

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

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Notice of Final Rule Date 04/17/1997

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Comments

Rule:



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~~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.

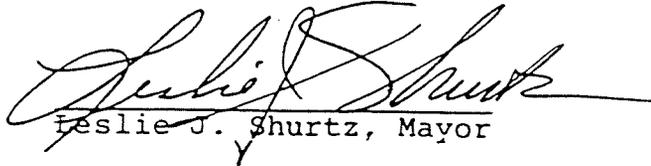
Section 3. Severance clause. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance. The city council hereby 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