

Chapter 4-06

SOLID FUEL HEATING APPLIANCE REGULATION

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Section 4-06-01 OBJECTIVE

To protect air quality resources vital to public health, safety and economic future of Boise City by controlling emissions from solid fuel and refuse burning.

Section 4-06-02 APPLICABILITY

The provisions of this Chapter shall apply to all areas of Boise City.

Section 4-06-03 DEFINITIONS

For the purposes of this ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory not merely directory.

AIR POLLUTION:

The presence in the outdoor atmosphere of any contaminant or combinations thereof in such quality 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.

AIR QUALITY INDEX (AQI):

A national system used to report local, daily air pollution levels to the public. Monitored air pollution levels are converted to a uniform scale ranging from 0 (good) to 500 (hazardous) with the pollutant that has the highest ambient concentration determining the AQI.

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BUILDING:

Means any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the International Building Code as adopted by Boise City Code 4-2.

BURN DOWN:

That period of time following an air pollution alert, required for the cessation of combustion within any solid fuel heating appliance included within this ordinance.

CLEAN BURNING APPLIANCE:

Means a solid fuel heating appliance that the U.S. Environmental Protection Agency (EPA) has certified to meet acceptable emission performance standards.

ECONOMIC HARDSHIP:

Means fifty percent (50%) or less of Boise City's median income as established by the U. S. Department of Housing and Urban Development (HUD).

OPEN BURNING:

Means the combustion of any material not contained in a heating appliance or incinerator.

PM-2.5:

Means Airborne particles 2.5u or less in diameter.

PM-10:

Means Airborne particles 10u or less in diameter.

PERSON:

Means any individual, firm, partnership, association, corporation, company, organization, or governmental entity.

REFUSE:

Means all solid wastes, garbage and rubbish, including, but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris or chemically treated wood.

REFUSE INCINERATOR:

Means any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

SOLID FUEL:

Means any form of untreated wood or coal.

SOLID FUEL HEATING APPLIANCE:

Means an enclosed device designed for solid fuel combustion that meets all of the following criteria:

1. An air-to-fuel ratio averaging less than 35-to-1
2. Firebox volume less than 20 cubic feet
3. Minimum burn rate less than 5 kg/hr and
4. Maximum weight of less than 800 kg.

Boise Municipal Code

Explicitly excluded are furnaces, boilers, cookstoves and open fireplaces.
(6270, Amended, 10/21/2003; 5095, Added, 07/19/1988)

Section 4-06-04AIR QUALITY DESIGNATIONS AND WOOD BURNING BAN CRITERIA

- A. The quality of Boise's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Department of Environmental Quality (DEQ).
- B. In order to prevent the existence of air quality that is unhealthful, a wood burning ban will be declared whenever the Idaho State DEQ reports an AQI value of 74 or greater for any pollutant measured by an approved monitor within the Treasure Valley and air stagnation conditions are forecasted to continue for at least 24-hours.
(6270, Amended, 10/21/2003; 5431, Amended, 01/12/1993; 5043, Added, 11/10/1987)

Section 4-06-06BURNING 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.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to design specifications and manufacturers' instructions.

Section 4-06-07WOOD BURNING BAN/ADDITIONAL RESTRICTIONS

At the onset and during the pendency of a wood burning ban, the following additional restrictions 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 Planning and Development Services.
- 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.
(6270, Amended, 10/21/2003; 5095, Added, 07/19/1988)

Section 4-06-08WOOD BURNING BAN EXEMPTIONS

- A. Planning and Development Services shall grant exemptions from this Ordinance if it is determined by Planning and Development Services Director or designee that:
 - 1. A solid fuel heating appliance is the sole source of heat for the building in which it is situated; or
 - 2. An economic hardship exists.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for exemption, a hearing before the Public Works Commission as provided for in this

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Chapter.

(6270, Amended, 10/21/2003; 4944, Added, 08/05/1986)

Section 4-06-09SOLID FUEL HEATING APPLIANCE INSTALLATION

- A. It shall be unlawful on or after July 1, 1987, for any person in the City of Boise 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 United States Environmental Protection Agency (EPA).
- B. Planning and Development Services shall maintain a list of appliances certified to be clean burning by the U. S. Environmental Protection Agency.
(6270, Amended, 10/21/2003; 5095, Amended, 07/19/1988; 5023, Added, 07/28/1987)

Section 4-06-10DENIAL OF EXEMPTION

Upon a showing of sufficient cause to believe that grounds exist for denial of an exemption or the rules and regulations of the Planning and Development Services, as provided for in this Chapter, the Director or designee may deny said exemption by:

- A. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicants opportunity to appeal said denial to the Public Works Commission.
- 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 Public Works Commission within ten (10) working days of receipt of above notice.
(6270, Amended, 10/21/2003)

Section 4-06-11DENIAL HEARING AND DETERMINATION BY COMMISSION

The hearing shall be before the Public Works Commission. At such hearing the Public Works Commission may:

- A. Approve the denial by the Director or designee; or
- B. Allow the issuance of the exemption with modifications or conditions as the Commission may impose, such modifications or conditions to be reasonably related to the use of the exemption.
(6270, Amended, 10/21/2003)

Section 4-06-12APPEAL OF DECISION OF COMMISSION

The decision of the Public Works Commission may be appealed to the Boise City Council by filing written notice of the appeal to the Boise City Clerk within 15 days of the date the Commission decision is received.

(6270, Amended, 10/21/2003)

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Section 4-06-19PENALTY

The violation of any of the provisions of this Chapter, or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

(Ord. 6565, Amended, 05/15/2007; 6270, Amended, 10/21/2003; 5051, Added, 12/01/1987)

Section 4-06-20APPLICABILITY OF CHAPTER

Nothing in this Chapter shall be construed as conflicting with any other Section of the Boise City Code.

(6270, Amended, 10/21/2003; 4946, Added, 08/05/1986)