

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 13-03

IN THE MATTER OF AMENDING CHAPTER 9 OF  
LANE CODE TO MODIFY PROHIBITIONS  
PERTAINING TO USE OF SOLID FUEL SPACE  
HEATING DEVICES (LC 9.125 through 9.135 )

The Board of County Commissioners of Lane County ordains as follows:

Chapter 9 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

**REMOVE THESE SECTIONS**

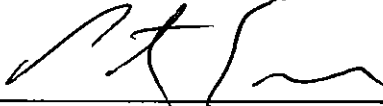
9.125 through 9.135  
located on pages 9-7 through 9-8  
(a total of 2 pages)

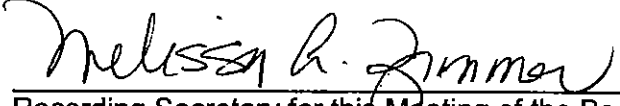
**INSERT THESE SECTIONS**

9.125 through 9.135  
located on page 9-7 through 9-9  
(a total of 3 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to modify prohibitions pertaining to use of solid fuel space heating devices. (LC 9.125 through 9.135 )

ENACTED this 24<sup>th</sup> day of SEPTEMBER 2003.

  
\_\_\_\_\_  
Peter Sorenson, Chair  
Lane County Board of Commissioners

  
\_\_\_\_\_  
Melissa A. Zimmerman  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date August 24, 2003 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

(2) In addition to the requirements listed above, by July 1, 1992 and thereafter, any person or company providing collection of refuse for a fee (or exchange of value) within the area between city limits and the urban growth boundary of cities with a population of 10,000 or greater in Lane County must charge residential refuse collection service rates that encourage waste reduction, reuse and recycling. The rate schedule must:

- (a) Include at least one rate for a container that is 21 gallons or smaller.
- (b) Be structured such that the rate per pound of waste disposed does not decrease with increasing size of containers.
- (c) Be structured such that the rate per container does not decrease if more than one container is collected.

(3) Beginning January 1, 1993 and thereafter, any person or company providing collection of refuse for a fee (or exchange of value) within the area between the city limits and the urban growth boundary of cities with a population of 10,000 or greater in Lane County must, upon request from Lane County, provide Lane County a copy of the residential refuse collection service rate schedule.

(4) Failure to comply with any of the above provisions is a Class 1 failure to comply. *(Revised by Ordinance No. 5-92, Effective 6.3.92; 1-00, 4.12.00)*

#### **9.117 Failure to Comply.**

Failure to comply with any of the requirements of LC 9.030 through 9.115 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00)*

### **RESTRICTION ON USE OF SOLID FUEL SPACE HEATING DEVICES**

#### **9.120 Purpose and Findings.**

(1) The health, safety and welfare of the citizens of Lane County are adversely affected by the degradation of air quality. Violations of federal ambient air quality standards, as measured by the Lane Regional Air Pollution Authority (LRAPA), occur periodically in Lane County.

(2) Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically unpleasant, and which contribute to the degradation of air quality and the violation of federal ambient air quality standards.

(3) Periodic restriction of the use of solid fuel space heating devices will improve air quality. LRAPA has the expertise to determine when such air quality is at such a level that such restriction is necessary to preserve the health, safety and welfare of the citizens of Lane County.

(4) It is the intent of Lane County that the penalty section of this ordinance not take effect until November 1, 1991. *(Revised by Ordinance No. 9-90, Effective 1.18.91)*

#### **9.125 Definitions.**

As used herein, the following words and phrases shall mean:

Green Advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be less than 100 micrograms per cubic meter and PM2.5 levels are forecast to be less than 41 micrograms per cubic meter, within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

Lane Regional Air Pollution Authority. A regional air quality control authority established under the provisions of and with the authority and powers derived from ORS 468.500 et seq.

Opacity. The degree to which an emission reduces transmission of light or obscures the view of an object in the background.

Pellet Stove. An enclosed solid fuel space heating device designed and operated to burn manufactured solid fuel and having an air-to-fuel ratio greater than 35-to-1 as determined by the federal test method described in 40 CFR Part 60.534

Person. Any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character.

Person in Charge of Property. An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

PM2.5. Solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 2.5 micrometers.

PM10. Solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 10 micrometers.

Sole Source of Heat. A solid fuel space heating device which constitutes the only source of heating in a private residence. A solid fuel space heating device shall not be considered to be the sole source of heat if the private residence is equipped with any permanently-installed furnace or heating system utilizing oil, natural gas, electricity or propane.

Solid Fuel Space Heating Device. Any device designed or operated to burn solid fuel for the heating of the interior of a building, including, but not limited to, solid fuel burning stoves, fireplaces or wood stoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, and solid fuel burning cooking stoves. "Solid fuel space heating device" does not include natural gas-fired artificial fireplaces.

Stage I Red Advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 125 micrograms per cubic meter but less than 150 micrograms per cubic meter, or when PM2.5 levels are forecast by LRAPA to be greater than or equal to 55 micrograms per cubic meter but less than 65 micrograms per cubic meter, within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

Stage II Red Advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 150 micrograms per cubic meter, or when PM2.5 levels are forecast by LRAPA to be greater than or equal to 65 micrograms per cubic meter, within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

Visible Emissions. The reduction in transmission light or the obscuring of the view of an object in the background caused by the air pollutants emitted by the heating device. This does not include the visual distortion caused by the heated air emitted by the heating device. *(Revised by Ordinance No. 9-90, Effective 1.18.91; 1-00, 4.12.00)*

Yellow Advisory. A 24-hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 100 micrograms per cubic meter but less than 125 micrograms per cubic meter, or when PM2.5 levels are forecast to be greater than or equal to 41 micrograms per cubic meter but less than 55 micrograms per cubic meter, within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

**9.130 Area of Applicability.**

The Metropolitan Area General Plan Urban Growth Boundary adopted in 1982 as amended through June 2003, excluding the area within the city limits of Eugene and Springfield. *(Revised by Ordinance No. 9-90, Effective 1.18.91)*

**9.135 Prohibitions.**

(1) Stage I Red Advisory. No person in charge of property during a Stage I Red Advisory shall operate or allow to be operated a solid fuel space heating device which emits visible emissions into the air outside of the building housing the device unless the person in charge of the property has been granted an exemption to use the device by LRAPA.

(2) Stage II Red Advisory. No person in charge of property during a Stage II Red Advisory shall operate or allow to be operated a solid fuel space heating device unless the person in charge of the property has been granted an exemption to use the device by LRAPA or unless the person is operating a pellet stove which emits no visible emissions into the air outside of the building housing the device. *(Revised by Ordinance No. 9-90, Effective 1.18.91; 1-00, 4.12.00)*

(3) Green or Yellow Advisory. No person in charge of property during a green or yellow advisory shall operate or allow to be operated a solid fuel space heating device which discharges emissions that are of an opacity greater than forty (40) percent. This provision does not apply to the emissions during the building of a new fire, for a period or periods aggregating no more than ten (10) minutes in any four (4) hour period.

(4) Prohibited Materials. No person in charge of property shall at any time allow to be initiated or maintained in a solid fuel space heating device the burning of any plastics, wire insulation, petroleum by-products (with the exception of natural-gas-fueled log lighters), petroleum treated materials, rubber products, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food, or of any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants.

||At right margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
~~9.1179-135~~ Lane Code

**LEGISLATIVE  
FORMAT  
9.125-9-135**

(2) In addition to the requirements listed above, by July 1, 1992 and thereafter, any person or company providing collection of refuse for a fee (or exchange of value) within the area between city limits and the urban growth boundary of cities with a population of 10,000 or greater in Lane County must charge residential refuse collection service rates that encourage waste reduction, reuse and recycling. The rate schedule must:

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LEGISLATIVE  
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