

ORDINANCE NO. 12

Series 2000

AN ORDINANCE AMENDING POLICY 30 (ABSOLUTE) AND POLICY 30 (RELATIVE) OF THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING AIR QUALITY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The definition of "wood burning appliance" as set forth in Section 9-1-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

WOOD BURNING APPLIANCE      Any appliance, other than a wood burning cooking appliance, which (i) is fueled by the burning of wood, and (ii) meets or exceeds any applicable Phase II emission standards promulgated by the United States Environmental Protection Agency, as amended from time to time.

Section 2. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the inclusion of the following additional definition of "Wood Burning Cooking Appliance", which shall read in its entirety as follows:

WOOD BURNING COOKING APPLIANCE      Any cooking appliance that utilizes the burning of wood for fuel.

Section 3. Policy 30 (Absolute) of Section 9-1-19 of the Breckenridge Town Code, entitled "Air Quality", is hereby amended so as to read in its entirety as follows:

30. (ABSOLUTE) AIR QUALITY: Due to the effects of unregulated wood burning appliances on the air quality of Breckenridge as the Town continues to grow, it is necessary to place limitations on the number of new wood burning appliances in order to protect the quality of our air. In order to retain the quality of air present in Breckenridge the following Policy shall apply. Those projects that wish to provide additional fireplaces or stoves over and above those allowed here shall do so through the use of gas, electricity, or similar means.

- A. The number of wood burning appliances that may be installed in any project constructed or remodeled within the Town is hereby limited to the following:
  - (1) Single-Family Residential: One wood burning appliance per dwelling unit. No wood burning appliances shall be allowed in any accessory apartments.
  - (2) Duplex and Townhouse Residential: One wood burning appliance per dwelling unit; provided, that each unit has one thousand five hundred (1,500) square feet or more of internal heated floor area. No wood burning appliances shall be allowed in units with less than one thousand five hundred (1,500) square feet of internal heated floor area.
  - (3) Multi-Unit Residential: One wood burning appliance per floor located in a lobby or common area containing greater than one thousand (1,000) square feet, with a maximum of two (2) per individual building. No such wood burning appliances shall be allowed in dwelling units.
  - (4) Restaurant or Bar: One wood burning appliance per restaurant or bar, or restaurant/bar combined.
- B. The installation of coal-burning appliances is prohibited.
- C. The installation of a wood burning appliance which does not meet or exceed any applicable emission standards promulgated by the United States Environmental Protection Agency is prohibited.

- D. The installation of a wood burning cooking appliance is prohibited except in a restaurant or restaurant/bar combined; and not more than one wood burning cooking appliance is permitted per restaurant or restaurant/bar combined.
- E. No development shall cause directly or indirectly, either by itself or incrementally, a violation of the ambient air quality standards for the region as established from time to time by the Colorado Department of Health.

Section 3. Policy 30 (Relative) of Section 9-1-19 of the Breckenridge Town Code, entitled "Air Quality", is hereby amended so as to read in its entirety as follows:

30. (RELATIVE) AIR QUALITY:

- A. Where wood burning appliances are permitted:

It is encouraged that all developments install alternative methods of heating, rather than wood burning appliances. To encourage the use of alternative methods of heating, the following point analysis shall be utilized to evaluate how well a proposal meets this Policy:

- 0 The installation of a wood burning appliance; or a gas fireplace.
- 2 The installation of a wood burning cooking appliance in a restaurant or restaurant/bar combined.

- 2 x (0/+2) B. Beyond the provisions of Absolute Policy No. 30, other measures which are likely to reserve or enhance the quality of the air are encouraged. Measures which are effective over the long-term are preferred.

Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

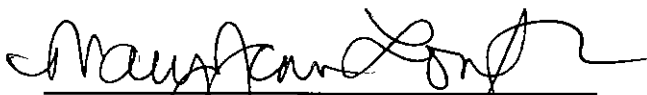
Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 7. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8<sup>th</sup> day of February, 2000. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 22<sup>nd</sup> day of February, 2000 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
 \_\_\_\_\_  
 Mary Jean Loufek, CMC, Town Clerk

  
 \_\_\_\_\_  
 Stephen C. West, Mayor

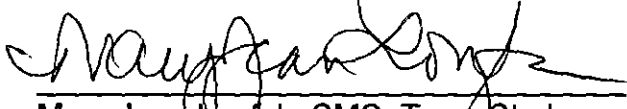
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 18, 2000.

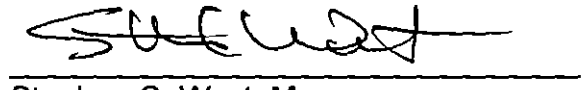
The public hearing on this ordinance was held on February 22, 2000.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY  
TITLE ONLY, this 22<sup>nd</sup> day of February, 2000. A copy of this Ordinance is available for  
inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Mary Jean Loufek, CMC, Town Clerk

  
\_\_\_\_\_  
Stephen C. West, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney

2/22/00  
Date

This Ordinance was published by title only in the Summit County Journal, a  
newspaper of general circulation within the Town of Breckenridge, on March 3, 2000.