

ORDINANCE NO. 815

AN ORDINANCE CONCERNING THE USE OF
SOLID FUEL SPACE HEATING DEVICES DURING
AIR POLLUTION EPISODES.

The City Council of the City of Oakridge finds that the degradation of air quality has an effect upon the health, safety and welfare of the citizens of Oakridge. To minimize the adverse effects of such degradation there is a need to regulate the use of solid fuel space heating devices during air pollution episodes.

THE CITY OF OAKRIDGE ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases mean:

City administrator: The City of Oakridge city administrator or designee, including, if the city so designates, LRAPA.

LRAPA: Lane Regional Air Pollution Authority, a regional air quality control authority established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468A.100 et seq.

Pellet stove: An enclosed solid fuel space heating device designed and operated to burn manufactured solid fuel and having an air-to-fuel ratio greater than 35-1 as determined by the federal test method described in 40 CFR Part 60.534.

Person: Any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character.

Person in charge of property: An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

PM10: Solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 10 micrometers.

Sole source of heat: A solid fuel space heating device which constitutes the only source of heating in a private residence. A solid fuel space heating device shall not be considered to be the sole source of heat if the private residence is equipped with any permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.

RECEIVED

37305

SEP - 9 1996

LANE REGIONAL AIR

Red advisory: A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 120 micrograms per cubic meter within the Oakridge acknowledged general plan urban growth boundary.

Visible emissions: The reduction in transmission of light or the obscuring of the view of an object in the background caused by the air pollutants emitted by the heating device. This does not include the visual distortion caused by the heated air emitted by the heating device.

Section 2. Prohibitions:

(1) No person in charge of property during a Red Advisory shall operate or allow to be operated a solid fuel space heating device which emits visible emissions into the air outside of the building housing the device, unless the person has been granted an exemption to use the device by the city administrator.

Section 3. Exemptions: Notwithstanding section 2 of this ordinance, a person in charge of property may operate a solid fuel space heating device during a Red Advisory if that person has previously obtained one of the following exemptions from the city administrator:

(a) Sole source of heat exemption. A person in charge of property who signs a sworn statement that their solid fuel space heating device is the sole source of heat for their residence. This exemption shall expire on July 1 of each year and must be renewed annually. This exemption shall not be allowed after three years after the effective date of this ordinance.

(b) Economic exemption. Persons in charge of property who satisfy criteria established under the Low Income Energy Assistance Program as administered by the State of Oregon Housing and Community Services Department and as established by the United States Department of Energy. This exemption shall expire on July 1 of each year and must be renewed annually thereafter.

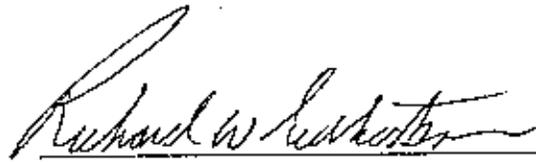
Section 4. Enforcement: In addition to, and not in lieu of any other enforcement mechanism authorized by law, the city administrator is authorized to designate LRAPA to enforce and administer the provisions of this ordinance, including LRAPA's use of administrative and hearing procedures adopted by LRAPA in its duly promulgated regulations.

Section 5. Effective Date: This ordinance shall become effective on or after January 1, 1998, only upon notification by EPA, after consultation with the city and LRAPA, that the National Ambient Air Quality Standards for PM10 (PM10 NAAQS)

promulgated in 1987 cannot be attained by December 31, 2000, or that milestones in the Oakridge PM10 attainment plan are not implemented. After December 31, 2000 this ordinance shall become effective as a contingency measure, upon notification by EPA that the PM10 NAAQS have been exceeded.

Passed by the Council this 15 day of AUGUST 1996.

Approved by the Mayor this 15 day of AUGUST 1996.



Mayor- RICHARD W. CULBERTSON

ATTEST:


City Recorder-SHARON S. O'BRIEN

AYES: 5

NAYS: 0