

ORDINANCE 1066

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA AMENDING THE CODE OF GILBERT BY AMENDING CHAPTER 30 ENVIRONMENT, BY ADDING NEW ARTICLE II FIREPLACE RESTRICTIONS PRESCRIBING STANDARDS FOR FIREPLACES, WOODSTOVES AND OTHER SOLID-FUEL BURNING DEVICES IN NEW CONSTRUCTION; PROVIDING FOR AN EFFECTIVE DATE OF JANUARY 1, 1999; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA as follows:

SECTION I. In General

The Code of Gilbert, Arizona is hereby amended by amending Chapter 30 Environment, by adding new Article II Fireplace Restrictions to read as follows:

Sec. 30-31. Purpose

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

Sec. 30-32 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 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.

Sec. 30-33 Installation Restrictions

- (a) No person, firm or corporation shall construct or install a fireplace or a woodstove, and the Building Official 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 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 permanently installed woodstove 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) Coodstoves, barbecue grills, and similar appliances designed primarily for cooking.
 - (3) Fire pits, barbecue grills, and other outdoor fireplaces.

Sec. 30-34 Fireplace or Woodstove Alterations Prohibited

- a) No person, firm or corporation shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.
- b) 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 Article.

Sec. 30-35 Permits Required

In addition to the provisions and restrictions of this Article, 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 Town of Gilbert Construction Code and shall be subject to the permits and inspections required by the Construction Code.

Section II Effective Date

The effective date of the regulations and prohibitions set forth in this Article shall be January 1, 1999.

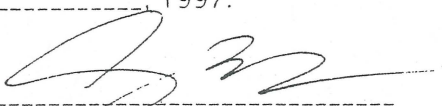
Section III Providing for Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted here and by reference are hereby repealed.

Section IV Providing for Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona this ____ day of _____, 1997.



Cynthia L. Dunham, Mayor

ATTEST:



Catherine Templeton, Town Clerk

APPROVED AS TO FORM:

Martinez & Curtis, P.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 1066 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA ON THE 25th DAY OF NOVEMBER, 1997 WAS POSTED IN THREE PLACES ON THE 5TH DAY OF DECEMBER, 1997.



Catherine Templeton, Town Clerk