

SECTION 4-440. WOOD BURNING CONTROLS

- A. Findings and Intent.** The Eagle County Board of County Commissioners hereby find and declare air quality to be an important part of the health, safety and welfare of the community. The Board of County Commissioners have a duty to protect and improve air quality in and around Eagle County, not only for the health, safety and general welfare of its residents and visitors, but also because air pollution resulting from the use of wood burning devices reduces the desirability of Eagle County as a recreation and tourism destination, thus affecting the aesthetic and economic welfare of the County.

The Board of Commissioners find and declare the present level of degradation of air quality to be unacceptable and recognize the need to achieve the maximum practical degree of air purity possible by requiring the use of all available practical methods and techniques to control, prevent and reduce air pollution caused by wood smoke. It is the intent of the Board of County Commissioners to enact reasonable regulations to control pollution caused by wood smoke for the purpose of improving the air quality, aesthetic features and economy of Eagle County.

B. General Requirements.

1. **Only New Technology Devices Permitted.** Building or mechanical permits shall only be issued for the installation of wood burning devices that comply with the standards of a new technology device, as defined herein, or unless the installation is otherwise exempt from these Regulations.
2. **Existing Wood Burning Devices.** Buildings with wood burning devices in existence on the effective date of this regulation shall be permitted to replace existing wood burning devices with new technology devices.
3. **Exemptions.** Section 4-440.C., Maximum Number of Wood Burning Devices in New Structures, does not apply to parcels thirty five (35) acres or greater in size, zoned Resource, and the sole source of heat is a new technology device.

C. Maximum Number of Wood Burning Devices in New Structures. The maximum number of wood burning devices permitted within new structures in unincorporated Eagle County shall be as follows:

1. **R, RL, AR, AL, and RR Zone Districts.** One (1) new technology device shall be permitted per building within the Resource (R), Resource Limited (RL), Agricultural Residential (AR), Agricultural Limited (AL), and Rural Residential (RR) zones, unless exempt under Section 4-440.B.3. Exemptions.
2. **RC, RSL, RSM, RMF and FH Zone Districts.** Within the Rural Center (RC), Residential Suburban Low Density (RSL), Residential Suburban Medium Density (RSM), Residential Multi-Family (RMF), and Fulford Historical (FH) zone districts, the following limitations shall apply:
 - a. **Single-Family and Duplex Units.** One (1) new technology device shall be permitted per dwelling unit in single-family and duplex dwellings.

- b. Multi-Family Units.** Wood burning devices shall not be permitted within multifamily dwelling units; however, one (1) new technology device shall be permitted in the common area of a building containing multi-family units.

- 3. RC, CL, CG, and I Zone Districts.** Within the RC (Rural Center), Commercial Limited (CL), Commercial General (CG) and Industrial (I) zone districts, the following limitations shall apply:
 - a. Commercial and Industrial Uses.** One (1) new technology device shall be permitted per each building that contains commercial and industrial use(s); or
 - b. Hotel or Motel Use.** One (1) conventional open-hearth fireplace shall be permitted in the common area of a building that contains a motel or hotel use. Said fireplace shall be constructed with glass doors and shall have the ability to regulate the amount of outside return air entering the fire chamber.

- 4. Approved PUD.** Within any approved planned unit development (PUD), including the Eagle-Vail PUD, the following limitations shall apply, unless alternative limitations are approved as part of the PUD Guide:
 - a. Single-Family and Duplex Units.** One (1) new technology device shall be permitted per dwelling unit in single-family and duplex dwellings.
 - b. Multi-Family Units.** Wood burning devices shall not be permitted within multi-family dwelling units; however, one (1) new technology device shall be permitted in the common area of a building containing multi-family units.
 - c. Commercial and Industrial Uses.** One (1) new technology device shall be permitted per each building that contains commercial and industrial use(s); or
 - d. Hotel or Motel Use.** One (1) conventional open-hearth fireplace shall be permitted in the common area of a building that contains a motel or hotel use. Said fireplace shall be constructed with glass doors and shall have the ability to regulate the amount of outside return air entering the fire chamber.