

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