

ORDINANCE NO. 19731

DEC 14

AN ORDINANCE RESTRICTING THE USE OF SOLID FUEL SPACE HEATING DEVICES DURING AIR POLLUTION EPISODES; ADDING SECTIONS 6.250, 6.255, 6.260, 6.265 AND 6.270 TO THE EUGENE CODE, 1971; ESTABLISHING PENALTIES; AND DECLARING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. The health, safety and welfare of the citizens of Eugene are adversely affected by the degradation of air quality. Violations of federal ambient air quality standards, as measured by the Lane Regional Air Pollution Authority (LRAPA), occur periodically in Eugene.

B. Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically unpleasant, and which contribute to the degradation of air quality and the violation of federal ambient air quality standards.

C. Periodic restriction of the use of solid fuel space heating devices will improve air quality. LRAPA has the expertise to determine when air quality is at such a level that such restriction is necessary to preserve the health, safety and welfare of the citizens of Eugene.

Now, therefore,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.250, 6.255, 6.260, 6.265, and 6.270 are hereby added to the Eugene Code, 1971, to provide:

Solid Fuel Space Heating Devices

6.250 Solid Fuel Space Heating Devices - Definitions. As used in sections 6.255 to 6.270, the following words and phrases mean:

City manager. City manager or designee, including, if the city manager 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 468.500 et seq.

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.

Solid fuel space heating device. Any device designed or operated to burn solid fuel for the heating of the interior of a building, including, but not limited to, solid fuel burning stoves, fireplaces or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, and solid fuel burning cooking stoves. "Solid fuel space heating device" does not include natural gas fired artificial fireplaces.

Stage I 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 125 micrograms per cubic meter but less than 150 micrograms per cubic meter within the Eugene-Springfield Metropolitan Area General Plan Urban Growth Boundary.

Stage II 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 150 micrograms per cubic meter within the Eugene-Springfield Metropolitan Area 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.

6.255. Solid Fuel Space Heating Devices - Prohibitions.

(1) No person in charge of property during a Stage I 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.

(2) No person in charge of property during a Stage II Red Advisory shall operate or allow to be operated a solid fuel space heating device.

6.260 Solid Fuel Space Heating Devices - Exemptions. Notwithstanding section 6.255 of this code, a person in charge of property may operate a solid fuel space heating device during a Stage I or Stage II Red Advisory if that person has previously obtained one of the following exemptions from the city manager:

(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 issued after June 30, 1996.

(b) Economic need exemption. Persons in charge of property who satisfy criteria established under the Low Income Energy Assistance Program as administered by the Lane County Housing Authority 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.

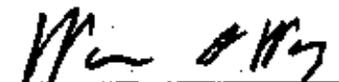
6.265 Solid Fuel Space Heating Devices - Enforcement. In addition to, and not in lieu of any other enforcement mechanism authorized by this code, upon a determination that a person has violated section 6.255 of this code, the city manager may impose upon the violator and any other person in charge of the property, an administrative penalty not greater than \$500, as provided by section 2.018 of this code. The city manager also is authorized to designate LRAPA to enforce and administer the provisions of sections 2.655 to 2.670 of this code, including LRAPA's use of administrative and hearing procedures adopted by LRAPA in its duly promulgated regulations.

6.270 Solid Fuel Space Heating Devices - Warnings. Violation of section 6.255 of this code prior to November 1, 1991 shall result only in a warning, and no penalty.

Section 2. On or before the first Council meeting in November, 1991, the City Manager shall provide the Council with a report that will enable the Council to review the performance under the provisions adopted herein.

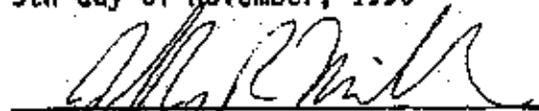
Section 3. This Ordinance shall become effective on January 1, 1991.

Passed by the City Council this
5th day of November, 1990



City Recorder

Approved by the Mayor this
5th day of November, 1990



Mayor