

RESOLUTION NO. R-991-128

DC9134039

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION ADOPTING EMISSION PERFORMANCE STANDARDS FOR FIREPLACES
IN THE UNINCORPORATED AREA OF DOUGLAS COUNTY

WHEREAS, areas of Douglas County have exceeded healthful levels for total particulate emissions, especially through the winter months; and

WHEREAS, the Board of County Commissioners believes that the use of fireplaces, wood stoves, and other solid fuel burning devices has contributed to the degradation of air quality within Douglas County, including violations of federal health standards; and

WHEREAS, there is a large number of very low polluting wood stoves and fireplaces sold in this country; and

WHEREAS, pursuant to §30-28-201(2), C.R.S., the Board of County Commissioners wishes to adopt a building code provision to regulate the construction and installation of fireplaces in order to minimize emission levels; and

WHEREAS, said building code provision relating to the construction and installation of fireplaces contains standards which are the same or stricter than the approved emission performance standards for fireplaces established by the Air Quality Control Commission in the Department of Health pursuant to §25-7-407, C.R.S.; and

WHEREAS, pursuant to §30-28-201, et seq., C.R.S., the Douglas County Planning Commission has reviewed, approved, and certified said code to the Board of County Commissioners; and

WHEREAS, proper notice and publication of this public hearing have been provided pursuant to law.

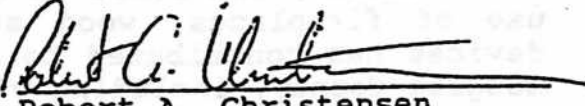
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas as follows:

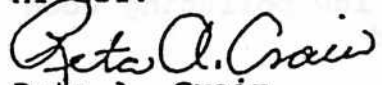
1. The fireplace standards, attached hereto and incorporated by reference herein as Exhibit "A", are hereby adopted as a building code provision for the unincorporated territory of Douglas County and are referred to and made a part hereof as if fully set out in this Resolution.

- 2. Certified copies of restrictions on use of solid fuel appliances adopted herein shall be available to the public for a fee not to exceed the cost of printing at the Building Division office of the Douglas County Department of Planning and Community Development, 416 Jerry Street, Castle Rock, Colorado 80104.

PASSED AND ADOPTED THIS 14th day of November, 1991, in Castle Rock, Douglas County, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS,
COLORADO

By: 
Robert A. Christensen
Chairman

ATTEST:

Reta A. Crain
Clerk and Recorder

Section 1. Purpose and Applicability.

These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents of Douglas County. These regulations are intended to achieve the following more specific purposes:

- 1) To protect the air quality in Douglas County;
- 2) To reverse the continuing trend toward increased air degradation in Douglas County;
- 3) To provide heat sources that are efficient and have a reduced polluting effect;
- 4) And to generally protect the air for the purpose of the public's overall health, safety and welfare.

Section 2. Definitions.

- 1) Solid Fuel Burning Device: shall mean any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other non-liquid or non-gaseous fuel.
- 2) Certified Solid Fuel Burning Device: shall mean a solid fuel burning device which is certified by the Air Pollution Control Division of the Colorado Department of Health to meet the Emissions Standards set forth in Section IV of Regulation No. 4 of Volume 1 of Colorado Air Quality Control Commission, hereinafter referred to as "State regulations".
- 3) Wood Burning Fireplace: shall mean an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney.
- 4) Gas Appliance: shall mean a fully self-contained, U.L. listed or A.G.A. approved fireplace unit which does not require venting through a chimney and which does not permit the use of solid fuel.
- 5) Gas Log Fireplace: shall mean a fireplace as previously defined equipped with a U.L. listed or A.G.A. approved artificial log unit which is approved for the burning of natural gas or liquid propane gas.

Section 3. Solid Fuel Burning Devices.

No new solid fuel burning devices or wood burning fireplaces shall be permitted to be constructed or installed within the unincorporated area of Douglas County after the effective date of this resolution.

Section 4. Certified Solid Fuel Burning Devices.

The installation of certified solid fuel burning devices will be permitted within the unincorporated area of Douglas County when such device meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State regulations.

Section 5. Masonry Fireplaces.

Every new masonry fireplace shall have permanently installed approved gas logs or an approved certified fireplace insert which meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State regulations.

Section 6. Permit Requirements.

A building permit shall be required for the installation of any gas log fireplace, gas log installation, woodstove or fireplace insert installation governed by this resolution. To encourage the conversion of wood burning and solid fuel devices to gas log fireplaces and gas appliances all applicable building permit and mechanical permit fees shall be waived by the Board of County Commissioners.

Section 7. Existing Installations.

Solid fuel burning devices in existence at the time of the adoption of this resolution may have their existing use continued, if such use was legal at the time of the adoption of this resolution, provided that such continued use is not dangerous to life or results in a fire hazard.