired heating devices" do not include barbecue devices or natural gas fired fireplace logs.

Section 2. Use of solid fuel-fired heating devices restricted.

No person shall operate, permit or cause to be operated within any residential structure or unit a solid fuel-fired heating device during a high pollution day, air pollution alert, air pollution warning or air pollution emergency, subject to the exemptions hereinbelow set forth. However, such prohibition shall not take effect until the expiration of three (3) hours from the time of public declaration of the high pollution day or air pollution alert by the Colorado Department of Health in order to permit burndown of existing fires. It shall be the duty of all persons owning or operating a solid fuel-burning device to be aware of any such declaration by the

Colorado Department of Health, and the fact that such person was not aware of such declaration shall not constitute a defense to the violation of the provisions of this chapter.

Section 3. Exemptions

- (A) The following persons may apply to the City Manager, or his designee, for an exemption from the requirements of Section 27A-2 hereof:
- (1) A person residing in a residence relying on a solid fuel-fired device as a sole source of heat;
 - (2) A person having an approved solid fuel burning device;
 - (3) A person who is eligible for energy assistance under the Low Income Energy Assistance Program administered by Adams County, Colorado or;
 - (4) A person who resides in a residence which uses a solid fuel-fired device as a source of heat prior to the effective date of Thornton Ordinance No. 1927 and who establishes that the acquisition of an approved solid fuel-fired device or of natural gas as a source of heat is not economically feasible at the time of application.
- (B) For purposes of this section, a residence shall not include any accessory or outbuildings or garages, whether attached or not, to the principal structure.
- (C) Each person applying for an exemption shall submit an application fee of five dollars (\$5.00) and complete a Building Inspection Permit form or application form depending on the type of exemption requested.
- (D) The applicant shall submit the application under oath that the information submitted meets the requirements of the applicable provisions of Section 27A-3.A and is true and accurate.
- (E) The City Manager, or his designee, shall issue the exemption to the address of the residence being sought for exemption, unless the exemption is under revocation or denial as herein provided or the residence is determined to be ineligible for exemption under the standards hereof. No exemption granted under Section 27A-3.A(4) may be renewed so as to extend the exemption more than three years from the date of initial issuance or April 30, 1993, whichever is earlier.

- (F) An exemption shall permit solid fuel-fired heating devices to be operated during periods designated as air pollution alerts, air pollution warnings, air pollution emergencies and high pollution days.
- (G) Upon suspension or withdrawal of an exemption, it shall be the duty of the owner or resident of the residence having been issued an exemption to forthwith remove any sign or other marker having been issued by the City for attachment to the residence to display the status of exemption.
- (H) It shall be the duty of the resident or owner of the property for which the exemption has been issued to advise the City Manager, or his designee, of any change of condition or circumstance set forth in the application for exemption within thirty (30) days of such change. A determination shall be made whether the exemption shall be withdrawn due to ineligibility for exemption pursuant to the standards of this section.

Section 4. Violations and penalties.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be fined a sum of not more than fifty dollars (\$50.00) for the first violation and not more than one hundred dollars (\$100.00) for each subsequent violation within any calendar year.

Section 5. Suspension, withdrawal and denial.

Any exemption granted hereunder may be revoked, withdrawn or denied upon personal service or mailing of a notice of suspension, withdrawal or denial submitted to the applicant for exemption, or resident of the residence if no exemption has been granted, for the following reasons:

(A) Suspension

(1) Reasons for suspension:

- a) Three (3) or more violations of this chapter within any calendar year.
- b) Any misstatement of fact in any application for exemption or renewal thereof.
- c) The refusal of the applicant for exemption to permit City law enforcement and code enforcement officials inspection of the heating devices and facilities at reasonable times to verify the information contained in any application for exemption or otherwise to determine

compliance with this chapter. Nothing herein shall restrict the City from seeking a search warrant from the Municipal court to enforce the provisions of this chapter against any residential property, whether holding an exemption or not.

d) Any other violation of the terms and requirements of this chapter.

(2) A notice of suspension shall be operative for one (1) year following the date the order becomes effective. Upon eligibility for reinstatement, the applicant shall fully be subject to the application standards set forth at 27A-3 hereof.

(B) Withdrawal

In the event that an exemption is ordered withdrawn pursuant to change of conditions brought to the attention of the City pursuant to 27A-3H hereof, such order of withdrawal shall remain in effect until the residence again becomes eligible for the issuance of an exemption. The applicant shall submit an application for reinstatement and shall have the burden to establish facts and circumstances which justify the reinstatement of exemption.

(C) Denial

If the resident or owner of a residence not having been issued an exemption hereunder has committed acts which would justify a suspension as set forth at Subsection A hereof, then the residence shall be subject to an order of denial, which shall be operative for one (1) year following the date the order becomes effective. At the expiration of such period, the resident or owner shall be reinstated to eligibility to apply for an exemption hereunder.

Section 6. Effective term.

This chapter shall remain in effect until April 30, 1993.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published at a regular meeting of the City Council of the City of Thornton, Colorado, this 14th day of October, 1991.

PASSED AND ADOPTED on second and final reading this 28th day of October, 1991.

CITY OF THORNTON, COLORADO

Margaret W. Carpenter
Margaret W. Carpenter, Mayor

ATTEST:

Nancy A. Wincent
Nancy A. Wincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO FORM:

Ken [Signature]
Thornton City Attorney

Posted in six (6) public places for ten (10) days after first and second reading.

Published in the Northglenn-Thornton Sentinel on October 17, 1991
and on October 31, 1991.

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Thornton - Ordinance 2194

Rule Title .

State Effective Date 09/28/1992

State Adoption Date 09/28/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2194 - Thornton.pdf](#)

C.D. No. 92-145

ORDINANCE NO.: 2194
INTRODUCED BY: Votruba

AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-32 OF THE THORNTON MUNICIPAL CODE BY THE ADDITION OF NEW SUBSECTIONS I AND J, AND FURTHER AMENDING SECTION 44-36 BY THE ADDITION OF NEW SUBSECTIONS B AND C, PERTAINING TO CERTIFIED PHASE II SOLID FUEL BURNING DEVICE RESTRICTIONS FOR NEW CONSTRUCTION.

WHEREAS, the State of Colorado passed into law legislation that restricts the installation of conventional fireplaces in new or remodeled construction, and allow instead, installation of gas, pellet, electric or clean burning Phase III fire place inserts; and

WHEREAS, cities and counties in the Denver metro area are required, by January 1, 1993, to adopt conforming building code provisions that are substantially equivalent to the provisions of the new state laws; and

WHEREAS, it is the desire of the City Council to enhance the quality of life of the citizens of Thornton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Section 44-32 of the Municipal Code is hereby amended by the addition of new Subsections I and J with words set forth in capital letters, to read as follows:

Section 44-32. The Uniform Building Code, 1988 Edition, adopted in the preceding section, is hereby amended as follows: (Section numbers refer to section numbers of the Uniform Building Code):

* * *

- I. § 3705.(a) is amended to read as follows:

Section 3705.(a) General. Factory-built chimneys and factory-built fireplaces shall be listed and shall be installed in accordance with the terms of their listings and the manufacturer's instructions as specified in the Mechanical Code. EVERY NEW OR REMODELED SOLID FUEL BURNING FACTORY BUILT FIREPLACE SHALL HAVE PERMANENTLY INSTALLED EITHER: (1) CERTIFIED NATURAL GAS LOGS OR FIREPLACE INSERTS; (2) A CERTIFIED ELECTRICAL DEVICE; (3) A CERTIFIED PHASE III FIREPLACE INSERT; OR (4)

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CERTIFIED PELLET STOVES OR INSERTS MEETING THE MOST STRINGENT EMISSION STANDARDS FOR WOOD STOVES ESTABLISHED UNDER STATE STATUTE AND/OR REGULATIONS PROMULGATED BY THE STATE AIR QUALITY CONTROL COMMISSION (AQCC) AS OF THE TIME OF INSTALLATION AND BE INSTALLED PER THE UNIFORM MECHANICAL CODE.

J. § 3707.(a) is amended to read as follows:

Section 3707.(a) General. Masonry fireplaces, barbecues, smoke chambers and fireplace chimneys shall be of masonry or reinforced concrete and shall conform to the requirements of this section. EVERY NEW OR REMODELED MASONRY FIREPLACE SHALL HAVE PERMANENTLY INSTALLED EITHER: (1) CERTIFIED NATURAL GAS LOGS OR FIREPLACE INSERTS; (2) A CERTIFIED ELECTRICAL DEVICE; (3) A CERTIFIED PHASE III FIREPLACE INSERT; OR (4) CERTIFIED PELLET STOVES OR INSERTS MEETING THE MOST STRINGENT EMISSION STANDARDS FOR WOOD STOVES ESTABLISHED UNDER STATE STATUTE AND/OR REGULATIONS PROMULGATED BY THE STATE AIR QUALITY CONTROL COMMISSION (AQCC) AS OF THE TIME OF INSTALLATION AND BE INSTALLED PER THE UNIFORM MECHANICAL CODE.

2. Section 44-36 of the Thornton Municipal Code is hereby amended by the addition of new subsections B and C with words set forth in capital letters, to read as follows:

Section 44-36. The Uniform Mechanical Code, 1988 Edition, adopted in the preceding section, is hereby amended as follows (section numbers refer to section numbers of the Uniform Mechanical Code):

* * *

B. § 802 is amended to read as follows:

Sec. 802. Every vented decorative appliance, floor furnace, vented wall furnace, unit heater and room heater shall be of a type listed for vented use and shall be connected to a vent complying with Chapter 9, except as provided for in Section 807.

Every vented decorative appliance, floor furnace, vented wall furnace, unit heater and room heater shall be provided with combustion air complying with Chapter 6.

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A vented decorative appliance, floor furnace, vented wall furnace, unit heater or room heater shall not be located in any of the following places:

1. In any surgical operating room.
2. In any hazardous location.
3. In any Group H, Division 1, 2 or 3 Occupancy.
4. In any room or space where an open flame is prohibited.
5. In Group H, Division 4 Occupancies, devices generating a spark or glow capable of igniting gasoline vapors shall not be installed or used within 18 inches of the floor.
6. In any Group H, Division 5 Occupancy, and Group B, Division 3 Occupancy, unless the appliance is located at least 8 feet above the floor.

Overhead heaters installed in aircraft storage or servicing areas of Group B, Division 3 Occupancies shall be at least 10 feet above the upper surface of wings or engine enclosures of the tallest aircraft which may be housed in the hangar. Overhead heaters shall be at least 8 feet above the floor of shops, offices and other sections of hangars communicating with aircraft storage or working areas.

Vented decorative appliances, floor furnaces, vented wall furnaces, unit heaters and room heaters shall be installed so as to minimize the probability of damage from an external source.

EVERY NEW INSTALLATION OF A SOLID-BURNING VENTED DECORATIVE APPLIANCE OR ROOM HEATER SHALL MEET THE MOST STRINGENT EMISSION STANDARDS FOR WOOD STOVES ESTABLISHED UNDER STATE STATUTE AND/OR REGULATIONS PROMULGATED BY THE STATE AIR QUALITY CONTROL COMMISSION AS OF THE TIME OF INSTALLATION OF THE APPLIANCE OR ROOM HEATER.

C. § 803 is amended to read as follows:

Sec. 803. In addition to the general requirements specified in Section 802, every vented decorative appliance shall comply with the

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requirements specified for heating equipment and heating appliances of this code.

Approved gas logs may be installed only in solid-fuel-burning fireplaces, provided:

1. The gas log is installed only in accordance with the manufacturer's instructions.
2. If the fireplace is equipped with a damper, it shall be permanently blocked open to a sufficient amount to prevent spillage of combustion products into the room.
3. The minimum flue passageway shall be not less than 1 square inch per 2000 Btu/h input.
4. Gas logs when equipped with a pilot shall have a listed safety shutoff valve.
5. APPROVED NATURAL GAS LOGS SHALL BE INSTALLED IN NEW SOLID FUEL BURNING FIREPLACES WHEN REQUIRED BY SECTIONS 3705.(A) AND 3707.(A) OF THE UNIFORM BUILDING CODE, AS AMENDED.

INTRODUCED, READ, PASSED on first reading, ordered posted in full and title ordered published by the City Council of the City of Thornton, Colorado, this 14th day of September, 1992.

PASSED AND ADOPTED on second and final reading this 28th day of September, 1992.

CITY OF THORNTON, COLORADO

Margaret W. Carpenter
Margaret W. Carpenter, Mayor

ATTEST:

Nancy A. Vincent
Nancy A. Vincent, City Clerk

C.D. No. 92-145

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:



Kevin Maggio, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on
September 17, 1992, and after second reading on
October 1, 1992.

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Westminster - Ordinance 1742

Rule Title .

State Effective Date 11/09/1987

State Adoption Date 11/09/1987

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 1742 - Westminster.pdf](#)

BY AUTHORITY

ORDINANCE NO. 1742

COUNCILMAN'S BILL NO. 88

SERIES OF 1987

INTRODUCED BY COUNCILMEMBERS

Harris-Neil

A BILL

FOR AN ORDINANCE CONCERNING SOLID FUEL BURNING RESTRICTIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Westminster Municipal Code, is amended by the addition of a new chapter to read:

6-14-1: LEGISLATIVE INTENT: The City Council finds and declares that the health, safety, and welfare of the citizens of Westminster are adversely affected by the degradation of the air quality within the City limits; and further, that solid fuel combustion produces particulate matter and carbon monoxide which is physically harmful, aesthetically unpleasant, and contributes to the degradation of the air quality. The City Council further declares that it is the responsibility of every person owning or operating a solid fuel-fired heating device to be aware of any declaration of a high pollution day issued by the Colorado Department of Health.

6-14-2: DEFINITIONS:

(A) "Barbecue device" means a device that is utilized solely for the purpose of cooking food.

(B) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health.

(C) "Operation" means the burning of solid fuel in a solid fuel-fired heating device.

(D) "Person" means any inhabitant, occupant or person or entity with legal possession of a structure.

(E) "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a structure for the purpose of space heating. A solid fuel-fired heating device shall be considered to be the sole source of heat when no other means of space heat is in place. A heating device that is disconnected from its energy source including, but not limited to, heating oil, natural gas, electricity or propane shall be considered to be in place. When the structure is not receiving the electric or natural gas service necessary for utilizing the heating device it shall not be considered in place.

(F) "Solid fuel" means a substance which is neither liquid nor gas.

(G) "Solid fuel-fired heating device" means a device designed for solid fuel combustion located within the interior of a structure and includes without limitation, solid fuel burning stoves, combination fuel furnaces or boilers which burn solid fuel, or any other devices used for the burning of solid fuel. Solid fuel-fired heating devices do not include barbecue devices.

6-14-3: SOLID FUEL PROHIBITION:

(A) It shall be unlawful for any person to have a solid fuel-fired heating device in operation during a high pollution day. It shall be an affirmative defense to a charge under this subsection (A) that a person has obtained an exemption pursuant to section 6-14-4.

(B) The Municipal Court Judge shall take judicial notice of any declaration of a high pollution day issued by the Colorado Department of Health.

(C) In order to allow a period for the burn down of existing fires, the Code Enforcement Officer shall wait three (3) hours after the commencement of a high pollution day before enforcing the provisions of subsection (A) of this section.

6-14-4: EXEMPTION CRITERIA; PROCEDURE; DURATION.

(A) A person may apply to the Department of Community Development to obtain a temporary certificate of exemption based on any of the following criteria:

1. Demonstration of economic need. A person may demonstrate economic need to use a solid fuel-fired heating device by demonstrating that he has been determined to be eligible for energy assistance under the Low Income Energy Assistance Program administered by either Adams or Jefferson County.

2. Sole source of heat. To obtain this exemption a person must demonstrate that the solid fuel-fired heating device is the sole source of heat.

3. Device meets emissions criteria. To obtain this exemption a person must demonstrate that the solid fuel-fired heating device meets the following criteria:

(a) When tested in accordance with the provisions of 600R 1001-8, Appendix A, Colorado Air Quality Control Commission Regulation Number 4, or by an equivalent test, the device emits particulates at a rate that is less than or equal to six and one tenth (6.1) grams per hour and emits carbon monoxide at a rate that is less than or equal to seventy-five (75) grams per hour; or

(b) When tested in accordance with the provisions of 600R 1001-8, Appendix B, Colorado Air Quality Control Commission Regulation Number 4, or by an equivalent test, the device emits particulates at a rate that is less than or equal to four and thirty-two hundredth (4.32) grams per hour and emits carbon monoxide at a rate that is less than or equal to seventy-five (75) grams per hour.

(B) The Department of Community Development shall establish procedures for the issuance of temporary certificates of exemption.

(C) An exemption obtained under this section shall be effective for one year from the date it is granted.

6-14-5: ENFORCEMENT: Any person found guilty of a violation of section 6-14-4(A) shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00).

Section 2. 3-4-4(B), Westminster Municipal Code, is amended to read:

3-4-4: CODE ENFORCEMENT OFFICER:

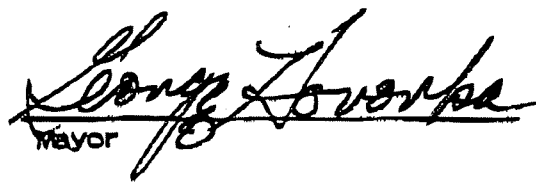
(B) It shall be the duty of the Code Enforcement Officer to enforce the provisions of Title IV; Chapters 1, 2, 3, 6, 7, 11 and 12 of Title V; Sections 5-9-1 and 5-9-2; Sections 5-10-2, 5-10-3, and 5-10-4; Sections 6-10-2, 6-10-3, 6-10-4, 6-13-4(C), and 6-13-5(C) AND 6-14-3(A); Chapters 3, 4, 5 and 7 of Title VIII, Title IX, Section 10-1-12; Title XI; Title XII; and Chapter 3 of Title XIII of this Code.

Section 3. This ordinance shall be effective ten (10) days following its enactment, and shall apply to acts committed on or after that date.

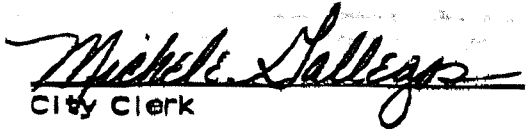
Section 4. Pursuant to sections 8.3 and 8.4 of the City Charter, the title and purpose of this ordinance shall be published prior to its consideration on second reading, and upon its enactment after second reading the full text of this ordinance shall be published prior to its effective date.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of October , 1987.

PASSED, ADOPTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of November , 1987 as amended.


Mayor

ATTEST:


City Clerk

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Westminster - Ordinance 2092

Rule Title .

State Effective Date 12/28/1992

State Adoption Date 12/28/1992

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2092 - Westminster.pdf](#)

BY AUTHORITY

ORDINANCE NO. 2092

COUNCILLOR'S BILL NO. 57

SERIES OF 1992

INTRODUCED BY COUNCILLORS

Harris - Asay

A BILL

FOR AN ORDINANCE TO TEMPORARILY WAIVE FEES AND USE TAX FOR THE CONVERSION OF EXISTING NON-CONFORMING SOLID FUEL BURNING DEVICES TO GAS, ELECTRIC, PHASE III OR DEVICES WITH EQUAL EMISSIONS REDUCTION AND RESTRICTING THE SALE AND INSTALLATION OF FIREPLACES IN DWELLING UNITS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 6 of Title 8 of the Westminster Municipal Code is amended BY THE ADDITION OF A NEW SECTIONS 13, 14, 15, 16 as follows:

8-6-13 LEGISLATIVE INTENT: The City Council finds and declares that air pollution is a threat to the health and welfare of Westminster citizens and that a major contributor to said pollution is wood smoke. The City Council further finds that new technologies can reduce pollution caused by woodburning and that the Colorado Air Quality Control Commission has established standards utilizing these new technologies for wood burning devices. Therefore, the City Council finds that it is necessary to implement restrictions to reduce wood smoke emissions from wood-burning devices and to encourage the use of less polluting devices by the prohibition of the sale, installation or remodeling of fireplaces which do not meet the standards of the new technology.

8-6-14 RESTRICTION ON FIREPLACE INSTALLATIONS:

(A) On and after January 1, 1993, any new or remodeled fireplace to be installed in any dwelling in the City shall be one of the following:

1. a gas appliance;
2. an electric device; or
3. a fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Colorado Air Quality Control Commission, or any other clean burning device that is approved by the Commission.

8-6-15 RESTRICTION ON WOOD-BURNING DEVICES: On and after January 1, 1993, no used wood-burning device shall be sold or installed in the City unless such device meets the most stringent standards adopted by the Colorado Air Quality Control Commission.

8-6-16 CERTIFICATION REQUIRED: On or after January 1, 1993, no person shall install, offer to install, advertise to sell, offer to sell, or sell a new fireplace in the City unless:

(A) the particular model of the fireplace or the particular configuration of the fireplace has been certified by the Colorado Air Pollution Control Division; and

(B) an emission certification label is attached to the fireplace.

(C) Any person who installs or constructs any fireplace shall provide evidence of a certificate issued by the Colorado Air Pollution Control Division for such fireplace.

(D) Any person who constructs a site-built fireplace shall demonstrate compliance with the certificate, including an inspection by the Building Official of the fireplace after installation.

Section 2. Section 11-10-3 (E) Fees and Taxes shall be changed by the addition of the following exception to the end of Subsection 1.

Exception: The Building Official shall waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, phase III, or devices meeting the most stringent emission standard for solid fuel burning devices established under state statutes and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an E.P.A. accredited laboratory.

This exception shall be in effect for those devices purchased or installed from September 1, 1992 to August 31, 1993.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of DECEMBER, 1992.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of DECEMBER, 1992.

ATTEST:

Nancy Heil
Mayor

Michele Salgado
City Clerk