

ORDINANCE NO. 6484

AN ORDINANCE amending Chapter 7 of the Code of Medford by adding new sections 7.220 through 7.228 pertaining to woodburning restrictions.

WHEREAS, the health, safety, and welfare of the citizens of Medford are adversely affected by the degradation of the air quality; and

WHEREAS, wood combustion for space heating produces particulate matter which is physically harmful, aesthetically unpleasant, and contributes to the degradation of the air quality; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Chapter 7 of the Code of Medford is amended by adding new sections 7.220 through 7.228 pertaining to woodburning restrictions to read as follows:

"7.220 Definitions.

For purposes of Sections 7.220 through 7.228, the following definitions shall apply:

(1) "Alternative heat source" means a heat source other than a solid fuel burning device.

(2) "High pollution period" means a period of time commencing three hours after designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ). In the event that DEQ designates consecutive days as red or yellow, they shall all be considered a part of the same period.

(3) "Medford-Ashland Air Quality Maintenance Area" means that part of the County specifically identified by DEQ as an air quality maintenance area, that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the Medford-Ashland Air Quality Maintenance Area

(hereinafter referred to as AQMA) are included as Exhibits "A" and "B" respectively, following the text of this ordinance.

(4) "Oregon certified stove" means a woodstove certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-21-115.

(5) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM_{10} levels are forecast by the DEQ to be $130 \mu g/m^3$ and above in the AQMA.

(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 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 woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

(8) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the PM_{10} levels are forecast by the DEQ to be $91 \mu g/m^3$ and above but less than $130 \mu g/m^3$ in the AQMA.

7.222 Operation of Solid Fuel Burning Device Prohibition.

(1) The operation of a solid fuel burning device during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 7.224. A rebuttable presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney at any time during a high pollution period.

(2) After two years from the effective date of this Section, no property owner shall rent or lease a residential unit unless such unit is equipped with an alternative heat source complying with ORS 91.770. If the landlord violates this subsection (2), the tenant shall not be charged with any violation of subsection (1).

7.224 Exemptions.

It is permissible for a household to operate a solid fuel burning device during a high pollution period when the head of that household has previously obtained one of the following exemptions and possesses a certificate issued by the City granting the exemption. Exemptions granted under this section shall expire on September 1 of each year:

(1) **Economic Need:** An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Low-Income Energy Assistance Program (hereinafter referred to as L.E.A.P.), as administered by ACCESS, Inc. and as established by the United States Department of Energy.

(2) **Sole Source:** An exemption may be issued to the heads of households who sign a sworn statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this Section unless the residence is approved for installation of an alternative heating source through the Jackson County Wood Smoke Abatement CLEAR program guidelines.

(3) **Oregon Certified Stoves:** An exemption may be issued to the heads of households for the operation of an Oregon Certified Stove in a residence on a day declared to be a yellow day by the DEQ. The operation of an Oregon certified stove shall be prohibited on a day declared to be a red day by the DEQ unless some other exemption applies and has been granted.

7.226 Abatement; Legal Proceedings.

Whoever violates or fails to comply with any of the provisions of this chapter shall be subject to appropriate legal proceedings to enjoin or abate such violation or noncompliance, in addition to the penalty provided in Section 7.300 below.

7,228 Administrative Regulations.

The City Manager shall prescribe administrative regulations governing the procedure for granting exemptions."

Section 2. This ordinance shall be effective on and after November 20, 1989.

PASSED by the Council and signed by me in open session in authentication of its passage this 2nd day of November, 1989.

ATTEST: Kathleen Ishiara Joseph Lawrence
City Recorder Mayor

APPROVED: November 3, 1989 Joseph Lawrence
Mayor

(CHAP7.ORD)

STATE OF OREGON }
COUNTY OF JACKSON } ss.

I, Kathleen Ishiara, City Recorder of the City of Medford, do hereby certify that I have prepared the foregoing copy of Ord. No. 6484, have carefully compared the same with the original thereof on file in my office, and that it is correct, true and complete transcript therefrom and of the whole thereof.

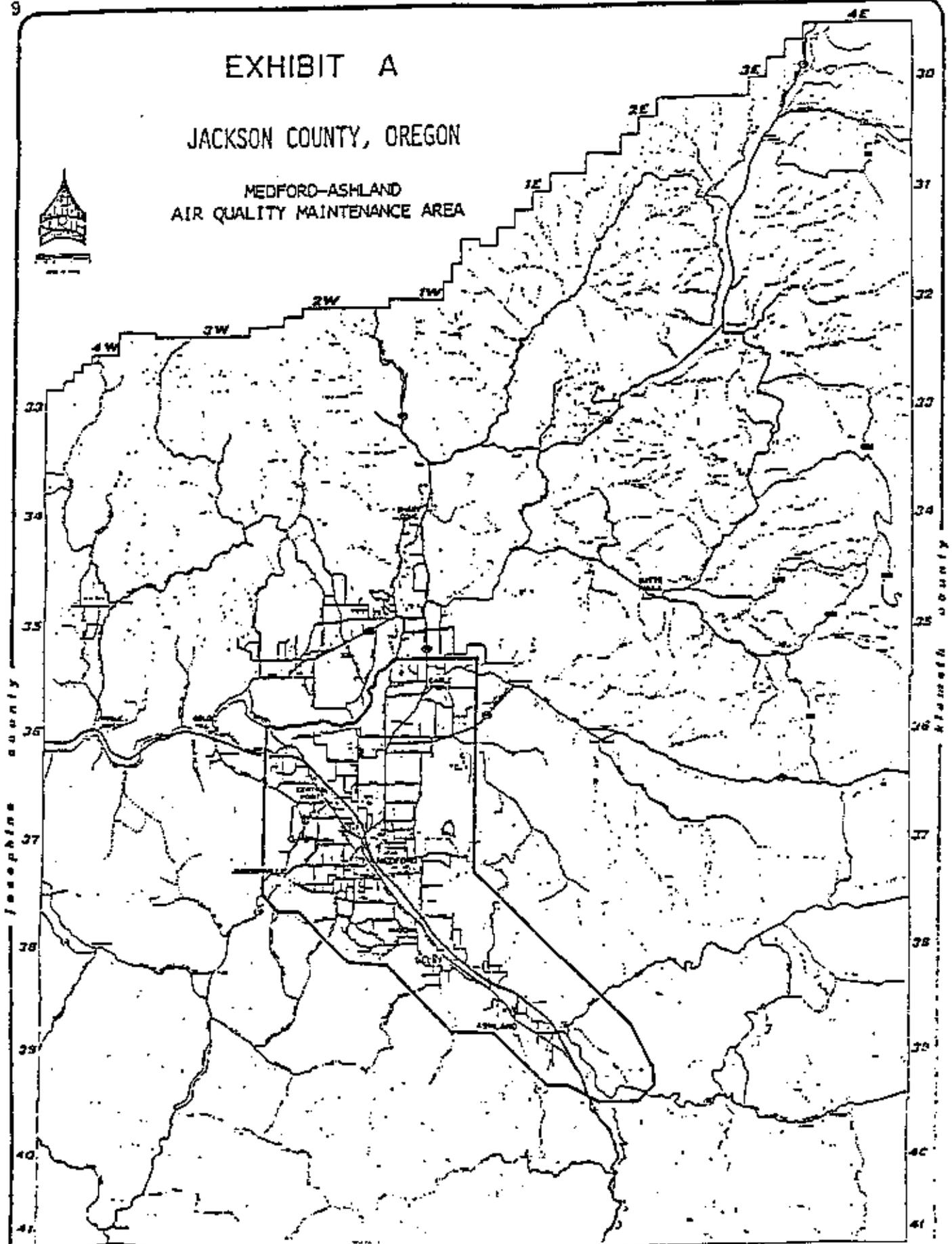
Dated at Medford, Oregon, this 17th day of Nov., 1989.

Kathleen Ishiara
City Recorder

EXHIBIT A

JACKSON COUNTY, OREGON

MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA



Josephine county

Josephine county

EXHIBIT B
BOUNDARY DESCRIPTION

MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

The Medford-Ashland Air Quality Maintenance Area is defined as beginning at a point approximately one mile NE of the town of Eagle Point, Jackson County, Oregon, at the NE corner of Section 36, T35S, R1W; thence south along the Willamette Meridian to the SE corner of Section 25, T37S, R1W; thence SE along a line to the SE corner of Section 9, T39S, R2E; thence SSE to the SE corner of Section 22, T39S, R2E; thence south to the SE corner of Section 27, T39S, R2E; thence SW to the SE corner of Section 33, T39S, R2E; thence west to the SW corner of Section 31, T39S, R2E; thence NW to the NW corner of Section 36, T39S, R1E; thence west to the SW corner of Section 26, T39S, R1E; thence NW along a line to the SE corner of Section 7, T39S, R1E; thence west to the SW corner of Section 12, T39S, R1W; thence NW along a line to the SW corner of Section 20, T38S, R1W; thence west to the SW corner of Section 24, T38S, R2W; thence NW along a line to the SW corner of Section 4, T38S, R2W; thence west to the SW corner of Section 5, T38S, R2W; thence NW along a line to the SW corner of Section 31, T37S, R2W; thence north along a line to the Rogue River, thence north and east along the Rogue River to the north boundary of Section 32, T35S, R1W; thence east along a line to the point of beginning.