

Chapter 43**AIR POLLUTION****Sections:**

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Revised/Re-codified 3-11-85. (*Chapter 2A of the 1965 Code. Amended 11-9-64; 12-14-64; 8-23-65*). Amendments noted where applicable.

43-1 PROHIBITIONS

It shall be unlawful for any person who is the owner, operator or in control of any stationary steam boiler to permit or cause to escape into the open air within the town any dense smoke, soot, cinders or fly ash, as hereinafter defined in Sections 43-2 to 43-4.

43-2 GRADING OF SMOKE DENSITY

For the purpose of grading the density of smoke under this chapter, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part hereof by reference, shall be the standard. Two (2) copies of such chart shall be deposited with the Town Manager. Smoke shall be considered dense when it is equal to or of greater density than No. 2 on such chart.

43-3 EXCEPTIONS TO SMOKE DENSITY RESTRICTIONS

The following shall be exceptions to the provisions of Section 43-2:

- A. When cleaning the boiler or stack.
- B. When a fire box is cleaned out or a new fire is being built therein, smoke shall be permitted of a density equal to but not in excess of No. 2 on such Ringelmann Chart for a period or periods aggregating not more than nine (9) minutes in any one (1) hour or of a density in excess of No. 2 on such chart for a period or periods aggregating not more than six (6) minutes in any one (1) hour.
- C. Blowing of boiler tubes.

D. In the event of a breakdown of the fuel-burning equipment or other failure, which is not reasonably preventable and which causes the emission of smoke of a density greater than No. 2 on the Ringelmann Chart, the emission of such smoke shall be permitted for a reasonable time during the period of such breakdown or failure. The person responsible for such equipment or failure shall forthwith notify the Air Pollution Commission or its representatives of such breakdown or failure, shall give the reasons therefor, shall exercise every reasonable effort to prevent without undue delay the emission of smoke of a density greater than No. 2 on the Ringelmann Chart, shall state when such breakdown or failure will be corrected and shall further notify the Air Pollution Commission or its representatives when such breakdown or failure will be corrected.

43-4 SOOT, CINDERS AND FLY ASH

A. Emission prohibited. No person shall cause or allow the escape or emission from any stack into the open air of such quantities of soot, cinders or fly ash in such place or manner as to cause injury, detriment or nuisance to any person or to the public or in such manner as to cause or have a tendency to cause injury or damage to business or property.

B. Permissible amounts of fly ash.

1. No person shall operate or cause to be operated or maintained or cause to be maintained any furnace or combustion device for the burning of solid fuel unless the quantity of fly ash emitted into the open air shall not exceed seventy-five hundredths (0.75) grain per cubic foot of flue gas at a stack temperature of five hundred degree's Fahrenheit (500 degrees F), applying to a stack temperature of eight hundred fifty degrees Fahrenheit (850 degrees F) or less, of which amount not to exceed two-tenths (0.2) of a grain per cubic foot shall be of such size as to be retained on a three-hundred-twenty-five-mesh United States standard sieve. These conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load.

2. Any person violating the provisions of this subsection shall have ninety (90) days after notification by the Air Pollution Commission or its representative within which to cause such furnace or combustion device to comply with the provisions of this subsection. The Town Council, upon the recommendation of the Air Pollution Commission, may extend this time during a period of construction which is being done to comply with this chapter.

C. Emission a public nuisance. The escape or emission of soot, cinders and fly ash, as prohibited herein, is hereby declared to be a public nuisance.

D. Exempted emissions. In the event of a breakdown of any furnace or combustion device mentioned in Subsection B or other failure which is not reasonably preventable and which causes the quantity of fly ash emitted into the open air to exceed the quantity mentioned in such subsection, the emission of such fly ash shall be permitted for a reasonable time during the period of such breakdown or failure. The person responsible for such equipment or failure shall notify forthwith the Air Pollution Commission or its representative of such breakdown or failure, shall give the reasons therefor, shall exercise every reasonable effort to prevent without undue

delay the emission of smoke of a greater quantity than permitted by Subsection B, shall state when such breakdown or failure will be corrected and shall notify the Air Pollution Commission or its representative when such breakdown or failure has been corrected.

E. Defined. As used in this chapter, the following terms shall have the meanings indicated:

SOOT, CINDERS AND FLYASH - Considered to be all matter other than dense smoke, and shall include coke, cinders, dust and soot formed as a result of the combustion of fuel which is carried in the gas stream so as to reach the external air and which have not been completely consumed by the combustion process.

43-5 AIR POLLUTION COMMISSION

A. The Town Council, shall, biennially, at the regular Council meeting in September, beginning in 1966, appoint an Air Pollution Commission. Such Commission shall consist of at least three (3) members, who shall hold office until their successors are named as hereinabove provided.

B. The Air Pollution Commission or its representatives shall have authority to enter at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting and investigating any condition which the Commission shall have reasonable cause to believe is a violation of any part of this chapter. Such officials shall at all times comply with all reasonable safety rules then in effect at such properties. Any information relating to secret processes or methods of manufacture or production obtained in the course of such inspections or investigations shall be kept confidential by such officials.

43-6 VIOLATIONS AND PENALTIES

A. Any person violating any of the provisions of this chapter shall be subject to the fines and penalties hereinafter provided. All persons participating in any such violation, either as owners, proprietors, lessees, agents, tenants, managers, superintendents, engineers, firemen or janitors, or otherwise, shall severally be liable therefore and subject to the fines and penalties prescribed by Section B of this section.

B. Upon conviction of the violation of any of the provisions of this chapter, each such person shall for the first offense be punished by a fine of not less than twenty-five dollars (\$25.) nor more than one hundred dollars (\$100.) and, upon conviction of a subsequent offense or offenses hereunder, shall be fined not less than one hundred dollars (\$100.), nor more than five hundred dollars (\$500.) or be confined in jail for not more than ten (10) days, either or both.

C. In the event that any person shall have been convicted of three (3) violations of this chapter within any calendar year period, the Town Council may authorize the Air Pollution Commission to direct counsel for the town to institute forthwith a proceeding in any court of competent jurisdiction to enjoin further operation of such equipment as shall have caused the condition resulting in such violations.

43-7 EXEMPTIONS FROM PROVISIONS OF THIS CHAPTER

Private residences, except when such residences contain four (4) or more family units, shall be exempted from the provisions of this chapter.

43-8 AUTHORIZATION TO ENGAGE INSPECTOR

The Town Manager is hereby authorized to employ, engage or obtain from time to time, if needed, a competent person for the purpose of carrying out the inspections and investigations hereinabove provided. Such person shall be deemed to be a representative of the Air Pollution Commission for all purposes pursuant to this Chapter.