

**State** Colorado

**State Agency** Department of Public Health and Environment

**Affected Area** Denver Metropolitan Area

**Regulation** Local Woodburning Ordinances

**Rule Number** Glendale - Ordinance 02

**Rule Title** .

**State Effective Date** 10/20/1992

**State Adoption Date** 01/05/1988

**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 2 - Glendale.pdf](#)

~~Glendale~~

ORDINANCE NO. 2

SERIES OF 1988

AN ORDINANCE AMENDING CHAPTER 14 1/2 OF THE CODE OF ORDINANCES OF THE CITY OF GLENDALE BY ADDING AN ARTICLE REGARDING WOODBURNING RESTRICTIONS ON HIGH POLLUTION DAYS, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council recognizes that air pollution in the Denver Metropolitan area is a significant problem, and,

WHEREAS, the City of Glendale does not presently have an ordinance which specifically applies to woodburning restrictions on high pollution days, and

WHEREAS, the City Council has determined that it is necessary to establish an ordinance restricting woodburning on high pollution days as established by the State of Colorado Department of Health.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO:

1. Chapter 14 1/2 of the Code of Ordinances of the City of Glendale is amended by the addition of new a Article III, to read:

**ARTICLE III. WOOD BURNING RESTRICTIONS**

**Section 14 1/2-20. Purpose; intent.**

This article is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Glendale through the reduction, prevention and control of air pollution. It is the intent of this article to establish and provide for the enforcement of woodburning restrictions which will assure that ambient air be adequately pure and free from smoke, contamination, pollutants or synergistic agents injurious to humans, plant life, animal life or property, or which interfere with the comfortable enjoyment of life or property or the conduct of business.

**Section 14 1/2-21. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article and all regulations adopted hereunder:

a. "Barbecue Devices" means devices that are utilized solely for the purpose of cooking food.

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

c. "Person" means an individual, partnership, corporation, company or other association.

d. "Sole Source of Heat" means one or more residential solid fuel-fired heating devices which constitute the only source of heat in a private residence for the purposes of space heating. No residential solid fuel-fired heating device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system, designated to heat the residence connected or disconnected from its energy source, utilizing oil, natural gas, electricity, or propane.

e. "Solid Fuel Fired Heating Device" means a device designated for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include barbecue devices or natural gas fired fireplace logs.

Section 14 1/2-22. Pollution Prohibited.

a. After the effective date of this ordinance, no person may operate a solid fuel-fired heating device during a high pollution day unless an exemption has been granted pursuant to Section 23 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 Manager shall allow three (3) hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement.

Section 14 1/2-23. Exemption for Sole Heat Source.

a. A person who relies on a solid fuel-fired heating device as his sole source of heat may apply to the City Manager or his designee for a temporary exemption from Section 22 above.

b. A person applying for an exemption must sign a sworn statement that he relies on a solid fuel-fired heating device as his sole source of heat.

c. An exemption obtained under this section shall be effective for twelve (12) months from the date it is granted.

Section 14 1/2-24. Non-Owner Occupied Dwelling Units.

It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any non-owner occupied dwelling unit. Any violation of Section 22 above by the tenant of such a dwelling unit shall be considered a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed.

Section 14 1/2-25. Inspections.

For the purpose of determining compliance with the provisions of this chapter, the City Manager, through authorized representatives, is hereby authorized to make inspections of solid fuel-fired heating devices which are being operated on high pollution days. 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 City Manager, through authorized representatives, shall seek from the Municipal Court 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.

Section 14 1/2-26. Enforcement.

Any person violating any provisions of this ordinance shall be punished by the penalties set forth in Section 1-7 of the Code of Ordinance of the City of Glendale.

2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance or of said standards; the City Council hereby declares that it would have passed the ordinance and adopted such standards in each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

3. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

4. The City Council deems this an emergency ordinance and needed for the immediate preservation of the public health, safety and welfare, and said ordinance shall become effective immediately upon adoption.

INTRODUCED BY COUNCIL MEMBER Wheatley,  
SECONDED BY COUNCIL MEMBER Parnell, AND UNANIMOUSLY  
ADOPTED AND DECLARED AN EMERGENCY BY THE CITY COUNCIL OF THE  
CITY OF GLENDALE, COLORADO, THIS 5<sup>th</sup> DAY OF January,  
1998.

William D. Amery  
Mayor

ATTEST:

J. Ann Skaggs  
City Clerk

APPROVED:

Charles W. Stein  
City Attorney