

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Longmont - Ordinance O-89-1

Rule Title .

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Comments

Rule:



[Ordinance O-89-1 - Longmont.pdf](#)

ORDINANCE NO. 0-89-1

AN ORDINANCE ADDING A NEW CHAPTER TO THE LONGMONT MUNICIPAL CODE REGARDING RESTRICTIONS ON SOLID FUEL-FIRED HEATING DEVICES AND COAL BURNING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGMONT, COLORADO:

Section 1: A new chapter is added to the Longmont Municipal Code to read as follows:

CHAPTER 16.44
BURNING RESTRICTIONS

Sections:

16.44.010	Definitions		
16.44.020	High Pollution Prohibition	16.44.060	Inspections
16.44.030	Exemptions	16.44.070	Violation--Penalty
16.44.040	Defense	16.44.080	Violation--Injunctive Relief
16.44.050	Coal Burning Prohibited	16.44.090	Severance Clause

16.44.010 Definitions: The following words and phrases shall have the indicated meanings:

A.) "High Pollution Day" means that period of time declared to be a high pollution day by the Colorado Department of Health.

B.) "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence for purposes of space heating.

C.) "Solid fuel-fired heating device" means a device designed for solid fuel combustion so that useable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, and furnaces or boilers. "Solid fuel-fired heating device" does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs.

16.44.020 High Pollution Prohibition

A.) It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to Section 16.44.030 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

B.) At the time of the declaration of a high pollution day, the City shall allow three (3) hours for the burn-down of existing fire in solid fuel-burning devices prior to the initiation of enforcement.

16.44.030 Exemptions

A.) A person may operate a solid fuel-fired heating device during a high pollution day if an exemption has previously been obtained from the City Manager

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or his designee. An exemption may be granted if the applicant submits a sworn statement that either, 1.) a solid fuel-fired burning device is the sole source of heat and that said device was installed prior to the effective date of the ordinance codified herein, or 2.) an electrical heating system is the primary source and a solid fuel-fired heating device is a supplemental heating system, and that said system was installed prior to the effective date of the ordinance codified herein. A fee to cover the administrative costs of the exemption certificate may be charged. The fee shall be established and from time to time revised by resolution of the City Council.

B.) An exemption obtained under this section shall be effective for one year from the date it is granted and may be renewed upon submission of a new sworn statement as provided in subsection A.), above.

C.) An exemption granted as provided herein may be revoked by the City if the solid fuel-fired heating device is operated inefficiently so as to create a nuisance due to excessive smoke production.

D.) The exemption certificate shall be posted in a conspicuous location near the main entrance to be visible from the street.

16.44.040 Defense

It shall be an affirmative defense to a charge of burning on a high pollution day under Section 16.44.020 above, that a power outage, interruption of natural gas supply, or temporary equipment failure existed at the time and location of the violation, which did not result from any action of the person charged with the violation.

16.44.050 Coal Burning Prohibited

It shall be unlawful to burn coal in any form in a solid fuel-fired heating device.

16.44.060 Inspections

For the purpose of determining compliance with the provisions of this chapter, the City Manager, or his designee is authorized to make inspections to determine whether solid fuel-fired heating devices are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of the premises, or refuses inspection of any device, the Municipal Court may issue a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The Court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this chapter.

16.44.070 Violation--Penalty

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is commit-

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ted, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.44.080 Violation--Injunctive Relief

Notwithstanding any other penalties, any violation of this chapter is deemed a public nuisance. Nothing in this chapter shall prevent the City Attorney from seeking appropriate legal or equitable relief from any court of competent jurisdiction.

16.44.090 Severance Clause

If any article, section paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

INTRODUCED, READ, AND ADOPTED on first reading and ordered published in full this 27TH day of DECEMBER, 1988.

FINALLY ADOPTED AND ORDERED FINALLY PUBLISHED by title only this ___ day of _____, 19__.

Mayor

ATTEST:

APPROVED AS TO FORM:

Bud A. Bailey
City Attorney

Effective Date: _____

NOTICE: PUBLIC HEARING ON THE ABOVE ORDINANCE WILL BE HELD ON THE _____ DAY OF _____, 1989 IN COUNCIL CHAMBERS AT 7:00 P.M.