

State Colorado

State Agency Department of Public Health and Environment

Affected Area Denver Metropolitan Area

Regulation Local Woodburning Ordinances

Rule Number Sheridan - Ordinance 22

Rule Title .

State Effective Date 10/25/1988

State Adoption Date 10/25/1988

EPA Effective Date 05/19/1997

Notice of Final Rule Date 04/17/1997

Notice of Final Rule Citation 62 FR 18716

Comments

Rule:



[Ordinance 22 - Sheridan.pdf](#)

which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices or natural gas-fired fireplace logs.

Sec. 18-281. Woodburning Prohibition.

(1) It shall be unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 3. It shall be the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(2) At the time of the declaration of a high pollution day, the City Administrator shall allow three hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

Sec. 18-282. Affirmative defenses. It is an affirmative defense to a charge of burning on a high pollution day that a person has obtained a temporary exemption demonstrating (a) an economic need to burn solid fuel for residential space heating purposes, or (b) reliance on a solid fuel burning device installed prior to December 1, 1988, as the sole source of heat. The City Administrator may grant such exemptions according to the following standards:

(a) A person shall demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under Low-Income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(b) A person applying for an exemption must sign a sworn statement demonstrating reliance on a solid fuel burning device installed prior to December 1, 1988, as the sole source of heat.

(c) An exemption obtained under this section shall be effective for one year from the date it is granted.

Sec. 18-283. Inspections. For the purpose of determining compliance with the provisions of this chapter, City of Sheridan inspectors are hereby authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on high pollution days, and to take samples of air for analysis whenever necessary to determine the quantity and character of air pollutants. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection or sampling of any device, facility or process where inspection is sought, the inspectors shall seek from the Municipal Court of the City of Sheridan a search warrant authorizing and inspector to enter the premises and comply with this Section. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

Sec. 18-284. Violations. Violations of this Article shall be punishable by a fine not to exceed three hundred dollars (\$300.00).

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Sheridan, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECONDED BY COUNCILMEMBER Mueller

Upon a roll call being taken, the following was case:

| | Yes | No |
|------------------|--------|--------|
| Charles Adlon | _____ | _____✓ |
| Charles Herman | _____x | _____ |
| Carol Jonkoniec | _____x | _____ |
| Aileen Marple | _____x | _____ |
| Clifford Mueller | _____x | _____ |
| Dale Patton | _____x | _____ |
| Roger Rowland | _____ | _____✓ |

PASSED AND APPROVED this 25th day of October, 1988, and ordered published in the Independent Newspaper.

Roger B. Rowland
Roger B. Rowland, Mayor

ATTEST:

Dee Heath
Dee Heath, City Clerk