

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 6CCR 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 6CCR 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:

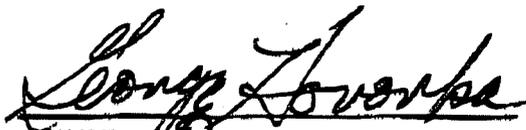
(B) It shall be the duty of the Code Enforcement Officer to enforce the provisions of Title IV; Chapters 1, 2, 3, 6, 7, 11 and 12 of Title V; Sections 5-9-1 and 5-9-2; Sections 5-10-2, 5-10-3, and 5-10-4; Sections 6-10-2, 6-10-3, 6-10-4, 6-13-4(C), and 6-13-5(C) AND 6-14-3(A); Chapters 3, 4, 5 and 7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