

COUNCIL BILL NO. 87-67  
ORDINANCE NO. 2451

AN ORDINANCE AMENDING CHAPTER 21, OFFENSES - MISCELLANEOUS,  
OF THE ARVADA CITY CODE BY ADDING A NEW ARTICLE V THAT  
RESTRICTS WOODBURNING ON POLLUTION ALERT DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 21, Offenses - Miscellaneous, of the Arvada City Code is hereby amended by adding a new Article V entitled "Woodburning Restrictions," which shall read as follows:

"ARTICLE V. WOODBURNING RESTRICTIONS

S 21-75. Short title.

This article shall be known and may be cited as the "Arvada Woodburning Restrictions Ordinance."

S 21-76. Definitions.

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

- (1) "Barbecue devices" means devices that are utilized solely for the purpose of cooking food.
- (2) "Building" means a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property.
- (3) "Fireplace" means a hearth, fire chamber or similarly prepared place, and a chimney.
- (4) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health; provided, however, that a high pollution day shall not include Saturdays, Sundays, or legal holidays, which are holidays designated by CRS S 24-11-101.
- (5) "Sole source of heat" means one or more solid fuel burning devices that constitute the only source of heat in a building. No solid fuel burning device or devices shall be considered the sole source of heat if the dwelling is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.
- (6) "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, including coal 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 barbecue devices or natural gas-fired fireplace logs.

S 21-77. Woodburning restriction.

- (a) It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day, unless an exemption has been granted as hereinafter provided. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of a declaration by the Colorado Department of Health of a high pollution day.
- (b) At the time of a declaration of a high pollution day by the Colorado Department of Health, the city manager shall allow three hours for the burndown of existing fires in solid fuelburning devices prior to commencement of enforcement of this article.

S 21-78. Exemptions.

- (a) The city manager, or a designee thereof, shall grant an exemption to the enforcement of S 21-77(a) hereof to any person who relies on a solid fuelburning device as a sole source of heat; provided, however, such solid fuelburning device was installed in the building prior to November 1, 1987. As a condition of granting an exemption, any person applying for an exemption shall be required to sign an affidavit stating reliance on a solid fuelburning device installed prior to November 1, 1987, as the sole source of heat. An exemption granted by the city manager shall be effective for one year from the date it is granted.
- (b) There shall be an exemption from enforcement of this article for heating or cooking by a solid fuel burning device in the event of the interruption of either a heating or cooking source to a building.

S 21-79. Inspections.

The city does hereby find, determine, and declare that any violation of this article violates the public peace, health, safety, and welfare of the city. The city, by and through its inspectors, is authorized to make inspections of solid fuelburning devices that are burning on high pollution days. If any person refuses or restricts the entry and free access by a city inspector to any part of a building or premises, or refuses inspection or sampling of any device, the facility, or process where inspection is sought by the city, city inspectors are hereby authorized to seek issuance of a search warrant from the municipal court in the manner provided for search and seizure in the Colorado Municipal Court Rules of Procedure.

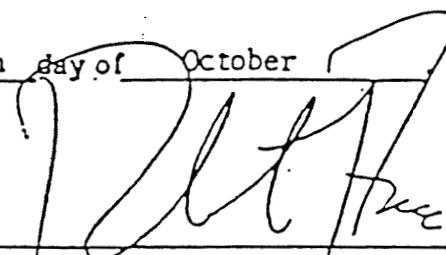
S 21-80. Penalty.

Penalty for violation of any provision of this article shall be a fine of not less than \$25.00 nor more than \$500.00. Each day of a continuing violation shall be deemed to be a separate violation.

Section 2. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED this 5th day of  
October, 1987.

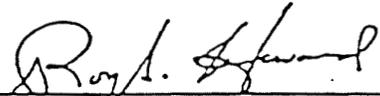
PASSED, ADOPTED AND APPROVED this 19th day of October, 1987.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Publication Dates: October 7, 1987 .  
October 28, 1987 .