

0-86-113

A BILL FOR AN

ORDINANCE ENACTING A BAN ON WOODBURNING ON POLLUTION ALERT DAYS AND FURTHER  
DECLARING AN EMERGENCY

WHEREAS, the health, safety and welfare of the citizens of Lakewood are adversely affected by the degradation of the air quality within the city limits; and

WHEREAS, it is necessary for the Denver Metropolitan area to make reasonable efforts to attain the standards established in the Federal Clean Air Act or lose federal highway funds; and

WHEREAS, residential wood combustion produces particulate matter which is physically harmful, aesthetically unpleasant and contributes to the degradation of the air quality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. 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) "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.
- (5) "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 or natural gas-fired fireplace logs.

SECTION 2. Woodburning Prohibition.

- (1) 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 pursuant to Section 3. It shall be 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.

SECTION 3. It is an affirmative defense to a charge of burning on a high pollution day that a person has obtained a temporary exemption demonstrating (a) an economic need to burn solid fuel for residential space heating purposes, or (b) reliance on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat. The City Manager may grant such exemptions according to the following standards:

- (1) 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.
- (2) 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.
- (3) An exemption obtained under this section shall be effective for one year from the date it is granted.

SECTION 4. For the purpose of determining compliance with the provisions of this chapter, City of Lakewood inspectors are hereby 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 5. This ordinance shall be enforceable on and after December 1, 1986.

SECTION 6. Emergency. This ordinance is necessary for the immediate preservation of the public health and safety and an emergency exists by reason of the fact that the enactment of this ordinance is necessary to the orderly and efficient administration of the business of the City of Lakewood; therefore, this ordinance shall take effect following adoption immediately upon the signature of this ordinance by the Mayor (or Mayor Pro Tem) approving

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on November 10, 1986; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for November 24, 1986, at 7 o'clock p.m. at Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado.

Linda Shaw  
Linda Shaw, Mayor

ATTEST:

Karen Goldman  
Karen Goldman, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 24th day of November, 1986.

SIGNED AND APPROVED THIS 25th day of November, 1986, PURSUANT TO THE EMERGENCY PROVISION CONTAINED IN THIS ORDINANCE.

Linda Shaw  
Linda Shaw, Mayor

I hereby certify and attest that the within and foregoing Ordinance was introduced, read and passed on first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 14th day of November, 1986; 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, City Clerk

Approved as to form:

City Attorney Roger W. Noonan Date November 17, 1986

Approved as to content:

Community Development	_____	Date	_____	City Manager	<u>KG</u>	Date	<u>11/5</u>
Parks and Recreation	_____	Date	_____	Public Safety	_____	Date	_____
Employee Relations	_____	Date	_____	Public Works	_____	Date	_____
Finance	_____	Date	_____	City Clerk	_____	Date	_____