

ORDINANCE NO. 1492

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REGULATING WOOD STOVES, FIREPLACES AND SIMILAR DEVICES.

WHEREAS, the City Council has determined it is necessary to regulate the installation and operation of wood stoves and similar devices in order to protect the public health, safety and welfare and to protect air quality in the City,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

**SECTION 1:**

Title VIII of the Official Code of the City of Montrose, Colorado, is amended by the addition of a new Chapter 8-1 to read, as follows:

**CHAPTER 8**

**WOOD STOVES AND FIREPLACES**

**8-1-1: Wood Stove Certification.**

It shall be unlawful to install or operate any wood stove, fireplace insert or similar wood burning device within the City unless it has been certified pursuant to Section II(A) of Regulation No. 4 of the Air Quality Control Commission, Department of Health, 5 C.C.R. 1001-6 or is a pellet stove approved pursuant to Section III of said regulation 4, as such regulation existed at the time of certification. Provided however this shall not apply to boilers, furnaces or cookstoves exempted from Section II of such Regulation or to one fireplace per building not designed, intended or used *regularly for space heating* nor shall it apply to electric or natural gas fireplace inserts or devices.

**8-1-2: Building Permit Required.**

A building permit shall be obtained for the installation or replacement of all wood stoves, fireplaces and similar woodburning devices. The fee for a separate permit shall be \$25.00. All woodburning stoves, fireplaces and similar devices shall be installed, operated and maintained in full compliance with applicable state regulations and City building, mechanical and fire codes.

8-1-3: Nonconforming Devices.

Devices which do not comply with Section 8-1-1, but which on January 1, 1994 or upon annexation if subsequent thereto, were lawfully installed, may continue to be used, as existing at such time notwithstanding Section 8-1-1.

8-1-4: Enforcement

- A. Violations of this Chapter are hereby declared to be a nuisance which may be abated by the City in any lawful manner,
- B. It shall be unlawful to violate any provisions of this Chapter,
- C. The City may maintain an action in a court of competent jurisdiction to enjoin any violation of this Chapter.

**SECTION 2:**

It shall be unlawful for any person to violate any of the provisions of this ordinance. Any person convicted of such a violation may be punished by a fine of up to \$300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of Court.

**SECTION 3:**

This ordinance shall be effective January 1, 1994.

INTRODUCED, READ and PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Robert Kreamelmeyer, Mayor

ATTEST:

\_\_\_\_\_  
Mary L. Watt, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday, the 16<sup>th</sup> day of December, 1993, at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 16<sup>th</sup> day of December, 1993.

Robert Kreamelemeyer  
Robert Kreamelemeyer, Mayor

ATTEST:

Mary L. Watt  
Mary L. Watt, City Clerk

**ORDINANCE NO. 1492**

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REGULATING WOOD STOVES, FIREPLACES AND SIMILAR DEVICES.

WHEREAS, the City Council has determined it is necessary to regulate the installation and operation of wood stoves and similar devices in order to protect the public health, safety and welfare and to protect air quality in the City,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

**SECTION 1:**

Title VIII of the Official Code of the City of Montrose, Colorado, is amended by the addition of a new Chapter 8-1 to read, as follows:

**CHAPTER 8****WOOD STOVES AND FIREPLACES****8-1-1: Wood Stove Certification.**

It shall be unlawful to install or operate any wood stove, fireplace insert or similar wood burning device within the City unless it has been certified pursuant to Section II(A) of Regulation No. 4 of the Air Quality Control Commission, Department of Health, 5 C.C.R. 1001-6 or is a pellet stove approved pursuant to Section III of said regulation 4. Provided however this shall not apply to boilers, furnaces or cookstoves exempted from Section II of such Regulation or to one fireplace per building not designed, intended or used regularly for space heating nor shall it apply to electric or natural gas fireplace inserts or devices.

**8-1-2: Building Permit Required.**

A building permit shall be obtained for the installation or replacement of all wood stoves, fireplaces and similar woodburning devices. The fee for a separate permit shall be \$25.00. All woodburning stoves, fireplaces and similar devices shall be installed, operated and maintained in full compliance with applicable state regulations and City building, mechanical and fire codes.

8-1-3: Nonconforming Devices.

Devices which do not comply with Section 8-1-1, but which on January 1, 1994 or upon annexation if subsequent thereto, were lawfully installed, may continue to be used, as existing at such time notwithstanding Section 8-1-1, until January 1, 1999 or 5 years after annexation, whichever occurs later. At that time all nonconforming devices shall either be retrofitted or modified so that they meet the emission standards set forth in Section II(A) of said Regulation No. 4 or they shall no longer be used.

8-1-4: Enforcement

- A. Violations of this Chapter are hereby declared to be a nuisance which may be abated by the City in any lawful manner,
- B. It shall be unlawful to violate any provisions of this Chapter,
- C. The City may maintain an action in a court of competent jurisdiction to enjoin any violation of this Chapter.

**SECTION 2:**

It shall be unlawful for any person to violate any of the provisions of this ordinance. Any person convicted of such a violation may be punished by a fine of up to \$300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of Court.

**SECTION 3:**

This ordinance shall be effective January 1, 1994.

INTRODUCED, READ and PASSED on first reading this 2nd day of December, 1993.

Robert Kreamelmeyer  
Robert Kreamelmeyer, Mayor

ATTEST:

Mary L. Watt  
Mary L. Watt, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday, the 16th day of December, 1993, at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Robert Kreameimyer, Mayor

ATTEST:

\_\_\_\_\_  
Mary L. Watt, City Clerk