

TOWN OF CAREFREE, ARIZONA

ORDINANCE NO. 98-14

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADDING SECTION 10-4 TO THE TOWN CODE RELATING TO CLEAN-BURNING FIREPLACES, PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CAREFREE, ARIZONA:

SECTION 1. Section 10-4 of the Town Code relating to clean-burning fireplace standards is hereby added to the Town Code to read as follows:

"Section 10-4 Clean-Burning Fireplace Standards.

- A. The purpose of this section is to regulate fireplaces, woodstoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.**
- B. For purposes of this section, the following words and terms shall be defined as follows:**
- 1. "Fireplace" means a built in place masonry hearth and fire chamber of 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.**
 - 2. "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 woodburning devices.**
 - 3. "Woodstove" means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.**
- C. No person shall construct or install a fireplace or a wood stove unless the fireplace or woodstove complies with one of the following:**

1. A fireplace which has a 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 as in effect on July 1, 1990.
 3. A fireplace, woodstove 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, woodstove, 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 woodstove insert which complies with paragraphs 2, 3, or 4 above.
- D. The following installations are not regulated by this section and are not prohibited by this section:
1. Furnaces, boiler, incinerators, kilns, and other similar space heating or industrial process equipment.
 2. Cookstoves, barbecue grills, and similar appliances designed primarily for cooking.
 3. Fire pits, barbecue grills, and other outdoor fireplaces.
- E. No person shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplaces to directly burn wood or other solid fuel. No person shall alter a fireplace, woodstove, or other solid fuel-burning appliance in any manner that would void its certification or operational compliance with the provision of this section.

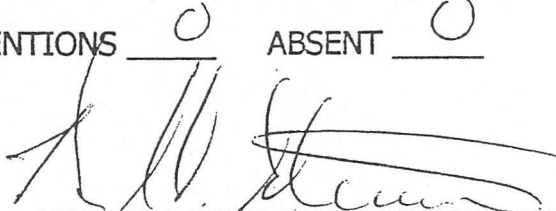
F. In addition to the provisions and restrictions of this section, construction, installation, or alteration of all fireplaces, woodstoves and other gas, electric, or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the Comprehensive Building Safety Code and shall be subject to the permits and inspections required by the Comprehensive Building Safety Code.

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

BE IT FURTHER ORDAINED that the Town Clerk of the Town of Carefree incorporate Section 10-4 into the Town Code of the Town of Carefree.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, this 1st day of September 1998.

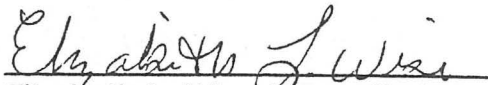
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0



Hugh S. Stevens, Mayor

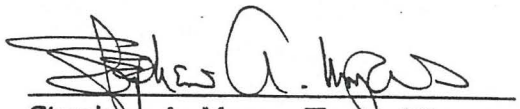
Date signed: 9/3/98

ATTEST:



Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:



Stephen A. Myers, Town Attorney