

## Chapter 15.70

### INSTALLATION OF WOOD BURNING APPLIANCES, REMOVAL AND OPERATION OF NON-CERTIFIED WOOD HEATERS

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**15.70.010 Title** This Ordinance shall be known as the Installation of Wood Burning Appliances Appliance Ordinance of the City of Sebastopol

#### **15.070.020 Purpose**

The purpose of this chapter is (1) to improve air quality within the City of Sebastopol by educating the public with regard to impacts of burning wood and the various types of wood-burning appliances; (2) to regulate the type of wood-burning appliances that may be installed and maintained within the City; and (3) ban the use of non-certified burning appliances after June 1, 2005.

#### **15.070.030 Findings**

1. The State Air Resources Board (ARB) adopted a particulate matter (PM10) Ambient Air Quality Standard (AAQS) in December 1982, and levels for the PM10 AAQS were selected pursuant to California Code of Regulations, Title 17, and Section 70200 to protect the health of people who are sensitive to exposure to particulate matter.
2. Research indicates that wood smoke is a contributor to PM10 levels and poses significant health risks to the public.
3. The City Council desires to lessen the risk to human health and environment caused by pollution from wood-burning appliances.
4. A need exists to adopt regulations that apply to wood-burning combustion emissions.
5. The proposed ordinance will minimize the increase in particulate emissions from future installation of certain wood-burning appliances, and will decrease particulate emissions by the removal of certain wood-burning appliances at the time of remodel. The ordinance further provides for removal of certain wood-burning appliances at the time of property sale.

#### **15.070.040 Definitions**

**(a) 'Bay Area Air Quality Management District'** Is the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code.

**(b) 'EPA'** Is the United States Environmental Protection Agency

#### **(c) 'EPA Certified Wood Heaters'**

Is any wood heater that meets the standard in Title 40 Part 60.530 Subpart AAA Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or is an insert within a fireplace.

**(d) 'Fireplace'** Is any permanently installed masonry or factory-built wood-burning

appliance designed to be used with an air-to-fuel ratio greater than or equal to 35 to 1.

**(e) 'Garbage'** Is all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalted products, manure, vegetable or animal solids, and semi solid wastes.

**(f) 'Gas Fireplace'** Is any masonry or factory-built fireplace in which a device that has been designed to burn natural gas or liquefied petroleum gas in a manner that simulates the appearance of burning wood has been permanently installed so the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.

**(g) 'Insert'** Is any wood heater designed to be installed in an existing masonry *or* factory built fireplace.

**(h) 'Paints'** Are all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, under-coatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.

**(i) 'Paint Solvents'** Means all original solvents sold or used to thin paints or clean up painting equipment.

**(j) 'Pellet-Fueled Heater'** Is any appliance that operates exclusively on solid fuel pellets.

**(k) 'Solid Fuel'** Is wood or any other non-gases or non-liquid fuel.

**(l) 'Temporary Sole Source'**

Is the use of a wood burning appliance determined to be temporary as determined by the Building and Safety Department of the City of Sebastopol.

**(m) 'Treated Wood'** Is wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or decay.

**(n) 'Waste Petroleum Product'** is any petroleum product other than fuels that has been refined from crude oil, and has been used or has been contaminated with physical or chemical impurities

**(o) 'Wood-Burning Appliance'** is a fireplace, wood heater, or pellet-fired heater or similar device burning solid fuel used for aesthetic or space-heating purposes.

**(p) 'Wood Heater'** is an enclosed, wood-burning appliance capable of and intended for space heating that meets all the following criteria.

- 1 An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by the test procedures prescribed and approved by the Building Official.
- 2 A usable firebox volume less than 20 cubic feet (0.57 cubic meters);
- 3 A minimum burn rate less than 11 lb/hr (kg/hr); and
- 4 A maximum weight of less than 1,760 lbs (800kg). For the purpose of this ordinance, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.

**15.70.050 Exemptions**

Any wood-burning appliance specifically designed for cooking and all gas appliances, except for non-permanently installed or dedicated gas log fireplaces, shall be exempt from all provisions of this chapter

**15.70.060 Education Program**

The City shall establish and maintain an on-going program to educate the public on the provisions of this ordinance and the health impact of wood smoke. The education program shall also identify the various types of wood burning appliances and gas fireplaces, and instruct residents how to burn fires more cleanly. The City will educate the public, that fireplace and woodstove maintenance are also effective in minimizing and reducing wood burning emissions, and encourage cleaner-burning alternatives such as gas-fueled devices; proper wood burning technique to build hotter, more efficient fires. The City will investigate ways to assist the public with replacement or removal, through programs or services.

**15.70.070 Voluntary Curtailment**

The ordinance requires the City to provide public notification requesting that residents curtail the burning of wood during poor air quality episodes as determined by the Bay Area Air Quality Management District. Methods to notify the public could include a written notice published in local newspapers, email notification by the Bay Area Air Quality Management District, and oral notices presented by radio or television.

**15.70.80 New Installation or Replacements for Non-Compliant Appliances**

This section applies to both residential and commercial properties. In new construction, remodel, additions, or alterations, only one wood heater is allowed per housing unit.

It shall be unlawful to install or replace a wood-burning appliance or wood heater that is not one of the following:

- 1 A pellet-fueled appliance
- 2 An EPA Phase II-certified wood appliance manufactured after 1990
- 3 A solid fuel burning appliance certified for use by the Northern Sonoma County Air Pollution Control District
- 4 A dedicated gas log fireplace or gas stove

The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this section.

**15.70.090 Removal of Non-Certified Wood Heaters Upon Remodel**

A non-EPA or Northern Sonoma County Air Pollution Control District certified wood heater, freestanding or insert, shall be removed or replaced with a compliant appliance, when all three of the following conditions occur;

- 1 Interior remodel or renovation work which requires a building permit, and
- 2 The valuation of the remodel or renovation work exceeds \$3,500, and
- 3. The remodel or renovation work is in the same room as the wood appliance.

**15.70.100 Non-Operation of Non-Certified Wood Heater**

Effective June 1, 2005, it shall be unlawful to use, all non EPA or Northern Sonoma County Pollution Control District certified wood heaters, freestanding or insert, on any property within the City of Sebastopol. The Chief Building Official may grant an exception to this section in case of hardship. Hardships include the following: (these hardship exemptions sunset June 1, 2007.)

- 1 A residential sole source of heat
- 2 A temporary sole source of heat
- 3 An inadequate alternative source of heat

**15.70.110 Building Permit Requirements for New Installations or Replacement of Wood- Burning Appliances**

Any person who plans to install or replace a wood burning appliance or wood heater must submit documentation to the Building and Safety Division, with a building permit application, demonstrating that the appliance is in compliance with this ordinance.

**15.70.120 Required Removal of Non-Certified Wood Heater Upon Sale/Transfer of Property**

No person shall sell or transfer any real property located within the City of Sebastopol, which contains a wood heater without first assuring that each wood heater included in the real property is either EPA or Northern Sonoma County Pollution Control District certified or a pellet fueled wood heater, or is permanently rendered inoperable, or removed. (City will inspect the wood heater to determine compliance with this section. The Building and Safety Division, upon request, may approve other means of verification of compliance with this section. (Effective date June 1, 2004)

**15.70.130 Prohibited Fuels**

Use of any of the following fuels in a wood-burning appliance is prohibited

- 1 Garbage
- 2 Treated wood
- 3 Plastic products.
- 4 Rubber products
- 5 Waste petroleum products
- 6 Paints
- 7 Paints solvents
- 8 Coal

- 9 Glossy or colored paper
- 10 Particle board
- 11 Salt water driftwood

This section shall not apply to products designed specifically for use as fuel in a wood-burning appliance.

**15.70.140 Violation**

Every person who violates any provision of this Chapter will receive a “Notice of Violation” from the Building and Safety Division of the City of Sebastopol after it has been determined that a violation has occurred. The “Notice of Violation” shall inform the person/s or property owner violating this Chapter that they are in violation of the Chapter and shall direct them to stop all activity in violation of this Chapter. Only one (1) “Notice of Violation” will be issued to each person/s or property owner in violation of this Chapter. Subsequent violations of this Chapter will be considered a separate violation and will be subject to the provisions for a second violation as outlined in this section.

Every person who violates any provision of this chapter a second time is guilty of a misdemeanor.

**15.70.150 Severability**

If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Sebastopol hereby declares that it would have adopted each article, section, and sentence thereof, irrespective of the fact that any one or more of said provision be declared unconstitutional or invalid.

**15.70.160 Effective Date**

This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

**15.70.170 CEQA**

This ordinance is a California Environmental Quality Act Class 8 Exemption – Action by Regulatory Agencies for the Protection of the Environment.