

1 A MODEL ORDINANCE PERTAINING
2 TO THE REDUCTION OF AIR POLLUTION BY REGULATING THE
3 NEW CONSTRUCTION OR REPLACEMENT OF WOODBURNING APPLIANCES
4

5 BE IT ORDAINED BY the City or County of

6 []:

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8 WHEREAS, the State Air Resources Board (ARB) adopted a particulate matter (PM10) Ambient
9 Air Quality Standard (AAQS) in December, 1982, and levels for the PM10 AAQS were selected
10 pursuant to California Code of Regulations Title 17 Section 70200 to protect the health of people
11 who are sensitive to exposure to fine particles; and

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13 WHEREAS, research indicates that woodsmoke is a significant contributor to PM10 levels that
14 pose significant health risks; and

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16 WHEREAS, the [] desires to lessen the risk to life and property from air
17 pollution from woodburning appliances; and

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19 WHEREAS, the [] finds that the proposed regulation will significantly reduce
20 the increase in particulate emissions from future installation and construction activities; and,

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22 WHEREAS, the [] finds a need exists to adopt regulations which apply to
23 woodburning combustion emissions; and

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25 The [] Code shall be amended by adding the following:
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1 APPLICABILITY: This ordinance shall apply within the limits of the [city, county] of
2 [] as specified herein.

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4 All wood burning appliances installed in new residential units or woodburning appliances being
5 added to or replacing woodburning appliances in existing residential units shall comply with this
6 ordinance.

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8 All woodburning appliances installed in new commercial buildings or woodburning appliances
9 being added to or replacing woodburning appliance in existing commercial buildings shall comply
10 with this ordinance. Commercial buildings shall include, but not be limited to, hotels and
11 restaurants.

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13 Gas fireplaces shall be exempt from this ordinance. However, the conversion of a gas fireplace to
14 burn wood shall constitute the installation of a woodburning appliance and shall be subject to the
15 requirements of this ordinance.

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17 A woodburning appliance shall comply with this ordinance if (1) it is reconstructed, (2) additions,
18 alterations, or repairs are made to the appliance that require opening up immediately-adjacent
19 walls, or (3) the residential unit or commercial building in which the appliance is located is
20 renovated, and the renovation includes opening up walls immediately adjacent to the appliance.

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22 DEFINITIONS:

- 23 1. "Bay Area Air Quality Management District" means the air quality agency for the San
24 Francisco Bay Area pursuant to California Health and Safety Code Section 40200.
25 2. "E.P.A." means United States Environmental Protection Agency.
26 3. "E.P.A. certified wood heater" means any wood heater that meets the standards in Title 40,

1 Part 60, Subpart AAA, Code of Federal Regulations in effect at the time of installation and
2 is certified and labeled pursuant to those regulations.

- 3 4. "Fireplace" means any permanently installed masonry or factory-built woodburning
4 appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio
5 greater than or equal to 35 to 1.
- 6 5. "Garbage means all solid, semi-solid and liquid wastes generated from residential,
7 commercial and industrial sources, including trash, refuse, rubbish, industrial wastes,
8 asphaltic products, manure, vegetable or animal solids and semi-solid wastes, and other
9 discarded solid and semi-solid wastes.
- 10 6. "Gas fireplace" means any device designed to burn natural gas in a manner that simulates
11 the appearance of a woodburning fireplace.
- 12 7. "Paints" means all exterior and interior house and trim paints, enamels, varnishes, lacquers,
13 stains, primers, sealers, undercoatings, roof coatings, wood preservatives, shellacs, and
14 other paints or paint-like products.
- 15 8. "Paints solvents" means all original solvents sold or used to thin paints or to clean up
16 painting equipment.
- 17 9. "Pellet-fueled wood heater" means any woodburning appliance that operates exclusively
18 on wood pellets.
- 19 10. "Solid fuel" means wood or any other non-gaseous or non-liquid fuel.
- 20 11. "Treated wood" means wood of any species that has been chemically impregnated, painted
21 or similarly modified to improve resistance to insects or weathering.
- 22 12. "Waste petroleum products" means any petroleum product other than gaseous fuels that
23 has been refined from crude oil, and has been used, and as a result of use, has been
24 contaminated with physical or chemical impurities.
- 25 13. "Woodburning appliance" means fireplace, wood heater, or pellet-fired wood heater or any
26 similar device burning any solid fuel used for aesthetic or space-heating purposes.

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GENERAL REQUIREMENTS: It shall be unlawful to:

1. Use any woodburning appliance when the Bay Area Air Quality Management District issues a “Spare the Air Tonight” warning and when an alternate approved heat source is available.
2. Install a woodburning appliance that is not one of the following: (1) a pellet-fueled wood heater, (2) an EPA certified wood heater, or, (3) a fireplace certified by EPA should EPA develop a fireplace certification program.
3. Use any of the following prohibited fuels in a woodburning appliance.
 - a) Garbage
 - b) Treated wood
 - c) Plastic products
 - d) Rubber products
 - e) Waste petroleum products
 - f) Paints
 - g) Paint solvents
 - h) Coal
 - I) Glossy or colored papers
 - j) Particle board
 - k) Salt water driftwood

ENFORCEMENT: Any person who plans to install a woodburning appliance must submit documentation to the [building department of city or county] demonstrating that the appliance is a pellet-fueled wood heater, an EPA certified wood heater, or a fireplace certified by EPA should EPA develop a fireplace certification program.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

IF ANY SECTION, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The [] of

1 the [] hereby declares that it would have passed and adopted this
2 ordinance and all provisions thereof irrespective of the fact that any one or more of said provision
3 be declared unconstitutional.

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5
6 INTRODUCED and ordered Posted/Published this [] day of [].

7 ADOPTED this [] day of [], by the following vote:

8 AYES:

9 NOES:

10 ABSENT:

11 ABSTAIN:

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15 ATTEST:

APPROVED AS TO FORM:

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