

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.

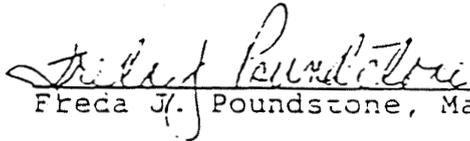
(H) Violations.

- 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