

ORDINANCE NO. 565

INTRODUCED BY:

Series 1987

Councilwoman Earley

Councilmen Headley & Martin

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE IV
OF THE MUNICIPAL CODE OF THE CITY OF FEDERAL HEIGHTS, COLORADO
REGARDING RESTRICTIONS ON SOLID FUEL BURNING

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF
FEDERAL HEIGHTS, COLORADO, That:

Section 1. Chapter VI, Article IV of the Federal Heights
Municipal Code is hereby amended by adding Section 21, which
Section shall read as follows:

6-4-21 Burning Restrictions.

A. Definitions.

"Barbecue 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 barbecue devices or
natural gas-fired fireplace logs.

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 Administrator 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 Administrator 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. Inspections.

For the purpose of determining compliance with the provisions of this Section, the City Administrator, 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 Administrator, 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.

Section 2. This Ordinance is deemed necessary for the protection of the health, safety and welfare of the citizens of Federal Heights.

Section 3. 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 this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts hereof be declared unconstitutional or invalid.

Section 4. The Council finds and declares that an emergency exists and that for the preservation of the continued operation of the City, this Ordinance shall become effective and be in full force immediately upon passage, on second reading

Section 5. Violations of this Ordinance shall be punishable in accordance with the provisions of 1-1-7 of the Federal Heights Municipal Code.

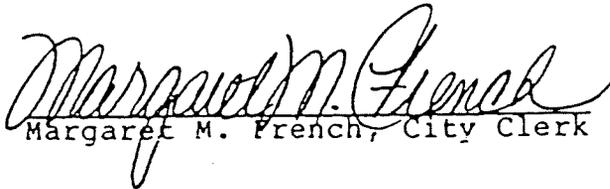
INTRODUCED, READ AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, This eighteenth day of December, 1987.

READ, PASSED AND ADOPTED, ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, This fifth day of January, 1988.



Lester M. Bauer, Mayor

ATTEST:



Margaret M. French, City Clerk

APPROVED AS TO FORM:

Karen E. Nieman, City Attorney

PUBLISHED: Westminster Window

December 24, 1987

January 14, 1988