

Recorded at 836 JUN 1 1 1991Reception No _____ Corotly L. Struble, Recorder Routt County, CO 110**401641**

ROUTT COUNTY AIR POLLUTION CONTROL RESOLUTION NUMBER # 91-032

A Resolution of Routt County, Colorado which regulates the number and type of solid fuel burning devices which may be installed in new construction; requires solid fuel burning fireplaces installed in the future to contain and be used only with technology which makes them approved solid fuel burning devices; and, which allows an unlimited number of approved non-solid fuel burning devices.

Whereas, The Routt County Board of County Commissioners hereby finds and declares air quality to be an important part of the health, safety and welfare of the residents and visitors to Routt County; and

Whereas, Routt County is authorized to adopt local air pollution resolutions pursuant to Section 25-7-128 C.R.S., 1973; and

Whereas, The State of Colorado monitored total suspended particulates in the Steamboat Springs area from 1971 through 1986, and

Whereas, The Steamboat Springs area has violated the National Ambient Annual Geometric Standard for Total Suspended Particulates most of those years from 1971 through 1986; and

Whereas, In 1987 the Environmental Protection Agency adopted a National Ambient Fine Particulate Standard (PM-10) which applies to particulate matter ten microns or less in diameter, and

Whereas, The Steamboat Springs area has violated the 24 hour National Ambient Air Quality 24 hour Standard for fine particulates (PM-10) three times in 1989 and 1990, and

Whereas, Emissions from solid fuel burning devices are a major source of fine particulate matter affecting visibility and potentially affecting public health in Routt County; and

Whereas, Practical technology and techniques are available to minimize the emissions from solid fuel burning devices; and

Whereas, Pursuant to notice in the Steamboat Pilot, Public hearings have been held and comments have been received from interested individuals, and

Whereas, The intent of this Resolution is to promote clean air and to encourage alternative technologies and approaches to improving air quality while accommodating future growth, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY THAT Routt County Resolution Number # 91-032 is hereby adopted as follows:

Section 1 - Definitions

- A. Solid Fuel Burning Device - shall mean a fireplace, stove, firebox, or other device intended or used for the purpose of burning wood, coal, pulp, paper, or other non-liquid or non-gaseous fuel.
- B. Approved 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 or the Routt County Department of Environmental Health to meet the emission standards established pursuant to Section IV of Regulation No. 4 of Volume I of the Colorado Air Quality Control Commission as amended.
- C. New Construction - shall mean construction of a residential, commercial, industrial, agricultural or accessory building after the effective date of this resolution. This definition shall include remodeling or replacement of existing buildings if the cost of the remodeling or replacement exceeds fifty percent (50%) of the cost of reconstructing the entire building. The relocation of an existing solid fuel burning device from one area of a building to another area in the same building is not considered new construction for the purposes of this resolution.
- D. Accessory Building - a building that is clearly incidental and customary to and commonly associated with the residential, agricultural, commercial, or industrial use, operated and maintained under the same ownership.

Section 2 - Applicability

Solid fuel burning devices which are not approved solid fuel burning devices may not be installed in the following area of the unincorporated portions of Routt County (excluding Federal Lands) after the effective date of this resolution.
(See attached map)

This resolution does not intend to regulate the outdoor burning of solid fuel in devices such as barbecue grills or smoke ovens, camp fires, or other open fires which are otherwise allowed by law.

The Board of Commissioners specifically finds, based upon the data and information gathered by the Department of Environmental Health and public comments received during the discussion of this resolution, that there does not presently exist the need to apply this resolution to all unincorporated portions of Routt County.

Section 3 - Limitation of number of solid fuel burning devices in residential and accessory buildings

- A. The number of solid fuel burning devices which may be installed in newly constructed residential and accessory buildings after the effective date of this Resolution shall not exceed the following limits:
1. Single Family Homes - One approved solid fuel burning device per home
 2. Duplexes, homes or condominiums containing two dwelling units - One approved solid fuel burning device per dwelling unit.
 3. Buildings containing more than two dwelling units - One approved solid fuel burning device per building
 4. Accessory Buildings - one approved solid fuel burning device per building
- B. In residential and accessory buildings existing on the effective date of this Resolution installation of solid fuel burning devices is prohibited if the resulting number of solid fuel burning devices exceeds the limitations contained in the building description found in section 3.A above.

Section 4 - Limitation of number of solid fuel burning devices in commercial, industrial, and agricultural buildings

- A. No more than one approved solid fuel burning device shall be installed in any commercial, industrial, or agricultural building constructed after the effective date of this Resolution.
- B. In commercial, industrial, and agricultural buildings existing on the effective date of this Resolution installation of solid fuel burning devices is prohibited if the resulting number of solid fuel burning devices is greater than one.

Section 5 - Allowance of non-solid fuel burning devices

Nothing in this Resolution shall be construed to limit the number of non-solid fuel burning devices (gas, liquid, electricity, etc.) which may be installed in new or existing residential or commercial buildings providing that all such devices must be installed in compliance with the Building Code of Routt County.

Section 6 - Investigation and non-compliance

- A. The Routt County Regional Building Department ("Department") shall inspect each installation of new solid fuel burning devices within Routt County.
- B. When the Department has reasonable grounds based upon its investigation or upon written complaints that a person has violated this Resolution, the Department shall mail or hand deliver written notice to the owner or operator of the solid fuel burning device setting forth alleged violations and the corrective actions that need to be taken. The Department shall allow thirty days for the person to take necessary corrective actions and comply with the Resolution.
- C. If a person does not comply with the Department's Notice and Order the Department shall issue an Order of Non-compliance and may seek enforcement by suit for injunctive relief in accordance with C.R.S. 25-7-121, and/or civil penalties not to exceed three hundred dollars (\$300.00) per day as set forth in C.R.S. 25-7-128 (8).

Section 7 - Appeals

- A. Any person aggrieved by his/her inability to obtain approval for the installation or continued use of a Solid Fuel Burning Device, or any person who desires to appeal an Order of Noncompliance may file an appeal with the Board of County Commissioners of Routt County, in writing. Any appeal of an Order of Noncompliance must be filed with the Board no later than fourteen (14) days from the date of receipt of the Order of Noncompliance.
- B. Upon a timely filing of a Notice of Appeal to the Board, the Board shall set a hearing date. A notice of the appeal hearing shall be published in a newspaper of general circulation within Routt County at least seven (7) days prior to the date of the board hearing. This hearing date shall be on a date not less than ten (10) days, nor more than thirty (30) days, from the date of the Notice of Appeal. The hearing before the Board shall be informal; the Rules of Evidence shall not apply, but the Board may accept any evidence it deems trustworthy and probative on the issues. The County staff shall present information to justify the refusal to allow the installation of the solid fuel burning device, or to support the Order of Noncompliance. The appellant shall be given the opportunity to respond. The Board shall render its decision within ten (10) days of the hearing.

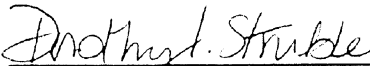
- C. The Board of County Commissioners may affirm, modify, rescind, or deny the Order of Noncompliance, or grant a special exception to allow the installation or continuation of use of a Solid Fuel Burning Device if it is determined by the Board of County Commissioners that owing to exceptional and extraordinary circumstances, literal enforcement of these regulations will result in extreme hardship to the owner.

- D. In the event of an appeal of an Order of Noncompliance, the Board shall determine whether this resolution was violated, and shall state the time for compliance with the order.

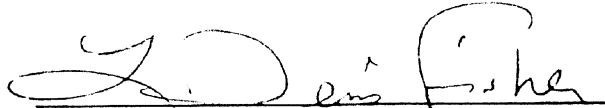
THIS RESOLUTION shall become effective upon motion duly made, seconded and adopted this 10th day of JUNE, 1991.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

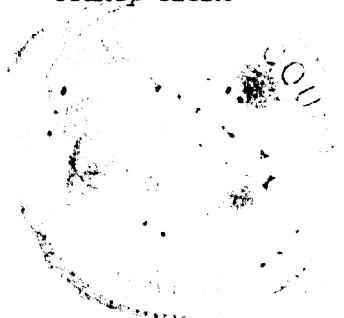


Dorothy L. Struble,
County Clerk



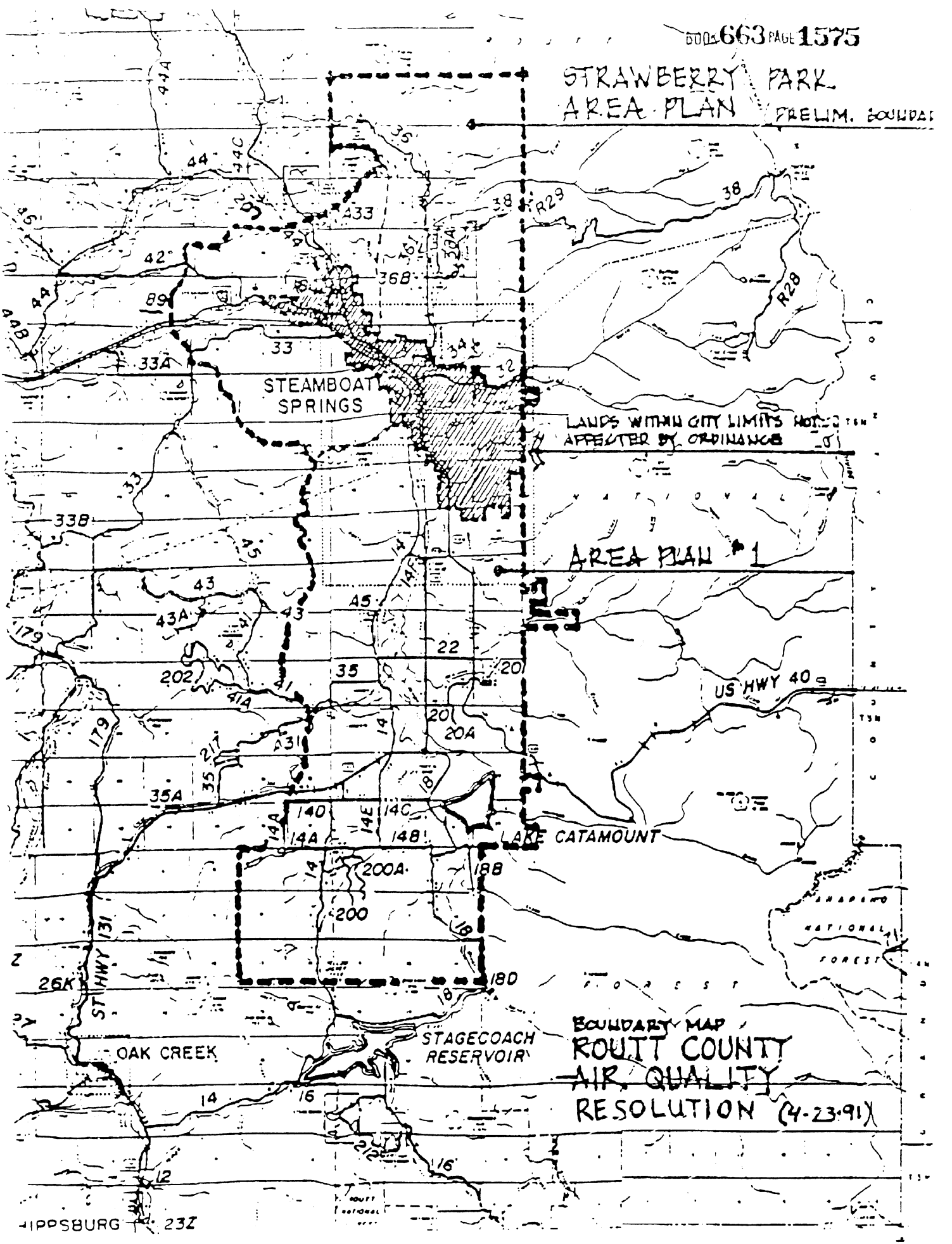
L. Dennis Fisher, Chairman

Vote: L. Dennis Fisher (aye) (nay)
Randy M. Taylor (aye) (nay)
Robert A. Dorr (aye) (nay)



STRAWBERRY PARK AREA PLAN

PRELIM. BOUNDARY



STEAMBOAT SPRINGS

LANDS WITHIN CITY LIMITS NOT AFFECTED BY ORDINANCE

AREA PLAN #1

US HWY 40

LAKE CATAMOUNT

OAK CREEK

STAGECOACH RESERVOIR

BOUNDARY MAP
ROUTT COUNTY
AIR QUALITY
RESOLUTION (4-23-91)