

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Thornton - Ordinance 2120

Rule Title .

State Effective Date 10/28/1991

State Adoption Date 10/28/1991

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 2120 - Thornton.pdf](#)

ORDINANCE NO.: 2120
INTRODUCED BY: Votruba

AN ORDINANCE ADOPTING SECTIONS 27A-1 THROUGH 27A-6 OF THE THORNTON CITY CODE RELATING TO RESTRICTIONS AND EXEMPTIONS FOR SOLID FUEL-FIRED HEATING DEVICES.

WHEREAS, some persons residing in residences rely on solid fuel-fired devices as an alternate source to supplement their heating requirements; and

WHEREAS, some persons residing in residences have demonstrated a need to supplement their heat source by the use of solid fuel-fired devices as an alternative source of heat, even on high pollution days; and

WHEREAS, former Chapter 27A is no longer in effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the Thornton Municipal Code Chapter 27A is adopted to read as follows:

BURNING RESTRICTION, SOLID-FUEL

Thornton Code

Chapter 27A

Section 1. Definitions

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, shall have the following meanings:

- (A) AIR POLLUTION ALERT - A period of time designated as an "air pollution alert" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during a high-pollution day.
- (B) AIR POLLUTION EMERGENCY - A period of time designated as an "air pollution emergency" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during an air pollution alert.
- (C) AIR POLLUTION WARNING - A period of time designated as an "air pollution warning" by the Colorado Department of Health, representing a more severe air pollution condition than occurring during an air pollution alert.

- (D) APPROVED SOLID FUEL-BURNING DEVICE - A solid fuel-burning device which has been certified by the Colorado Department of Health in accordance with procedures specified in Colorado Air Quality Control Commission, Regulation No. 4, 5CCR 1001-6, as meeting the emissions standards for Phase II certification under such regulation, as in effect on the effective date of this chapter.
- (D) BARBECUE DEVICES - Devices that are utilized solely for the purpose of cooking food.
- (E) EXEMPT SOLID FUEL-BURNING DEVICES - Those devices specifically exempted from regulation by the commission in accordance with Sections 25-7-403(2)(a)(viii) and 25-7-407(2)(b), C.R.S. (1987 Supp.).
- (F) HIGH POLLUTION DAY - A period of time declared to be a "high pollution day" by the Colorado Department of Health, representing a less severe air pollution condition than occurring during an air pollution alert.
- (G) SOLE SOURCE OF HEAT - One (1) or more solid fuel-burning devices that constitute the only source of heat in a residence for the purpose of central or 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 non-solid fuel-burning furnace or heating system designed to heat the residence which is physically disconnected from its non-solid fuel energy source, including heating oil, natural gas, electricity or propane.
- (F) SOLID FUEL-FIRED HEATING DEVICE - 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 of fuel furnaces or boilers which burn solid fuel. "Solid fuel-fired heating devices" do not include barbecue devices or natural gas fired fireplace logs.

Section 2. Use of solid fuel-fired heating devices restricted.

No person shall operate, permit or cause to be operated within any residential structure or unit a solid fuel-fired heating device during a high pollution day, air pollution alert, air pollution warning or air pollution emergency, subject to the exemptions hereinbelow set forth. However, such prohibition shall not take effect until the expiration of three (3) hours from the time of public declaration of the high pollution day or air pollution alert by the Colorado Department of Health in order to permit burndown of existing fires. It shall be the duty of all persons owning or operating a solid fuel-burning device to be aware of any such declaration by the

Colorado Department of Health, and the fact that such person was not aware of such declaration shall not constitute a defense to the violation of the provisions of this chapter.

Section 3. Exemptions

- (A) The following persons may apply to the City Manager, or his designee, for an exemption from the requirements of Section 27A-2 hereof:
- (1) A person residing in a residence relying on a solid fuel-fired device as a sole source of heat;
 - (2) A person having an approved solid fuel burning device;
 - (3) A person who is eligible for energy assistance under the Low Income Energy Assistance Program administered by Adams County, Colorado or;
 - (4) A person who resides in a residence which uses a solid fuel-fired device as a source of heat prior to the effective date of Thornton Ordinance No. 1927 and who establishes that the acquisition of an approved solid fuel-fired device or of natural gas as a source of heat is not economically feasible at the time of application.
- (B) For purposes of this section, a residence shall not include any accessory or outbuildings or garages, whether attached or not, to the principal structure.
- (C) Each person applying for an exemption shall submit an application fee of five dollars (\$5.00) and complete a Building Inspection Permit form or application form depending on the type of exemption requested.
- (D) The applicant shall submit the application under oath that the information submitted meets the requirements of the applicable provisions of Section 27A-3.A and is true and accurate.
- (E) The City Manager, or his designee, shall issue the exemption to the address of the residence being sought for exemption, unless the exemption is under revocation or denial as herein provided or the residence is determined to be ineligible for exemption under the standards hereof. No exemption granted under Section 27A-3.A(4) may be renewed so as to extend the exemption more than three years from the date of initial issuance or April 30, 1993, whichever is earlier.

- (F) An exemption shall permit solid fuel-fired heating devices to be operated during periods designated as air pollution alerts, air pollution warnings, air pollution emergencies and high pollution days.
- (G) Upon suspension or withdrawal of an exemption, it shall be the duty of the owner or resident of the residence having been issued an exemption to forthwith remove any sign or other marker having been issued by the City for attachment to the residence to display the status of exemption.
- (H) It shall be the duty of the resident or owner of the property for which the exemption has been issued to advise the City Manager, or his designee, of any change of condition or circumstance set forth in the application for exemption within thirty (30) days of such change. A determination shall be made whether the exemption shall be withdrawn due to ineligibility for exemption pursuant to the standards of this section.

Section 4. Violations and penalties.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be fined a sum of not more than fifty dollars (\$50.00) for the first violation and not more than one hundred dollars (\$100.00) for each subsequent violation within any calendar year.

Section 5. Suspension, withdrawal and denial.

Any exemption granted hereunder may be revoked, withdrawn or denied upon personal service or mailing of a notice of suspension, withdrawal or denial submitted to the applicant for exemption, or resident of the residence if no exemption has been granted, for the following reasons:

(A) Suspension

(1) Reasons for suspension:

- a) Three (3) or more violations of this chapter within any calendar year.
- b) Any misstatement of fact in any application for exemption or renewal thereof.
- c) The refusal of the applicant for exemption to permit City law enforcement and code enforcement officials inspection of the heating devices and facilities at reasonable times to verify the information contained in any application for exemption or otherwise to determine

compliance with this chapter. Nothing herein shall restrict the City from seeking a search warrant from the Municipal court to enforce the provisions of this chapter against any residential property, whether holding an exemption or not.

d) Any other violation of the terms and requirements of this chapter.

(2) A notice of suspension shall be operative for one (1) year following the date the order becomes effective. Upon eligibility for reinstatement, the applicant shall fully be subject to the application standards set forth at 27A-3 hereof.

(B) Withdrawal

In the event that an exemption is ordered withdrawn pursuant to change of conditions brought to the attention of the City pursuant to 27A-3H hereof, such order of withdrawal shall remain in effect until the residence again becomes eligible for the issuance of an exemption. The applicant shall submit an application for reinstatement and shall have the burden to establish facts and circumstances which justify the reinstatement of exemption.

(C) Denial

If the resident or owner of a residence not having been issued an exemption hereunder has committed acts which would justify a suspension as set forth at Subsection A hereof, then the residence shall be subject to an order of denial, which shall be operative for one (1) year following the date the order becomes effective. At the expiration of such period, the resident or owner shall be reinstated to eligibility to apply for an exemption hereunder.

Section 6. Effective term.

This chapter shall remain in effect until April 30, 1993.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published at a regular meeting of the City Council of the City of Thornton, Colorado, this 14th day of October, 1991.

PASSED AND ADOPTED on second and final reading this 28th day of October, 1991.

CITY OF THORNTON, COLORADO

Margaret W. Carpenter
Margaret W. Carpenter, Mayor

ATTEST:

Nancy A. Wincent
Nancy A. Wincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO FORM:

Ken [Signature]
Thornton City Attorney

Posted in six (6) public places for ten (10) days after first and second reading.

Published in the Northglenn-Thornton Sentinel on October 17, 1991
and on October 31, 1991.