

ORDINANCE NO. G 4 0 6 2

AN ORDINANCE AMENDING THE PHOENIX CITY CODE BY ADDING A NEW CHAPTER 40 "ENVIRONMENTAL PROTECTIONS," BY REGULATING FIREPLACES, WOOD STOVES AND OTHER SOLID-FUEL BURNING DEVICES; AND PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT ON DECEMBER 31, 1998.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. A new Chapter 40 of the Phoenix City Code is hereby created entitled, "Environmental Protections."

SECTION 2. Chapter 40 of the Phoenix City Code is hereby amended by adding Article I and Sections 40-1 through 40-6 to read as follows:

Article I. Fireplace Restrictions

Sec. 40-1 Purpose

The purpose of this Article is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

Sec. 40-2 Effective Date

The effective date of the regulations and prohibitions set forth in this Article shall be December 31, 1998.

Sec. 40-3 Definitions

For purposes of this Article, the following words and terms shall be defined as follows:

FIREPLACE means a built in place masonry hearth and fire chamber or a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

SOLID FUEL includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

WOOD STOVE means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

Sec. 40-4 Installation Restrictions

(a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

1. A fireplace which has a permanently installed gas or electric log insert.

2. A fireplace, wood stove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.

3. A fireplace, wood stove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.

4. A fireplace, wood stove or other solid-fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.

5. A fireplace which has a permanently installed wood stove insert which complies with subparagraphs 2, 3, or 4 above.

(b) The following installations are not regulated by this Article and are not prohibited by this Article:

1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.

2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.

3. Fire pits, barbecue grills, and other outdoor fireplaces.

Section 40-5 Fireplace or Wood Stove Alterations Prohibited

(a) On or after December 31, 1998, no person, firm or corporation shall alter or remove a gas or electric log insert or a wood stove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.

(b) On or after December 31, 1998, no person, firm or corporation shall alter a fireplace, wood stove or other solid fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this Article.

Section 40-6 Permits Required

In addition to the provisions and restrictions of this Article, construction, installation or alteration of all fireplaces, wood stoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the City of Phoenix Construction Code and shall be subject to the permits and inspections required by the Construction Code.

SECTION 3. This ordinance shall become effective on December 31, 1998.

PASSED by the Council of the City of Phoenix this 11th day of

December, 1997.


MAYOR

ATTEST:

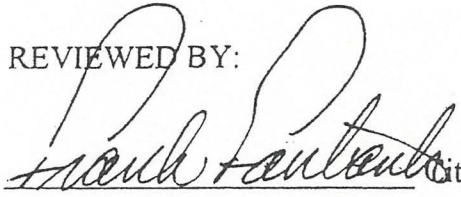
Vicky Miel City Clerk

APPROVED AS TO FORM:

Michael D. Howe ACTING City Attorney

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CITY CLERK

REVIEWED BY:


Paul Lentz City Manager

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