

A BILL FOR AN

ORDINANCE AMENDING THE UNIFORM BUILDING CODE AND CHAPTER 8.12 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO PHASE III WOODBURNING APPLIANCES

WHEREAS, the General Assembly has determined that wood smoke is a major contributor to the air pollution in the Denver metropolitan area; and,

WHEREAS, the General Assembly has found that such air pollution and wood smoke is damaging to the health, safety and welfare of the population in the Denver metropolitan area; and

WHEREAS, in order to reduce wood smoke emissions into the air, the General Assembly has enacted Sections 25-7-411 to 25-7-413 of the Colorado Revised Statutes to encourage and promote the reduction of woodburning devices and the use of less polluting devices by taking advantage of new technology; and

WHEREAS, the City Council of the City of Lakewood wishes to encourage and promote the reduction of woodburning devices and the use of less polluting devices.

Be It Ordained by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 8.12 of the Lakewood Municipal Code is hereby repealed and reenacted as follows:

8.12.010 DEFINITIONS. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) "Barbeque devices" means devices that are utilized solely for the purpose of cooking food.

(2) "Fireplace" means a hearth, fire chamber or similarly prepared place and a chimney.

(3) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health.

(4) "Fireplace insert" means any woodburning device designed to be installed in an existing fireplace which meets the Phase III Wood Stove standard, as such term is defined in Subsection (5) of this section.

(5) "Phase III Wood Stove" means any woodburning device that meets the most stringent standards adopted

by the Air Quality Control Commission pursuant to Section 25-7-106.3(1), C.R.S., or any nonaffected woodburning device that is approved by the Commission.

(6) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning 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 utilizing oil, natural gas, electricity, or propane.

(7) "Solid fuel burning 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 burning stoves, fireplaces or wood stoves of any nature, solid fuel burning 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 burning devices do not include barbeque devices of natural gas-fired fireplace logs.

8.12.020 INSTALLATION. On or after January 1, 1993, any new or remodeled fireplace to be installed shall be one of the following:

- (1) A gas appliance;
- (2) An electric device; or
- (3) A fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Air Quality Control Commission, or any other clean burning device that is approved by the Air Quality Control Commission.

8.12.030 WOODBURNING -- PROHIBITION.

(1) It is unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 8.12.040. It is the duty of all persons owning or operating a solid fuel burning 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 hours

for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

8.12.040 EXEMPTION.

(1) It is an affirmative defense to a charge of burning on a high pollution day that a person

(a) was utilizing an appliance listed in Section 8-12-020, or

(b) has obtained a temporary exemption demonstrating:

i) An economic need to burn solid fuel for residential space heating purposes; or

ii) Reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.

(2) The City Manager may grant exemptions as set forth in 8-12-040(b) according to the following standards:

(a) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(b) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.

(c) An exemption obtained under this section shall be effective for one year from the date it is granted.

8.12.050 INSPECTIONS. For the purpose of determining compliance with the provisions of this chapter, city inspectors are authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, and to take samples of air for analysis whenever

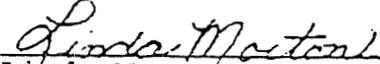
necessary to determine the quantity and character of air pollutants. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the Municipal Court of the City of Lakewood a search warrant authorizing an inspector to enter the premises and comply with this section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

SECTION 2. Subsection 14.02.040(3)(B) of the Lakewood Municipal Code is amended by the addition of the following paragraph:

Sec. 304(g) Waiver for clean burning device. The building official shall waive the permit fee for the installation of a decorative gas appliance or Phase III certified solid fuel-burning device meeting the most stringent emission standards for wood stoves established under state statute and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an E.P.A. accredited laboratory. This waiver shall expire and be of no effect on January 1, 1994.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on October 26, 1992; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for November 9, 1992, at 7 o'clock p.m. at Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado.


Linda Morton, Mayor

ATTEST:


Karen Goldman, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 9th
day of November, 1992.

APPROVED AND SIGNED THIS 10th day of November, 1992.

Linda Morton
Linda Morton, Mayor

I hereby certify and attest that the within and foregoing Ordinance was introduced, read and passed on the first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 29th day of October, 1992; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:

Karen Goldman
Karen Goldman, City Clerk

Approved as to form:

City Attorney Reginald L. Brown Date November 3, 1992

Approved as to content:

City Manager William Date 10-21-92
Community Resources _____ Date _____
Police Department _____ Date _____
Employee Relations _____ Date _____
Planning, Permits and Public Works _____ Date _____
Finance _____ Date _____
City Clerk _____ Date _____
Economic Development _____ Date _____