

ORDINANCE NO. 3434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, RELATING TO FIREPLACE RESTRICTIONS AMENDING TITLE 4, CHAPTER 1, SECTION 2 ESTABLISHING A DELAYED EFFECTIVE DATE; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, air pollution caused by particulate matter and carbon monoxide is of concern throughout Maricopa County; and

WHEREAS, air pollution is a regional problem that requires all cities throughout Maricopa County to work towards a solution; and

WHEREAS, the Maricopa Association of Governments has developed a model ordinance for use by cities and towns throughout Maricopa County in order to provide uniform guidelines relating to the regulation of emissions and standards for fireplaces, woodstoves, and other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, as follows:

SECTION 1: That Section 4-1-2 of the Mesa City Code is amended as follows:

4-1-2: FIREPLACE RESTRICTIONS

(A) FOR PURPOSES OF THIS SECTION, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANING ASCRIBED THERETO:

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: MEANS AND 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 WOODBURNING DEVICES.

WOODSTOVE: MEANS A SOLID-FUEL BURNING HEATING APPLIANCE INCLUDING A PELLET STOVE, WHICH IS EITHER FREESTANDING OR DESIGNED TO BE INSERTED INTO A FIREPLACE.

(B) ON OR AFTER DECEMBER 31, 1998, NO PERSON, FIRM OR CORPORATION SHALL CONSTRUCT OR INSTALL A FIREPLACE OR A WOODSTOVE, AND THE CITY SHALL NOT APPROVE OR ISSUE A PERMIT TO CONSTRUCT OR INSTALL A FIREPLACE OR A WOODSTOVE, UNLESS THE FIREPLACE OR WOODSTOVE COMPLIES WITH ONE OF THE FOLLOWING:

1. A FIREPLACE WHICH HAS PERMANENTLY INSTALLED GAS OR ELECTRIC LOG INSERT:
2. A FIREPLACE, WOODSTOVE 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.
3. A FIREPLACE, WOODSTOVE OR OTHER SOLID-FUEL BURNING APPLIANCE THAT 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.
4. A FIREPLACE, WOODSTOVE OR OTHER SOLID-FUEL BURNING APPLIANCE THAT 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; OR
5. A FIREPLACE THAT HAS A PERMANENTLY INSTALLED WOODSTOVE INSERT THAT COMPLIES WITH PARAGRAPHS 2, 3 OR 4 ABOVE.

(C) THE FOLLOWING INSTALLATIONS ARE NOT REGULATED AND ARE NOT PROHIBITED BY THIS SECTION:

1. FURNACES, BOILERS, INCINERATORS, KILNS, AND OTHER SIMILAR SPACE HEATING OR INDUSTRIAL PROCESS EQUIPMENT;
2. COOKSTOVES, BARBECUE GRILLS, AND SIMILAR APPLIANCES DESIGNED PRIMARILY FOR COOKING; AND

3. FIRE PITS, BARBECUE GRILLS, AND OTHER OUTDOOR FIREPLACES.

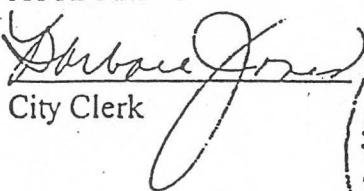
- (D) FIREPLACES CONSTRUCTED OR INSTALLED ON OR AFTER DECEMBER 31, 1998, THAT CONTAIN A GAS OR ELECTRIC LOG INSERT OR A WOODSTOVE INSERT, SHALL NOT BE ALTERED TO DIRECTLY BURN WOOD OR ANY OTHER SOLID FUEL.
- (E) ON OR AFTER DECEMBER 31, 1998, NO PERSON, FIRM OR CORPORATION SHALL ALTER A FIREPLACE, WOODSTOVE OR OTHER SOLID FUEL BURNING APPLIANCE IN ANY MANNER THAT WOULD VOID ITS CERTIFICATION OR OPERATIONAL COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.
- (F) IN ADDITION TO THE PROVISIONS AND RESTRICTIONS OF THIS SECTION, CONSTRUCTION, INSTALLATION OR ALTERATION OF ALL FIREPLACES, WOODSTOVES AND OTHER GAS, ELECTRIC OR SOLID-FUEL BURNING APPLIANCES AND EQUIPMENT SHALL BE DONE IN COMPLIANCE WITH THE PROVISIONS OF THE CITY CODE AND SHALL BE SUBJECT TO THE PERMITS AND INSPECTIONS REQUIRED BY THE CITY.
- (G) FIREPLACES CONSTRUCTED OR INSTALLED ON OR AFTER DECEMBER 31, 1998, SHALL NOT BE ALTERED WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY TO INSURE COMPLIANCE WITH THIS SECTION.

SECTION 2: EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE FROM AND AFTER DECEMBER 31, 1998.

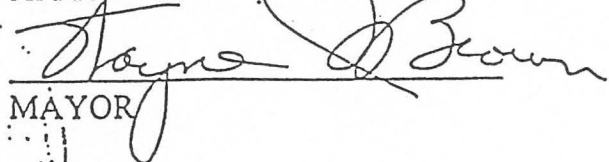
SECTION 3: PENALTY: AMONG OTHER PENALTIES THAT MAY APPLY, ANY PERSON, FIRM OR CORPORATION THAT VIOLATES ANY PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR. UPON CONVICTION PERSONS SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$2,500.00, OR BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT. UPON CONVICTION, FIRMS OR CORPORATIONS SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$20,000. EACH DAY OF VIOLATION CONTINUED SHALL BE A SEPARATE OFFENSE, PUNISHABLE AS DESCRIBED ABOVE.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, this 2nd day of February, 1998.

ATTESTED:


City Clerk

APPROVED:


MAYOR

