

**Wood Smoke Control Ordinances for the Cities of  
Garden City, Meridian, and Eagle,  
and for Unincorporated Ada County**

Four of following attachments are the current/amended wood smoke control ordinances for the cities of Garden City, Meridian, and Eagle, and for unincorporated Ada County.

Also attached is Table ORDINANCE-1, Explanation of the Enforcement Procedures, Responsibilities, and Sources of Funding for the Ada County, Meridian, Eagle, and Garden City Wood Burning Control Ordinances. The table describes the local government enforcement procedures and funding sources for each ordinance, as well as identifying the agency and/or personnel responsible for implementation of these control measures. If one or more of the local governments fails to implement or enforce its respective ordinance(s), the State of Idaho, by and through the Department of Health and Welfare, will impose Tier II operating permits on all owners or operators of woodstoves within the jurisdiction of the local government(s) and the Northern Ada County/Boise PM<sub>10</sub> Nonattainment Area.

The information reported in the table was collected through personal contacts with representatives from each agency listed by Division of Environmental Quality (DEQ), Southwest Idaho regional staff. The information was summarized into its current format and returned to each participating agency for review. The table represents information confirmed by the participating agencies.

DEQ realizes that local agencies can shift responsibilities between its different departments and make procedural changes over time. Recognizing this flexibility in local government, Southwest Idaho DEQ regional staff shall maintain the information listed in the table by reviewing each agencies program on an annual basis and making changes as necessary.

BY THE COUNCIL:

COOKE, KULL, LOIBL, CLAIBORNE

AN ORDINANCE PROVIDING FOR SOLID FUEL HEATING APPLIANCE REGULATION AND PERMITS; PROVIDES DEFINITIONS TO BE USED; ESTABLISHES AN AIR QUALITY DESIGNATION AND ALERT CRITERIA; PROVIDES FOR PUBLIC NOTIFICATION OF AIR QUALITY ALERTS; PROHIBITS CERTAIN TYPES OF BURNING DURING AN AIR QUALITY ALERT; PROVIDES FOR A THREE-HOUR BURN DOWN PERIOD; PROVIDES FOR EXEMPTIONS TO THE AIR QUALITY ALERT PROVISIONS; PROVIDES DUE PROCESS FOR DENIAL OF PERMIT OR EXEMPTION; PROVIDES FOR MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES; PROVIDES FOR A SOLID FUEL HEATING APPLIANCE APPEALS AND ADVISORY BOARD; PROVIDES FOR AN INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN-BURNING SOLID FUEL HEATING APPLIANCES; PROVIDES FOR A PENALTY FOR NONCOMPLIANCE; AND PROVIDES FOR WAIVER OF THE READING RULES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

ARTICLE I. This ordinance shall be known as the "Solid Fuel Heating Appliance Ordinance of the City of Garden City, Idaho," and the same is hereby enacted to read as follows:

SECTION A. OBJECTIVE: To protect air quality resources vital to public health, safety and economic future of Garden City by controlling emissions from solid fuel and refuse burning.

SECTION B. APPLICABILITY: The provisions of this ordinance shall apply to all areas of Garden City.

SECTION C. DEFINITIONS:

For the purposes of this ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. The word "shall" is always mandatory, not merely directory.

"Air Pollution" the presence in the outdoor atmosphere of any contaminant or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

"Building" means any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Garden City Ordinance No. 511.

"Burn Down" that period of time following an air pollution alert, required for the cessation of combustion within any solid-fuel heating appliance, included within this ordinance.

"Clean-Burning Appliance" means a solid fuel heating appliance that the Building Department has determined to meet emission performance standards set in accordance with this chapter.

"Economic Hardship" means fifty percent (50%) or less of Garden City's median income as established by the U.S. Department of Housing and Urban Development (HUD).

"Heat Output" means the Btu/hour output of a solid fuel heating appliance measured under testing criteria as adopted by the Garden City Building Department.

"Open Burning" means the combustion of any material not contained in a heating appliance or incinerator.

"Particulate Matter" gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

"Person" means any individual, firm, partnership, association, corporation, company, organization, or government entity.

"Refuse" means all solid wastes, garbage and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

"Refuse Incinerator" means any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

"Solid Fuel" means any form of untreated wood or coal.

"Solid Fuel Heating Appliance" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, including, but not limited to, solid fuel-fired cooking stoves, pot-bellied stoves, Franklin stoves, air-tight stoves, fireplace inserts, or combination fuel furnaces or boilers which burn solid fuel. Fireplaces with air-to-fuel ratios that exceed thirty (30) to one (1) air-to-fuel ratios are exempt.

"Weighted Average" means the weighted average of the test results of the distribution of the heating needs in Garden City as calculated by the Building Department.

**SECTION D. AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:**

1. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Quality Bureau.
2. The quality of Garden City's air shall be designated according to the following table:

<u>Health Effect Designation</u>	<u>Total Suspended Particulates, 24-hour (ug/m<sub>3</sub>)</u>
Good	0-75
Moderate	76-260
Unhealthful	261-375
Very Unhealthful	376-625
Hazardous	above 626

3. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Air Quality Bureau measures levels of total suspended particulates exceeding 200 micrograms per cubic meter (ug/m<sub>3</sub>) and forecasts air stagnation conditions continuing for at least 24 hours.

**SECTION E. PUBLIC NOTIFICATION:** Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Garden City.

**SECTION F. BURNING SOLID FUEL OR REFUSE:**

1. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
2. No person shall cause or allow a refuse incinerator to be operated contrary to design specifications and manufacturers' instructions.

**SECTION G. AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS:** At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

1. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance, unless an exemption has been granted by the Building Department and an exemption decal is displayed and visible from a place of public access.

2. No person shall cause or allow the operation of a solid waste incinerator.
3. No person shall cause or allow open burning of refuse.

SECTION H. AIR QUALITY ALERT EXEMPTIONS:

1. The Building Department shall grant exemptions from this ordinance if it is determined by the Building Director or designee that:
  - a. A solid fuel heating appliance is the sole source of heat for the building in which it is situated; or
  - b. That using alternative heating would cause an unreasonable economic hardship; or
  - c. The solid fuel heating appliance is listed by the Building Department as a clean-burning appliance.
2. Any person denied an exemption under this section shall be provided, at the option of the applicant for exemption, a hearing before the Mayor and City Council.
3. Any building constructed after the effective date of this Ordinance shall not be eligible for an exemption under Subsections "a" and "b" above.

SECTION I. SOLID FUEL HEATING APPLIANCE PERMITS:

1. It shall be unlawful for any person in the City of Garden City to install a solid fuel heating appliance in any new or existing structure until first procuring from the Building Department a solid fuel heating appliance permit.
2. It shall be unlawful on or after July 1, 1987, for any person in the City of Garden City to: advertise for sale, offer to sell, for installation in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the Oregon Department of Environmental Quality (DEQ).

SECTION J. DENIAL OF PERMIT OR EXEMPTION: Upon a showing of sufficient cause to believe that grounds exist for denial of a permit, exemption, or the rules and regulations of the Building Department, as provided for in this Ordinance, the Director or designee may deny said permit or exemption by:

1. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicant's opportunity to appeal said Mayor and City Council.

2. Failure of a person to actually receive a notice sent or served, shall not invalidate the denial.
3. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the Mayor and City Council within ten (10) working days of receipt of above notice.

**SECTION K. DENIAL HEARING AND DETERMINATION BY MAYOR AND CITY COUNCIL:**

The hearing shall be before the Mayor and City Council. At such hearing the applicant may present evidence, call witnesses and be represented by Counsel. Within ten (10) working days after the date of the hearing, the Mayor and City Council shall either:

1. Approve the denial by the Director or designee.
2. Allow the issuance of the permit or exemption with modifications or conditions as the Board may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

**SECTION L. APPEAL OF DECISION OF MAYOR AND CITY COUNCIL:** The decision of the Mayor and City Council on a denial shall be final and conclusive. Appeal from a decision of the Mayor and City Council must be made to the District Court for Ada County.

**SECTION M. MINIMUM STANDARDS FOR CLEAN-BURNING APPLIANCES:**

1. In no event shall the standards for clean-burning solid fuel heating appliances, as adopted by rule and regulation by the Building Department allow a weighted average particulate emission greater than:
  - a. For a new clean-burning solid fuel heating appliance with a heat output of less than 40,000 Btu/hr, from and after July 1, 1987 until June 30, 1988, when tested pursuant to procedures approved by the Building Department:
    - (1) 15 grams per hour for a non-catalytic solid fuel heating appliance.
    - (2) 6 grams per hour for a catalyst-equipped solid fuel heating appliance.
  - b. For a new clean-burning solid fuel heating appliance with a minimum heat output of less than 40,000 Btu per hour, after July 1, 1988, when tested pursuant to procedures approved by the Building Department:

- c. Clean-burning solid fuel heating appliances with a minimum heat output of greater than 40,000 Btu per hour, after January 1, 1987 shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu per hour heat output.
  - d. Any person denied a clean-burning solid fuel heating appliance permit shall have a right to a hearing pursuant to this Ordinance.
2. The Building Department shall maintain a list of appliances certified to be clean burning by the Oregon Department of Environmental Quality.

SECTION N. INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN-BURNING SOLID FUEL HEATING APPLIANCES: The City of Garden City shall endeavor to create, and provide funding for, an incentive program for the installation of solid fuel heating appliances consistent with the emissions standards provided for solid fuel heating appliances in buildings. Such incentive program shall provide low interest loans, or other inducements, to eligible persons, for the installation of solid fuel heating appliances in existing residential and/or commercial units.

SECTION O. PENALTY: The violation of any of the provisions of this Ordinance or the failure or omission to perform any duty imposed by the provisions of this Ordinance is hereby declared unlawful and punishable as a misdemeanor.

ARTICLE II: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

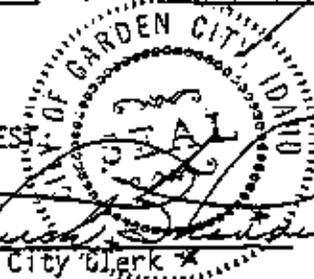
PASSED by the Council of the City of Garden City, Idaho, this 12 day of MAY, 1987.

APPROVED by the Mayor of the City of Garden City, Idaho, this 14 day of MAY, 1987.

APPROVED:

James O. [Signature]  
Mayor

ATTEST:



[Signature]  
City Clerk

ORDINANCE NO. 533

BY THE COUNCIL: CLAIRBORNE, KULL, LOIBL, and PORTER

AN ORDINANCE AMENDING TITLE 4, CHAPTER 10A, SECTION 3, GARDEN CITY CODE, TO PROVIDE FOR A CHANGE IN THE STANDARDS FOR SOLID FUEL HEATING APPLIANCE TO COMPLY WITH FEDERAL STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subsequent to the adoption of the Solid Fuel Heating Appliance Ordinance the Federal Government has promulgated new standards for particulate emission;

WHEREAS, The Development Services Coordinator recommends the change from the current standard of total suspended particulates per cubic meter to the federal standard of particulate matter with an aerodynamic diameter less than or equal to 10 microns.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

Section 1. That Title 4, Chapter 10A, Section 3, Garden City Code, be, and the same is hereby amended to read as follows:

4-6-4: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Quality Bureau.
- B. The quality of Garden City's air shall be designated according to the following table "PM10" indicates particulate matter with an aerodynamic diameter less than or equal to 10 micron:

Designation	Total Suspended Particulates 24-Hour (ug/m3)	Health Effect PM10 Concentrations 24-hour (ug/m3)
Good	0-50	0-50
Moderate	51-150	51-150
Unhealthful	151-200	151-350
Very Unhealthful	201-300	201-420
Hazardous	above-300	above 420

C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Air Quality Bureau measures levels of total suspended particulates PM10 exceeding 200 110 micrograms per cubic meter (ug/m3) and forecasts air stagnation conditions continuing for at least 24-hours.

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Council of the City of Garden City, Idaho, this 10th day of January, 1989.

APPROVED by the Mayor of the City of Garden City, Idaho, this 10th day January, 1989.



APPROVED:

*[Handwritten Signature]*  
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 MAYOR

ATTEST:

*[Handwritten Signature]*  
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CITY CLERK

BY THE COUNCIL: GOODMAN, PEREZ, PIGG AND WEAVER

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION, RELATING TO AIR POLLUTION CONTROL FROM SOLID FUEL HEATING APPLIANCES, AMENDING THE DEFINITION FOR PARTICULATE MATTER; ADDING A NEW DEFINITION FOR DEQ; SUBSTITUTING REFERENCES TO THE IDAHO STATE AIR QUALITY BUREAU WITH THE NEW TERM DEQ; CORRECTING A TYPOGRAPHICAL ERROR; AMENDING AND MORE SPECIFICALLY DEFINING STANDARDS FOR THE LEVEL AT WHICH AN AIR QUALITY ALERT IS TO BE CALLED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:

SECTION 1: THAT SECTION 4-10A-2, THE DEFINITION FOR PARTICULATE MATTER, GARDEN CITY CODE BE AMENDED TO READ AS FOLLOWS:

PARTICULATE MATTER      (PM10) Gas-borne particles, less than or equal to 10 micrometers aerodynamic diameter, resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

SECTION 2: THAT A NEW DEFINITION BE ADDED TO SECTION 4-10-2A, GARDEN CITY CODE AS FOLLOWS:

DEQ      Idaho State Department of Health and Welfare - Division of Environmental Quality

SECTION 3: THAT SECTION 4-10A-3-1, GARDEN CITY CODE BE AMENDED TO READ AS FOLLOWS:

- A. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the ~~Idaho State Air Quality Bureau~~ DEQ.

- B. The quality of Garden City's air shall be designated according to the following table "PM10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

Designation	Health Effect PM10 Concentrations 24-hour (ug/m <sup>3</sup> )
Good	0-50
Moderate	51-150
Unhealthful	151-350
Very Unhealthful	<del>201</del> 351-420
Hazardous	above 420

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the ~~Idaho State Air Quality Bureau~~ DEQ measures levels of PM10 particulate matter less than or equal to ten (10) microns in aerodynamic diameter, exceeding one hundred ten (110) micrograms per cubic meter (ug/m<sup>3</sup>) and forecasts air stagnation conditions continuing for at least twenty four (24) hours.

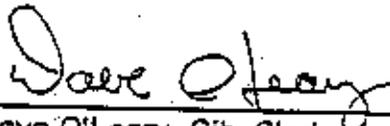
**SECTION 4:** Should any of the provisions of this Ordinance be held invalid for any cause, or should any portion of this Ordinance be declared invalid, then such declaration of invalidity shall not affect the remainder of balance of this Ordinance.

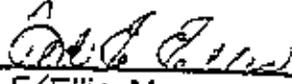
**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED by the City Council and APPROVED by the Mayor of the City of Garden City, Idaho, this 13th day of September, 1994.

ATTEST:

APPROVED:

  
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 Dave O'Leary, City Clerk

  
 \_\_\_\_\_  
 Ted E. Ellis, Mayor

ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF MERIDIAN AMENDING TITLE 6 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF MERIDIAN TO ADD A NEW CHAPTER TO BE KNOWN AS THE CLEAN AIR ORDINANCES OF THE CITY OF MERIDIAN TO PROVIDE FOR CLEAN AIR INCLUDING SHORT TITLE, AUTHORITY AND PURPOSE, APPLICABILITY, DEFINITIONS, AIR QUALITY DESIGNATIONS AND ALERT CRITERIA, PUBLIC NOTIFICATION, BURNING SOLID FUEL OR REFUSE, AIR QUALITY ALERT EXEMPTIONS, MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, APPLICABILITY OF CHAPTER AND PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Meridian, Ada County, Idaho (the "City") is a municipal corporation of the State of Idaho and is authorized by Chapter 3, Title 50, Idaho Code, to adopt ordinances to maintain the welfare of the City and, where federally mandated, enforce such ordinances by either criminal or civil penalties; and

WHEREAS, the City Council of the City of Meridian (the "Council") has found that the health and welfare of the residents of the City are adversely impacted by air pollution caused by the burning of solid fuel and refuse; and

WHEREAS, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality ("IDEQ") has established a program pursuant to Chapter 85, Title 42, United States Code (the Federal "Clean Air Act") for the establishment of air quality designations, alert criteria and bans for solid fuel and refuse burning; and

WHEREAS, the Council has found that controlling the emissions from solid fuel and refuse burning will protect the health and welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

SECTION 1: SHORT TITLE: This Chapter shall be known and cited as the *Meridian Clean Air Ordinance*.

SECTION 2: AUTHORITY AND PURPOSE: The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of Meridian residents and the economic future by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of the Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714 and 31-801.

SECTION 3: APPLICABILITY: This Chapter shall apply to all areas of the City of Meridian and those areas annexed to the City of Meridian hereafter.

SECTION 4: DEFINITIONS: For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminates, or combinations thereof, in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**BUILDING:** Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted in Chapter 1, Title 2, of the Revised and Compiled Ordinances of the City of Meridian.

**BURN DOWN:** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this Chapter.

**CLEAN BURNING**

**APPLIANCE:** A solid fuel heating appliance that has been

certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by the City Clerk.

**ECONOMIC HARDSHIP:** Fifty percent (50%) or less of Ada County's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE:** A residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT:** The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Ada County Development Services Department.

**OPEN BURNING:** The combustion of any material not contained in a heating appliance or incinerator.

**PARTICULATE MATTER:** Any gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON:** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**REFUSE:** All solid waste, garbage, and rubbish, including but not limited to cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

**REFUSE INCINERATOR:** Any device designed or operated to reduce the volume of refuse, Natural gas-fired pathological incinerators are excluded.

**SOLE SOURCE:** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas,

electricity or propane.

**SOLID FUEL:** Any form of untreated wood or coal.

**SOLID FUEL HEATING**

**APPLIANCE:** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air-to-fuel averaging less than thirty five to one (35-to-1);
- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five (5) kilograms per hour; and
- D. Maximum weight of less than eight hundred (800) kilograms.

Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

**SECTION 5. AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:**

- A. The quality of Meridian's air shall be determined by monitoring pollutant levels in and/or around the City of Meridian with equipment and methods approved by the Idaho State Division of Environmental Quality.
- B. The quality of Ada County's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

<u>Health Effect Designation</u>	<u>PM 10 Concentrations 24-hour (ug/m<sup>3</sup>)</u>
Good	0- 50
Moderate	51-150
Unhealthful	151-350
Very unhealthful	351-420
Hazardous	>420

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Division of Environment Quality measures levels of PM 10 concentrations exceeding one hundred (100) micrograms per cubic meter (ug/m<sup>3</sup>) and forecasts air stagnation conditions continuing for at least twenty four (24) hours.

**SECTION 6: PUBLIC NOTIFICATION:** Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Ada County.

**SECTION 7: BURNING SOLID FUEL OR REFUSE:**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

**SECTION 8: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS:**

At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operations of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the City Clerk.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning or refuse or solid fuel.

**SECTION 9: AIR QUALITY ALERT EXEMPTIONS:**

- A. The City Clerk shall grant exemptions from this Chapter if it is determined by the City Clerk that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by Ada

County Development Services as a clean burning appliance.

- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Mayor and City Council.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections A1 and A2 above.

**SECTION 10: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

- A. In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:
  - 1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than forth thousand (40,000) BTU per hour and tested pursuant to procedures approved by the Building Department.
    - a. Seven and five-tenths (7.5) grams per hour for a noncatalytic solid fuel heating appliance.
    - b. Four and one-tenth (4.1) grams per hour for a catalytic solid fuel heating appliance.
  - 2. Clean burning solid fuel heating appliances with a minimum heat output of greater than forth thousand (40,000) BTU per hour shall not exceed an average particulate emission standard equal to the sum of eight and zero-tenths (8.0) grams per hour plus two-tenths (0.2) grams per hour for each one thousand (1,000) BTU per hour heat output.
  - 3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

**SECTION 11: APPLICABILITY OF CHAPTER:** Nothing in this

Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Title 2, Chapter 1, of the Revised and Compiled Ordinances of the City of Meridian. Further,

nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor fires, and incineration permits including, but not limited to, those regulations adopted at Title 6, Chapter 5, of the Revised and Compiled Ordinances of the City of Meridian.

SECTION 12: PENALTY: A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

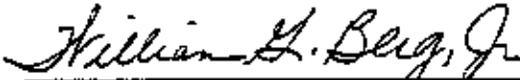
SECTION 13: EFFECTIVE DATE: WHEREAS, there is an emergency therefor, which emergency is hereby declared to exist, this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 16<sup>th</sup> day of August, 1994.

CITY OF MERIDIAN

  
GRANT P. KINGSFORD-MAYOR

ATTEST:

  
WILLIAM G. BERG, JR - CITY CLERK

ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF EAGLE CITY, ADA COUNTY, IDAHO,  
~~AMENDING TITLE 4 OF THE EAGLE CITY CODE TO ESTABLISH REQUIREMENTS~~  
LIMITING THE BURNING OF SOLID FUEL AND/OR REFUSE DURING DECLARED  
AIR POLLUTION ALERTS

WHEREAS, the City of Eagle, Ada County, Idaho (the "City") is a municipal corporation of the State of Idaho and is authorized by Chapter 3, Title 50, Idaho Code, to adopt ordinances to maintain the welfare of the City and where federally mandated enforce such ordinances by either criminal or civil penalties; and

WHEREAS, the City Council of the City of Eagle (the "Council") has found that the health and welfare of the residents of the City are adversely impacted by air pollution caused by the burning of solid fuel and refuse; and

WHEREAS, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality ("IDEQ") has established a program pursuant to Chapter 85, Title 42, United States Code (the federal "Clean Air Act") for the establishment of air quality designations, alert criteria and bans for solid fuel and refuse burning; and

WHEREAS, the Council has found that controlling the emissions from solid fuel and refuse burning will protect the health and welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE, ADA COUNTY, IDAHO, as follows:

Section 1: That Title 4, Eagle City Code, be, and the same hereby is, amended to add a new Chapter 6 as follows:

Chapter 6

CLEAN AIR

4-6-1: **SHORT TITLE:** This Chapter shall be known and cited as the City of Eagle Clean Air Ordinance.

4-6-2: **AUTHORITY AND PURPOSE:** The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of the City of Eagle residents

and the economic future of the City of Eagle by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of Idaho Code Section 50-302.

**4-6-3: DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always ~~mandatory and not merely directory.~~

**AIR POLLUTION**

The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

~~**BUILDING**~~

~~Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Chapter 1, Title 7, Eagle City Code.~~

**BURN DOWN**

That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this ordinance.

**CLEAN BURNING APPLIANCE**

A solid fuel heating appliance that has been certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by the City Clerk.

**ECONOMIC HARDSHIP**

Means fifty percent (50%) or less of City of Eagle's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE**

Means a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT** The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance.

**OPEN BURNING** Means the combustion of any material not contained in a heating appliance or incinerator.

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**PARTICULATE MATTER** Any gas-borne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

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**REFUSE** All solid waste, garbage, and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

**REFUSE INCINERATOR** Any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

**SOLE SOURCE** Means one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**SOLID FUEL** Any form of untreated wood or coal.

**SOLID FUEL HEATING APPLIANCE** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- a) an air-to fuel ration averaging less than thirty-five to one (35-to 1);
- b) firebox volume less than twenty (20) cubic feet;
- c) minimum burn rate less than five (5) kilograms per hour; and
- d) maximum weight of less than eight hundred (800) kilograms.

Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

**4-6-4: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:**

- A. The quality of the City of Eagle's air shall be determined by monitoring pollutant levels in and/or around the City of Eagle with equipment and methods approved by the Idaho State Department of Environmental Quality.
- ~~B. The quality of the City of Eagle's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:~~

<u>Health Effect Designation</u>	<u>PM 10 Concentrations 24-hour (ug/m<sup>3</sup>)</u>
Good	0-50
Moderate	51-150
Unhealthful	151-350
Very Unhealthful	351-420
Hazardous	> 420

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho Department of Environmental Quality measures levels of PM 10 concentrations exceeding 100 micrograms per cubic meter (ug/m<sup>3</sup>) and forecasts air stagnation conditions continuing for at least 24 hours.

**4-6-5: PUBLIC NOTIFICATION:** Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts.

**4-6-6: BURNING SOLID FUEL OR REFUSE:**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

**4-6-7: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS:** At the onset and during the pendency of a declared air quality "alert," the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the City Clerk.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. ~~No person shall cause or allow open burning of refuse or solid fuel.~~

**4-6-8: AIR QUALITY ALERT EXEMPTIONS:**

- A. The City Clerk shall grant exemptions from this Chapter if it is determined by the City Clerk that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated, or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by the City Clerk as a clean burning appliance.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the City Council.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections 1 and 2 above.

**4-6-7: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

- A. In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:
  - 1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour and tested pursuant to procedures approved by the Building Department.
    - a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.
    - b. 4.1 grams per hour for a catalytic solid fuel heating appliance.
  - 2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission

standard equal to the sum of 8.0 grams per hour plus 0.2. grams per hour for each 1,000 BTU per hour heat output.

3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

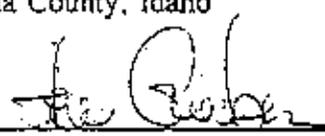
~~4-9-10: APPLICABILITY OF CHAPTER: Nothing in this Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Chapter \_\_\_, Title \_\_\_, \_\_\_\_\_ City Code. Further, nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor fires, and incineration permits including, but not limited to, those regulations adopted at Chapter \_\_\_, Title \_\_\_, Section \_\_\_, \_\_\_\_\_ Code.~~

4-9-11: **PENALTY:** A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

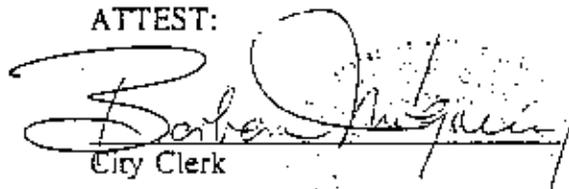
Section 2: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 26 day of April, 1994.

CITY OF EAGLE  
Ada County, Idaho

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

( S E A L )

AN ORDINANCE AMENDING TITLE 5 OF THE ADA COUNTY CODE TO CREATE A NEW CHAPTER 10 ENTITLED THE ADA COUNTY CLEAN AIR ORDINANCE, TO PUT INTO EFFECT REQUIREMENTS FOR WHEN PERSONS MAY BURN SOLID FUEL AND/OR REFUSE DURING DECLARED AIR POLLUTION ALERTS; TO REPEAL TITLE 7, CHAPTER 6, ENTITLED ADA COUNTY SOLID FUEL HEATING APPLIANCE ORDINANCE AND REENACT SAID ORDINANCE WITH AMENDMENTS AS PART OF TITLE 5, CHAPTER 10 OF THE ADA COUNTY CODE; AND TO AMEND TITLE 5, CHAPTER 2, SECTION 10 TO ADD THE REQUIREMENT THAT DURING TIMES OF AIR POLLUTION ALERTS PERSONS HOLDING PERMITS ALLOWING OUTDOOR BURNING SHALL BE SUBJECT TO THE REQUIREMENTS OF THE ADA COUNTY CLEAN AIR ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT TITLE 7, CHAPTER 6 OF THE ADA COUNTY CODE BE REPEALED AND BE REENACTED WITH AMENDMENTS AS PART OF TITLE 5, CHAPTER 10 OF THE ADA COUNTY CODE; THAT TITLE 5, CHAPTER 2, SECTION 10 OF THE ADA COUNTY CODE BE AMENDED; AND THAT TITLE 5, OF THE ADA COUNTY CODE BE AMENDED AS FOLLOWS:

TITLE 5, CHAPTER 2, SECTION 10

BURNING, OUTDOOR FIRES AND INCINERATION

Section 5-2-10D: Prohibited Burning, shall be amended to add a new paragraph 3 as follows:

- D. 3. Notwithstanding the provisions of any section of this Chapter, no person shall allow, suffer, cause or permit the burning of any material which violates an air pollution alert as specified in Title 5, Chapter 10, of the Ada County Code known as the Ada County Clean Air Ordinance.

TITLE 5

PUBLIC HEALTH AND SAFETY

Title 5: Public Health and Safety, shall be amended to add a new Chapter 10 as follows:

## CHAPTER 10

### CLEAN AIR

5-10-1: **SHORT TITLE:** This Chapter shall be known and cited as the Ada County Clean Air Ordinance.

5-10-2: **AUTHORITY AND PURPOSE:** The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of Ada County residents and the economic future of Ada County by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of the Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714 and 31-801.

5-10-3: **APPLICABILITY:** This Chapter shall apply to all areas of unincorporated Ada County with the following areas being specifically excluded from this Chapter:

1. All that area of Ada County lying to the south of the Boise Base Line. The Boise Base Line being that line which runs from the southwest corner of section thirty-one (31), township one (1) north, range one (1) west, east to the southeast corner of section thirty-three (33), township one (1) north, range four (4) east.
2. That area of southwest Ada County that lies south of Amity Road and west of Cloverdale Road to the point where Cloverdale Road intersects the Boise Base Line.
3. All areas of Ada County that are at 3,500 feet or above mean sea level.

A copy of a map showing the areas to be excluded from this Chapter is available from the Clerk of the Board of Ada County Commissioners.

5-10-4: **DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

**AIR POLLUTION** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal

life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**BUILDING**

Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Chapter 2, Title 7, Ada County Code.

**BURN DOWN**

That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this ordinance.

**CLEAN BURNING APPLIANCE**

A solid fuel heating appliance that has been certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by Ada County Development Services.

**ECONOMIC HARDSHIP**

Means fifty percent (50%) or less of Ada County's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE**

Means a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT**

The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Ada County Development Services Department.

**OPEN BURNING**

Means the combustion of any material not contained in a heating appliance or incinerator.

PARTICULATE MATTER	Any gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.
PERSON	Any individual, firm, partnership, association, corporation, company, organization or governmental entity.
REFUSE	All solid waste, garbage, and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.
REFUSE INCINERATOR	Any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.
SOLE SOURCE	Means one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.
SOLID FUEL	Any form of untreated wood or coal.
SOLID FUEL HEATING APPLIANCE	An enclosed device designed for solid fuel combustion that meets all of the following criteria: <ul style="list-style-type: none"> <li>a) an air-to-fuel ratio averaging less than thirty-five to one (35-to-1);</li> <li>b) firebox volume less than twenty (20) cubic feet;</li> <li>c) minimum burn rate less than five (5) kilograms per hour; and</li> <li>d) maximum weight of less than eight hundred (800) kilograms.</li> </ul> Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.
WEIGHTED AVERAGE	The weighted average of the test results of the distribution of the heating needs in Ada County as calculated by the Building Department of Ada County.

5-10-5: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of Ada County's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Department of Environmental Quality.
- B. The quality of Ada County's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

<u>Health Effect Designation</u>	<u>PM 10 Concentrations 24-hour (ug/m<sup>3</sup>)</u>
Good	0-50
Moderate	51-150
Unhealthful	151-350
Very Unhealthful	351-420
Hazardous	>420

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho Department of Environmental Quality measures levels of PM 10 concentrations exceeding 100 micrograms per cubic meter (ug/m<sup>3</sup>) and forecasts air stagnation conditions continuing for at least 24 hours.

5-10-6: PUBLIC NOTIFICATION: Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Ada County.

5-10-7: BURNING SOLID FUEL OR REFUSE:

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

5-10-8: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS: At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the Building Department in Ada County and an exemption decal is displayed and visible from a place of public access.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning of refuse or solid fuel.

5-10-9: AIR QUALITY ALERT EXEMPTIONS:

- A. Ada County Development Services shall grant exemptions from this Chapter if it is determined by Ada County Development Services that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by Ada County Development Services as a clean burning appliance.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Building Board of Appeals as created at Chapter 1, Title 7, Ada County Code.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections 1 and 2 above.

5-10-10: SOLID FUEL HEATING APPLIANCE PERMITS:

- A. It shall be unlawful for any person in the unincorporated areas of Ada County to install a solid fuel heating appliance in any new or existing building without first obtaining from Ada County Development Services a solid fuel heating appliance permit.
- B. It shall be unlawful on or after July 1, 1987, for any person in unincorporated Ada County to:

advertise for sale, offer to sell, or sell for installation in any new or existing building, a solid fuel heating appliance which is not a clean burning appliance.

**5-10-11: ISSUANCE OF SOLID FUEL HEATING APPLIANCE PERMITS:**

- A. No solid fuel heating appliance permit shall be issued by the Director of Ada County Development Services or his designee for the installation of a solid fuel heating appliance which is not a clean burning appliance.
- B. Ada County Development Services shall maintain a list of clean burning appliances.

**5-10-12: DENIAL OF PERMIT:**

- A. Upon a showing of sufficient cause to believe that grounds exist for the denial of the permit, the Director of Ada County Development Services or his designee may deny an application for a permit by sending through the regular mail to the address on the application a written notice containing the grounds for said denial and of the applicant's opportunity to appeal said denial to the Building Board of Appeals as created at Chapter 1, Title 7, Ada County Code.
- B. Failure of a person to actually receive a notice sent shall not invalidate the denial.
- C. The applicant, upon receiving notice of the denial, may appeal said denial by making application with Ada County Development Services for a hearing before the Building Board of Appeals within ten (10) working days of receipt of the above notice.

**5-10-13: DENIAL HEARING AND DETERMINATION BY BOARD:** At any hearing before the Building Board of Appeals pursuant to this Chapter, applicant may present evidence, call witnesses, and be represented by counsel. Within ten (10) working days after the date of the hearing, the Building Board of Appeals shall after making appropriate written findings either:

- a. Uphold the denial by the Director of Development Services or his designee; or
- b. Allow the issuance of the permit or exemption with modifications or conditions as the Board may

impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

5-10-14: **APPEAL OF DECISION OF BOARD:** A decision of the Building Board of Appeals on a denial shall be final and conclusive. Appeal from a decision of the Building Board of Appeals must be made to the District Court of the State of Idaho, in and for the County of Ada.

5-10-15: **MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

A. In no event shall the standards for clean burning solid fuel heating appliances, as adopted by rule and regulation by the Building Department and upon approval of this Chapter, allow a weighted average particulate emission greater than:

1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour and tested pursuant to procedures approved by the Building Department.

a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.

b. 4.1 grams per hour for a catalytic solid fuel heating appliance.

2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each 1,000 BTU per hour heat output.

3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

5-10-16: **APPLICABILITY OF CHAPTER:** Nothing in this Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Chapter 2, Title 7, Ada County Code. Further, nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor

fires, and incineration permits including, but not limited to, those regulations adopted at Chapter 2, Title 5, Section 10, Ada County Code.

5-10-17: PENALTY: A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

ADOPTED THIS 3 DAY OF Nov., 1992.

BOARD OF ADA COUNTY COMMISSIONERS

By:

John Bastida  
John Bastida  
Chairman

By:

Gary Glenn  
Gary Glenn  
Commissioner

By:

Vernon L. Bisterfeldt  
Vernon L. Bisterfeldt  
Commissioner

ATTEST:

J. David Navarro  
J. David Navarro, Ada County Clerk

Published: 11/7/92

**Attachment 5: TABLE ORDINANCE-1**

**Explanation of the Enforcement Procedures, Responsibilities,  
and Sources of Funding for the Northern Ada County  
Wood Burning Control Ordinances**

**TABLE: ORDINANCE-1**

**Explanation of the Enforcement Procedures, Responsibilities, and Sources of Funding for the Northern Ada County Wood Burning Control Ordinances**

Jurisdiction	Agency Responsible for Issuing Wood Smoke Permits	Agency Responsible for Issuing Wood Smoke Exemptions	Agency Responsible for Enforcement	Enforcement Procedure	Penalties for Enforcement of Ordinance	Source of Funding for Implementation of Ordinance
Ada County Ordinance # 254 Adopted 11-3-92	Ada County Developmental Services, Building Division 650 Main Street Boise, Idaho 83702 (208) 364-2277	Ada County Developmental Services, Building Division 650 Main Street Boise, Idaho 83702 (208) 364-2277	Ada County Developmental Services, Building Division Mechanical Inspector 650 Main Street Boise, Idaho 83702 (208) 364-2277	Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses referred to County Prosecuting Attorney for Prosecution.	Maximum \$300 fine and/or six months in jail.	Ada County General Budget, no specific line items. Partial funding from wood stove permit fees.
City of Meridian Ordinance # 667 Adopted 8-16-94	Public Works Building Department 33 E. Idaho Avenue Meridian, Idaho 83642 (208) 888-2211	City Clerk 33 E. Idaho Avenue Meridian, Idaho 83642 (208) 888-4433	Meridian Police Dept. City Ordinance Officer 201 E. Idaho 83642 Meridian, Idaho (208) 888-6678	Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.	Maximum \$300 fine and/or six months in jail.	Meridian General Budget, no specific line items.
City of Eagle Ordinance # 215 Adopted 5-26-94	City Clerk Office 310 E. State Eagle, Idaho 83702 (208) 939-6813	City Clerk Office 310 E. State Eagle, Idaho 83702 (208) 939-6813	Ada County Sheriff Dept. (208) 377-6790	Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.	Maximum \$300 fine and/or six months in jail.	Eagle General Budget, no specific line items.
Garden City Ordinance # 514 Adopted 5-12-87 Revised 1-10-89 and 9-13-94	Building Department 701 E. 50th Street Garden City, Idaho 83702 (208) 377-1831	Building Department 201 E. 50th Street Garden City, Idaho 83702 (208) 377-1831	Garden City Police Department 201 E. 50th Street Garden City, Idaho 83702 (208) 377-2018	Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.	Maximum \$300 fine and/or six months in jail.	Garden City General Budget, no specific line items.