

## **Table 4**

### **City and County Ordinances**

#### **Codified Ordinances of Jackson County**

#### **Health and Sanitation Code – Air Pollution**

##### **1810.09 Abatement; Legal Proceedings**

Whoever violates or fails to comply with any of the provisions of this chapter shall be subject to appropriate legal proceedings to enjoin or abate such violation or noncompliance, in addition to the penalty provided in Section 1810.99.

(Ord. 85-31. Passed 12-4-85; E. Ord. 89-13. Passed 12-22-89; P. Ord. 89-12. Passed 12-20-89.)

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

##### **1810.99 Penalty**

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

#### **City of Medford Oregon Municipal Code**

#### **Public Protection – Woodburning Restrictions**

##### **7.226 Abatement; Legal Proceedings**

Whoever violates or fails to comply with any of the provisions of this chapter shall be subject to appropriate legal proceedings to enjoin or abate such violation or noncompliance, in addition to the penalty provided in Section 7.900 below.

[Added Ord. No. 6484, Nov. 2, 1989, effective November 20, 1989.]

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

##### **7.300 Penalty**

Violation of a provision of this Chapter 7 constitutes a violation. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

(Added c. 4, Ord. No. 5435, May 2, 1985; Arnd. Sec. 4, Ord. No. 2000-55, April 6, 2000.)

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

## Approved but Not Incorporated by Reference

NOTE: Ordinance No. 4740 adopted by the Council Nov. 4, 1982 and signed by the Mayor Nov. 11, 1982 provides as follows:

### Section 1. General Definitions

1.1 Air stagnation advisory: Forecast made by the National Weather Service for poor ventilation conditions.

1.2 Council: The City Council of the City of Medford.

1.3 Cost-effective level of weatherization: Minimum, cost-efficient standards of weatherization, including standards for materials and installation. which shall be set by the Director of Building Safety. These standards shall reflect, but not exceed the levels defined in ORS 469.710(2).

1.4 Medford-Ashland AQMA: That part of Jackson County, Oregon. specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area -- one of several areas in the state wherein air quality has deteriorated due to unhealthful levels of pollutants in the air.

1.5 Particulate: Airborne particles ranging from 01 to 1,000 microns in size. These particles are inhaled during breathing and can be harmful.

1.6 Person: Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

1.7 Primary particulate standard: An average particulate concentration of 260 micrograms per cubic meter of air during a twenty-four hour period.

1.8 Proof of weatherization: Certification, receipts, contracts, or other such documents specifically listing weatherization steps taken by the homeowners, which may be reviewed by building inspectors at the time of solid fuel heating system installation.

1.9 Regulations: Regulations promulgated by the Council pursuant to this ordinance.

1.10 Residential building: An existing building used for permanent or seasonal habitation by one or more persons, containing four or fewer dwelling units. and constructed prior to January 1, 1979.

1.11 Residential woodburning: Utilization of a wood heating device inside a dwelling unit.

1.12 Spaceheating: Raising the interior temperature of a room or rooms.

1.13 Total suspended particulate level: Amount of particulate in ambient air.

1.14 Trackout: The deposition of mud, dirt and other debris on paved public roadways by motor vehicles; the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic, where it becomes a part of the total suspended

particulate level. 1.15 Ventilation index: The National Weather Service's indicator of the relative degree of air circulation for a specified area.

1.16 Wood heating devices: A stove, heater, fireplace. or other receptacle wherein wood is heated to the point of combustion.

### Section 2. Severability.

2.1 If any portion of this ordinance is declared to be invalid by a court of competent jurisdiction, such invalidity shall be confined to the section to which such declaration of invalidity relates. and the remainder of this ordinance shall continue to be operative.

### Section 3. Weatherization Requirements for Solid Fuel Heating Device Installation.

## Approved but Not Incorporated by Reference

The purpose of this section is to reduce the amount of particulate pollution resulting from residential woodburning for building heating. Most buildings constructed before 1979 were built to lower weatherization standards than buildings constructed since that date. A highly weatherized and insulated building will require less fuel to attain and hold a given temperature. It will produce less smoke pollution and will also result in a savings of the wood or other fuel resource. Additionally, weatherization prior to or at the time of installation of a solid fuel heating device will generally result in the selection of a device more appropriately sized for the building and will lessen the potential amount of smoke produced. Therefore:

3.1 The installation of a wood stove, fireplace, or any other form of solid fuel, space heating device is allowed if:

A) The space heating device is installed pursuant to the uniform building code and regulations of the Medford Department of Building Safety.

B) The structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel burning, smoke producing method.

C) The residence meets or is proposed to meet within 90 days the cost-effective levels of weatherization as defined in Section 1.3 of this ordinance.

Section 4. [Repealed Ord. No. 5072, Feb. 16, 1984.]

The purpose of this section is to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. This section is also intended to encourage homeowners to make use of free energy audits and low-interest financing available from local utility companies. It is the City's intent to advertise and make known programs which are already available for weatherizing homes and to assist citizens in taking advantage of those programs.

4.1 It is the goal of the City of Medford to assist citizens to weatherize all residences to the cost-effective level by January 1, 1987.

4.2 All residential buildings shall have received an energy audit prior to the time of sale or rental, and such information shall be made available to potential purchasers or renters as a condition of such sale or rental. This section shall become effective six months after adoption of this ordinance.

4.3 In January of 1984, if the primary particulate health standards are not being maintained, all homes with a wood heating system shall be weatherized to cost-effective levels at the time of sale or rental.

## Section 5. Pollution Episode Curtailment

The purpose of this section is to reduce the amount of particulate pollution during periods of air stagnation or when pollution levels are critical. Period of air stagnation occur at various times in a year and can create a severe accumulation of pollutants. Residential woodburning can contribute as much as 50 percent of the particulate pollution during these conditions.

5.1 The use of residential woodburning devices is prohibited on each day that an air stagnation advisory announcement for the Medford-Ashland AQMA has been issued by the National Weather Service. This subsection takes effect on July 1, 1984, if the particulate health standard is not attained in the Medford-Ashland Air Quality Maintenance Area by that date.

## Approved but Not Incorporated by Reference

5.2 Residences having no other form of space heating are exempt from this section.

### Section 6. Trackout

The purpose of this section is to lessen the amount of particulate pollution which originates from roads and roadways. Dirt and other debris, which may become deposited upon paved roads, can be ground and pulverized by traffic into minute particles. These particles can then become airborne adding to the particulate pollution problem.

6.1 No person shall place or deposit mud, dirt or debris upon any street, alley, sidewalk or other public way.

6.2 Violation of subsection 6.1 is hereby declared to be a public nuisance and subject to summary abatement by the City Manager or his designate. Summary abatement includes but is not limited to suspension of any and all city permits relating to construction on the site which is the source of the mud, dirt or debris.

## **City of Central Point Municipal Code Health and Safety – Nuisances**

### **8.04.100 Abatement-Notice**

A. Upon determination by the city's code enforcement officer that a nuisance as defined in this chapter exists, the code enforcement officer shall forthwith cause a notice to be posted on the premises liable for the abatement directing the removal of the nuisance.

B. At the time of posting, the recorder shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the owner or agent in charge of the property at the last known address of the owner or agent.

C. The notice to abate shall contain:

1. A description of the real property, by street address or otherwise, on which the nuisance exists;
2. A direction to remove the nuisance within seven days from the date of the notice;
3. A description of the nuisance;
4. A statement that unless the nuisance is removed within the specified period the city will remove the nuisance and the cost of removal shall be a lien against the property;
5. A statement that the owner or agent in charge of the property may protest the action by giving notice to the recorder within two business days from the date of the notice.

D. The person posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file a certificate stating the date and place of the mailing and posting.

## Approved but Not Incorporated by Reference

E. An error in the name or address of the owner or agent in charge of the property or the use of a name other than that of the owner or agent shall not make the notice void and in such a case the posted notice shall be deemed sufficient.

(Ord. 1896 §1, 2006; Ord. 817 §7, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **8.04.110 Abatement- By owner**

A. Within seven days after the posting and mailing of the notice as provided in this chapter, the owner or agent in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

B. The owner or agent in charge protesting that no nuisance in fact exists shall file with the recorder a written statement which shall specify the basis for contending that no nuisance exists.

C. The statement shall be referred to the city manager, who shall thereupon determine whether a nuisance in fact exists.

D. The city manager's decision may be appealed to the city council by filing a written request for review no later than three business days after receipt of the city manager's written decision. City council review shall be conducted at the next available city council meeting, at which time all parties with relevant information shall be allowed to be heard.

E. Upon final determination that a nuisance does in fact exist, the owner or agent shall within three days after such final determination remove or abate such nuisance.

(Ord. 1969 §1, 2013; Ord. 1896 §2, 2006; Ord. 817 §8, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **8.04.120 Abatement-By city**

A. If within the time fixed, as provided in this chapter, the nuisance has not been abated by the owner or agent in charge of the property, the city's code enforcement officer shall cause the nuisance to be abated.

B. The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon any property in accordance with the provisions of Chapter 1.12 to investigate or cause the removal of the nuisance.

C. The finance director shall maintain an accurate record of the expense incurred by the city in abating the nuisance and shall include an overhead charge to cover the cost of administration.

D. The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.

(Ord. 1896 §3, 2006; Ord. 817 §9, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **8.04.130 Abatement-Assessment of costs**

## Approved but Not Incorporated by Reference

A. A notice of the assessment shall be forwarded by registered or certified mail, postage prepaid, to the owner or agent in charge of the property by the recorder. The notice shall contain:

1. The total cost, including administrative overhead, of the abatement;
2. A statement that the cost as indicated will become a lien against the property unless paid within sixty days;
3. A statement that if the owner or agent in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the recorder within thirty days from the date of the notice.

B. Upon the expiration of thirty days after the date of the notice, objections to the proposed assessment shall be heard and determined by the council in its regular course of business.

C. An assessment for the cost of abatement as determined by the council shall be made by resolution of the council and shall thereupon be entered in the docket of city liens and, upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed and abated.

D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of six percent per year. Such interest shall commence to run thirty days after the entry of the lien in the lien docket.

E. An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. 817 §10, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **8.04.140 Summary abatement**

The abatement procedure provided by Sections 8.04.100 through 8.04.130 is not exclusive; and furthermore, the health officer, the chief of the fire department and the police officers of this city may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Ord. 817 §11, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **8.04.150 Penalty**

Any person convicted of maintaining any nuisance as defined or prohibited in this chapter shall be subject to punishment under the general penalty ordinance. Each day of such violation constitutes a new offense.

(Ord. 1716 §10, 1995; Ord. 817 §12, 1966).

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

## City of Ashland Municipal Code

### **Title 10 - Public Peace, Morals And Safety Controls on Open Burning**

#### **10.30.050 Definitions**

The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.

- A. "Fire Chief" means the City of Ashland Fire Chief or the Chief's representative.
- B. "Campfire" means any fire for cooking located outside of a building or recreational vehicle.
- C. "Outdoor fire" includes any fire except a fire for cooking.
- D. "Person in charge" means a person or a representative or an employee of a person who has lawful control of the site of the fire by ownership, tenancy, official position or other legal relationship.
- E. "Ventilation index" means the National Weather Service's indicator of the relative degree of air circulation in the Rogue Valley.

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006

### **Title 9 – Health and Sanitation Woodstove curtailment and Opacity Limitations**

#### **9.24.060 Penalty**

Any person violating or causing the violation of any of the provisions of this Chapter shall be punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code.

(Passed by voters November 6, 1990: wording from resolution. 90-44, Sept., 1990) (Ord. 2822·S1, 1998)

EPA approval: 6/19/2006, 71 FR 35163; EPA effective: 8/18/2006