

RETURN TO: PARADISE VALLEY TOWN ATTORNEY  
6401 EAST LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

97-0915012 12/30/97 04:47

ANN. Association of Govern  
Received

JUL 30 1998

1 When recorded, return to:  
2  
3 Paradise Valley Town Attorney  
4 6401 East Lincoln Drive  
5 Paradise Valley, Arizona 85253  
6

7 ORDINANCE NUMBER 450

8  
9 AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,  
10 ARIZONA, ADDING SECTION 5-1-7 TO THE TOWN CODE  
11 RELATING TO CLEAN-BURNING FIREPLACES, PROVIDING  
12 PENALTIES FOR VIOLATIONS  
13

14 BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF  
15 PARADISE VALLEY, ARIZONA:  
16

17 Section 1. Section 5-1-7 of the Town Code relating to clean-burning fireplace  
18 standards is hereby added to the Town Code to read as follows:  
19

20 Section 5-1-7 Clean-burning Fireplace Standards.

21  
22 A. The purpose of this section is to regulate fireplaces, woodstoves or other solid-  
23 fuel burning devices to reduce the amount of air pollution caused by particulate matter  
24 and carbon monoxide.  
25

26 B. For purposes of this section, the following words and terms shall be defined as  
27 follows:  
28

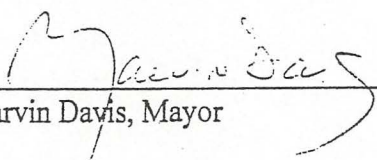
- 29 1. "Fireplace" means a built in place masonry hearth and fire chamber of a  
30 factory-built appliance, designed to burn solid fuel or to accommodate gas or  
31 electric log insert or similar device, and which is intended for occasional  
32 recreational or aesthetic use, not for cooking, heating, or industrial processes.  
33
- 34 2. "Solid Fuel" includes but is not limited to wood, coal, or other nongaseous or  
35 nonliquid fuels, including those fuels defined by the Maricopa County air  
36 Pollution Control Officer as "inappropriate fuel" to burn in residential  
37 woodburning devices.  
38
- 39 3. "Woodstove" means a solid-fuel burning heating appliance including a pellet  
40 stove, which is either freestanding or designed to be inserted into a fireplace.  
41

42 C. No person, shall construct or install a fireplace or a woodstove, and shall not  
43 approve or issue a permit to construct or install a fireplace or a woodstove, unless the  
44 fireplace or woodstove complies with one of the following:  
45

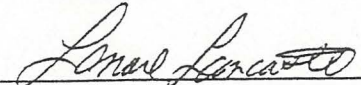
- 1           1. A fireplace which has a permanently installed gas or electric log insert.
- 2
- 3           2. A fireplace, woodstove or other solid-fuel burning appliance which has been
- 4           certified by the United States Environmental Protection Agency as
- 5           conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in
- 6           effect on July 1, 1990.
- 7
- 8           3. A fireplace, woodstove or other solid-fuel burning appliance which has been
- 9           tested and listed by a nationally recognized testing agency to meet
- 10          performance standards equivalent to those adopted by 40 Code of Federal
- 11          Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- 12
- 13          4. A fireplace, woodstove or other solid-fuel burning appliance which has been
- 14          determined by the Maricopa County Air Pollution Control Officer to meet
- 15          performance standards equivalent to those adopted by 40 Code of Federal
- 16          Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- 17
- 18          5. A fireplace which has a permanently installed woodstove insert which
- 19          complies with paragraphs 2, 3, or 4 above.
- 20
- 21   D.      The following installations are not regulated by this section and are not prohibited
- 22   by this section:
- 23
- 24           1. Furnaces, boiler, incinerators, kilns, and other similar space heating or
- 25           industrial process equipment.
- 26
- 27           2. Cookstoves, barbecue grills, and similar appliances designed primarily for
- 28           cooking.
- 29
- 30           3. Fire pits, barbecue grills, and other outdoor fireplaces.
- 31
- 32   E.      No person, shall alter or remove a gas or electric log insert or a woodstove insert
- 33   from a fireplace for purposes of converting the fireplaces to directly burn wood or other
- 34   solid fuel. No person shall alter a fireplace, woodstove or other solid fuel burning
- 35   appliance in any manner that would void its certification or operational compliance with
- 36   the provision of this section.
- 37
- 38   F.      In addition to the provisions and restrictions of this section, construction,
- 39   installation or alteration of all fireplaces, woodstoves and other gas, electric or solid-fuel
- 40   burning appliances and equipment shall be done in compliance with provisions of the
- 41   Town's Building Code and shall be subject to the permits and inspections required by the
- 42   Town's Building Code.
- 43

1 Section 2: Any person found guilty of violating any provision of these amendments  
2 to the Town Code shall be guilty of a class one misdemeanor. Each day that a violation  
3 continues shall be a separate offense punishable as herein above described.

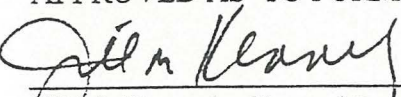
4 PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,  
5 Arizona, this 18th day of December, 1997

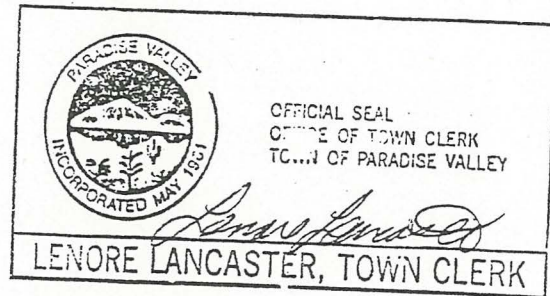
6  
7   
Marvin Davis, Mayor

8 ATTEST:

9  
10   
11 Lenore P. Lancaster, Town Clerk

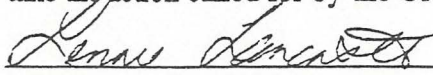
12  
13 APPROVED AS TO FORM:

14   
15 Jill M. Kennedy, Town Attorney  
16



17  
18  
19  
20 CERTIFICATION

21  
22 I, Lenore P. Lancaster, Town Clerk, certify that the foregoing is a true copy of Ordinance  
23 Number 450 duly passed and adopted by affirmative vote of the Town Council of  
24 Paradise Valley at a meeting held on the 18th day of December, 1997. Passage of this  
25 Ordinance appears in the minutes of the meeting.. The Ordinance has not been rescinded  
26 or modified and is now in effect. I further certify that the municipal corporation is duly  
27 organized and existing, and has the power to take the action called for by the Ordinance.

28   
29 Lenore P. Lancaster, Town Clerk