

# **PROPOSED MODEL Regulation of Wood Burning Appliances Ordinance**

This ordinance establishes regulations and guidelines on the type and usage of wood burning appliances allowed to be installed and operated.

Be it ordained by the People of the *(insert name of local agency)*:  
*(Insert name of local agency)* Codes *(need to insert appropriate codes such as ADMINISTRATIVE, GENERAL, BUILDING, or PLANNING, TRAFFIC, ETC.)* are hereby amended by adding Chapter (\_\_\_), to read as follows:

## **CHAPTER (\_\_\_)**

### **WOOD BURNING APPLIANCES**

#### **SEC. \_\_.1. FINDINGS AND PURPOSE**

The *(insert name of governing board of local agency)* finds that:

- (a) Air pollution is a major public health concern in California. The State Air Resources Board (ARB) adopted a particulate matter less than ten microns in size (PM<sub>10</sub>) Ambient Air Quality Standard (AAQS) in December, 1982, and levels for the PM<sub>10</sub> AAQS were selected pursuant to California Code of Regulations Title 17 Section 70200 to protect the health of people who are sensitive to exposure to fine particles. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life.
- (b) Research indicates that wood smoke is a contributor to PM<sub>10</sub> levels and poses health risks to the public.
- (c) The *(insert name of governing board of local agency)* has the desire to improve air quality, and lessen the risk to human health and environment by reducing pollution from wood-burning appliances.
- (d) A need exists to adopt regulations that apply to emissions from wood burning appliances.
- (e) The proposed ordinance will reduce the impact from particulate emissions from wood burning appliances.

#### **SEC. \_\_.2. DEFINITIONS**

- (a) **AIR POLLUTION CONTROL OFFICER (APCO):** The Air Pollution Control Officer of the Yolo-Solano Air Quality Management District (AQMD), or his or her designee.

- (b) **COOKSTOVE:** Any wood fired appliance primarily for cooking food as described in Code of Federal Regulations 60.531.
- (c) **EXISTING DEVELOPMENT:** Any residential or commercial, single or multi-building unit, for which construction is complete.
- (d) **FIREPLACE:** Any permanently installed masonry or factory built device designed to operate at an air-to-fuel ratio greater than or equal to 35-to-1.
- (e) **GARBAGE:** Any solid, semisolid, and liquid wastes generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- (f) **MANUFACTURER:** Any person who constructs or imports a wood burning appliance.
- (g) **NEW DEVELOPMENT:** Any residential or commercial, single or multi-building unit, which begins construction on or after January 1, 2006. Construction begins when the foundation for the structure is started.
- (h) **PAINTS:** Any exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
- (i) **PAINT SOLVENTS:** All original solvents sold or used to thin paints or to clean up painting equipment.
- (j) **PELLET-FUELED WOOD BURNING HEATER:** Any wood burning heater which operates on pellet-fuel and is either U.S. EPA-certified or is exempted under U.S. EPA requirements set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations.
- (k) **SEASONED WOOD:** Wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
- (l) **SOLID FUEL:** Any wood or any other non-gaseous or non-liquid fuel.
- (m) **TREATED WOOD:** Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
- (n) **U.S. EPA:** The United States Environmental Protection Agency.
- (o) **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA the unit meets the performance standards set forth in Part 60, Title 40 Subpart AAA Code of Federal

Regulations.

- (p) **WASTE PETROLEUM PRODUCT:** Any petroleum product other than gaseous fuels that has been refined from crude oil, and has been used, and as a result of use, has been contaminated with physical or chemical impurities.
- (q) **WOOD BURNING APPLIANCE:** Any fireplace, wood burning heater, or pellet-fired wood heater, or any similar enclosed device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.
- (r) **WOOD BURNING HEATER:** An enclosed, wood burning appliance capable of and intended for space heating (i.e. a wood stove or fireplace insert)

### **SEC. \_\_.3. APPLICABILITY**

- (a) Any person who manufactures, sells, offers for sale, or operates a wood burning appliance.
- (b) Any person who sells, offers for sale, or supplies wood intended for burning in a wood burning appliance.

### **SEC. \_\_.4. GENERAL REQUIREMENTS**

Provisions (a) through (e) are required pursuant to Yolo-Solano AQMD Rule 2.40 and need not be adopted by (local agency) to be enforceable. Based on the (local agency's) desire to obtain further emission reductions and with the support of the Yolo-Solano AQMD, the (local agency) is also adopting provisions (*insert provision letters*).

- (a) It shall be unlawful to install or replace a wood burning appliance in a new or existing development that is not one of the following:
  - 1. A pellet-fueled wood heater,
  - 2. A U.S. EPA Phase II Certified wood heater, or
  - 3. A wood burning appliance determined to meet the U.S. EPA Phase II emission standard, and is approved in writing by the APCO.
- (b) All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA approved wood burning appliance which has been altered, installed, or disassembled in anyway not specified by the manufacturer, or is operated in any manner that would result in emissions exceeding the U.S. EPA standard set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, shall be considered a non U.S. EPA compliant appliance.

(c) Retailers selling or offering for sale new wood burning appliances shall supply public education information with each sale of a wood burning appliance in the form of pamphlets, brochures or fact sheets on the following topics. Public education information shall be subject to the review and approval of the APCO.

1. Proper installation, operation, and maintenance of the wood burning appliance,
2. Proper fuel selection and use,
3. Health effects from wood smoke, and
4. Proper sizing of wood burning appliances.

(d) Except for commercial products expressly manufactured for starting a fire in a wood burning appliance, no person shall cause or allow any of the following materials to be burned in a wood burning appliance:

- |                              |   |
|------------------------------|---|
| 1. Garbage,                  | 6. Paints and paint solvents,   |
| 2. Treated wood,             | 7. Coal,  |
| 3. Plastic products,         | 8. Glossy or colored paper,   |
| 4. Rubber products,          | 9. Particle board, or   |
| 5. Waste petroleum products, | 10. Any other material not intended by a manufacturer for use as fuel in a solid fuel burning device. |

(e) No person shall sell, offer for sale, or supply any wood which is orally, or in writing, advertised, described, or in any way represented to be “seasoned” or “dry” wood unless the wood has a moisture content of 20 percent or less by weight.

(f) The ordinance requires the (*insert agency, i.e. city or county*) in conjunction with the YSAQMD, to provide public notification requesting residents to suspend all wood burning activities during poor air quality episodes as determined by the YSAQMD. Methods of notification could include a notice published in local newspapers, email notifications, and notices broadcast through radio or television.

(g) No person shall sell or transfer any real property located within the (*insert jurisdiction, i.e. city or county*), which contains a wood heater without first assuring that each wood heater included in the real property is either U.S. EPA Phase II Certified, approved in writing by the

APCO, a pellet-fueled wood heater, permanently rendered inoperable or removed.

- (h) Any wood burning heater, freestanding or insert, which is not either U.S. EPA Phase II Certified, approved in writing by the APCO, or a pellet-fueled wood heater, shall be removed, replaced with a compliant appliance, or rendered inoperable when all of the following conditions occur, as determined by (*insert name of agency*):
  - 1. Interior remodel or renovation is done requiring a building permit, and
  - 2. The valuation of the remodel or renovation exceeds \$3,500, and
  - 3. The remodel is in the same room as the wood appliance.
- (i) Effective (*insert date*), it shall be unlawful to operate any wood heater within the (*insert jurisdiction*) which is not U.S. EPA Phase II Certified, a pellet-fueled heater, or approved by the APCO. (*Insert Agency*) may grant an exception to this section in case of hardship. Hardship can include one of the following:
  - 1. A residential sole source of heat,
  - 2. A temporary sole source of heat, or
  - 3. An inadequate alternative source of heat.

## **SEC. \_\_.5. EXEMPTIONS**

This chapter does not apply to the following

- (a) Any appliance exclusively fired with a gaseous fuel, or
- (b) Any wood burning appliance specifically designed for cooking such as a cookstove.

## **SEC. \_\_.6. ENFORCEMENT**

Any person who plans to install or replace a wood burning appliance or wood heater must submit documentation to the (*insert appropriate building department*), with a building permit application, demonstrating that the appliance is in compliance with this ordinance.

## **SEC. \_\_.7. VIOLATION**

Every person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

**SEC. \_\_.8. SEVERABILITY**

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter. The *(insert name of governing board of local agency)* declares that it would have passed each section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Chapter irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or ineffective.

**SEC. \_\_.9. EFFECTIVE DATE**

The provisions of this Chapter shall be effective upon adoption by the *(insert name of governing board of local agency)* and certified by the *(insert City Clerk or other appropriate official)*.

APPROVED AS TO FORM:

(Insert Agency Name) Attorney

By: \_\_\_\_\_  
Name