

Draft Woodstove Ordinance
AIR QUALITY

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1: DEFINITIONS:

AIR POLLUTION: The presence in the outdoor atmosphere of any contaminant or combinations thereof in such quantity 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: Any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the building code as adopted.

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

CLEAN BURNING APPLIANCE: A solid fuel heating appliance that is certified by the US Environmental Protection Agency (EPA) and has been placed on the list of approved clean burning appliances maintained by EPA.

ECONOMIC HARDSHIP: Fifty percent (50%) or less of Sandpoint's median income as established by the U.S. department of housing and urban development.

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

PARTICULATE MATTER: Gasborne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon and other combustible matter.

REFUSE: 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: 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: Nonliquid combustible material including wood, coal, pressed logs, pellet fuel, but excluding items defined herein as "refuse".

SOLID FUEL HEATING APPLIANCE: An enclosed device designed for solid fuel combustion that is EPA certified. Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

WORKING DAY: Monday through Friday, excluding holidays recognized by the city4-8-2:

AIR QUALITY DESIGNATIONS AND ADVISORY ALERT CRITERIA:

A. The quality of **xxxxx** air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho department of environmental quality.

B. The quality of **xxxxx** air shall be designated according to the following table:

Health Effect Designation	Air Quality Index Value¹
Good	0 - 50
Moderate	51 - 100
Unhealthy for sensitive groups	101 - 150
Unhealthy	151 - 200
Very unhealthy	201 - 300
Hazardous	301 - 500

Note:1. An air quality index is applicable to all pollutants and is the EPA nationally recognized pollutant reporting system.

C. In order to prevent the existence of air quality that is unhealthy for sensitive groups and a potential exceedance of national ambient air quality standard for particulate matter, "yellow" air pollution "advisory" will be declared whenever:

1. The Idaho department of environmental quality ("DEQ") measures or forecasts levels of particulate matter concentrations exceeding seventy five percent (75%) of the national ambient air quality standard, or
2. Forecasted air stagnation and conditions are expected to continue for at least twenty four (24) hours, or
3. When a "stage one" forecast and caution is declared by DEQ for particulate concentrations in accordance with the air pollution emergency rule IDAPA 58.01.01.556.01.

3: PUBLIC NOTIFICATION:

Whenever an air quality advisory is issued, 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 the city.

4: 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 at any time, regardless of advisory condition.

B. No person shall cause or allow a refuse incinerator to be operated contrary to design specifications and manufacturers' instructions.

5: AIR QUALITY ADVISORY; ADDITIONAL RESTRICTIONS:

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

A. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the **building department**.

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.

6: AIR QUALITY ALERT EXEMPTIONS:

A. The **building department** shall grant exemptions from this chapter if it is directed by the building inspector or his designated representative that:

1. A solid fuel heating appliance is the sole source of heat for the building 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 building department** as a clean burning appliance.

B. Any person denied an exemption under this chapter shall be provided, at the option of the applicant for exemption, a hearing before the city council as provided for in this chapter.

C. Any building constructed after the effective date of this chapter shall not be eligible for an exemption under subsections A1 and A2 of this section.

7: SOLID FUEL HEATING APPLIANCE PERMITS:

A. It shall be unlawful for any person in the 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. Permit fees shall be set by resolution adopted by the city council.

B. It shall be unlawful for any person in the city to advertise for sale, offer to sell, or sell, for installation in any new or existing building, or to install or allow to be installed in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the US Environmental Protection Agency.

8: DENIAL OF EXEMPTION:

Upon showing of sufficient cause to believe that grounds exist for denial of a permit, or exemption of the rules and regulations of the building department, as provided for in this chapter, the building inspector or his designated representative may deny said permit or exemption by:

A. 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 denial to the city council.

B. Failure of a person to actually receive a notice sent or served shall not invalidate the denial.

C. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the city council within ten (10) working days of receipt of above notice.

9: DENIAL HEARING AND DETERMINATION BY THE CITY COUNCIL:

The hearing shall be before the 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 city council shall either:

A. Uphold the denial by the building inspector or his designated representative; or

B. Allow the issuance of the permit or exemption with modifications or conditions as the council may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

10: APPEAL OF DECISION OF THE BOARD:

The decision of the city council on a denial shall be final and conclusive. Appeal from a decision of the council must be made to the district court for Bonner County.

11: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:

A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "Standards of Performance for New Residential Wood Heaters".

B. The building department shall maintain a list of appliances certified to be clean burning.

11: REPEAL OF PRIOR ORDINANCES AND CODE SECTIONS IN CONFLICT:

Any and all prior and existing ordinances and code sections in conflict herewith be and are hereby repealed.

12: SEVERABILITY:

If any portion of this chapter is held invalid, it is the intent of the city that such part shall be deemed severable and the invalidity shall not affect the remaining portions of this chapter.

13: VIOLATION; PENALTY:

A first violation of a provision of this chapter shall be charged as an infraction. The court may assess a fine pursuant to Idaho Code section 18-113A. Each day that a responsible party(ies) allows burning or incineration to continue on property under his or her control may be a separate violation. A new or subsequent violation within two (2) years may be charged as a misdemeanor with penalties pursuant to Idaho Code section 18-113