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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

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

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