

## SAMPLE WOOD BURNING MODEL ORDINANCE

This ordinance establishes regulations and guidelines on the type and usage of wood burning devices allowed to be installed and operated.

Be it ordained by the People of the *(insert name of local agency)*:  
*(Insert name of local agency)* Codes *(need to insert appropriate codes such as ADMINISTRATIVE, GENERAL, BUILDING, or PLANNING, TRAFFIC, ETC.)* are hereby amended by adding Ordinance (#), to read as follows:

### ORDINANCE (#)

#### Wood Burning Devices

#### SEC. 1. FINDINGS AND PURPOSE

The *(insert name of governing board of local agency)* finds that:

- (a) Air pollution is a major public health concern in California; adverse health effects are linked to PM10 and PM2.5. The California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA) have established ambient air quality standards for PM10 and PM2.5 to protect the health of people who are sensitive to exposure to fine particles.
- (b) Research indicates that wood smoke is a contributor to PM10 and PM2.5 levels and poses health risks to the public.
- (c) The *(insert name of governing board of local agency)* has the desire to improve air quality, and lessen the risk to human health and environment by reducing pollution from wood burning devices.
- (d) A need exists to adopt regulations that apply to emissions from wood burning devices.
- (e) The proposed ordinance will reduce the impact from particulate emissions from wood burning devices.

#### SEC. 2. DEFINITIONS

- (a) **AIR POLLUTION CONTROL OFFICER (APCO):** The Air Pollution Control Officer of the Butte County Air Quality Management District (AQMD), or his or her designee.
- (b) **BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT (AQMD):** The agency responsible for protecting human health and property from the harmful effects of air pollution.
- (c) **EXISTING DEVELOPMENT:** Any residential or commercial, single or multi-building unit, for which construction is complete.

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- (d) **FREESTANDING FIREPLACE:** Any wood burning device other than a wood heater that is not inset into the walls of a structure, and vents smoke via a flue pipe through the wall or roof of the structure.
- (e) **FIREPLACE:** Any permanently installed masonry or factory built wood burning device with an open front or glass door and which does not meet the definition of a wood heater.
- (f) **FIREPLACE INSERT:** Any wood heater designed to be installed in an existing masonry or factory-built fireplace.
- (g) **GARBAGE:** Any solid, semisolid, and liquid wastes generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- (h) **GAS-FIRED FIREPLACE:** Any device dedicated to burn natural or liquefied petroleum gas as its fuel through a ceramic, or otherwise noncombustible gas log, and which cannot be converted to a wood burning device.
- (i) **MANUFACTURER:** Any person who constructs or imports a wood burning device.
- (j) **NEW DEVELOPMENT:** Any residential or commercial, single or multi-building unit, which begins construction (*insert date here*). Construction begins when the foundation for the structure is started.
- (k) **PAINTS:** Any exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
- (l) **PAINT SOLVENTS:** All original solvents sold or used to thin paints or to clean up painting equipment.
- (m) **PELLET-FUELED WOOD BURNING HEATER:** Any wood burning heater which operates on pellet-fuel exclusively, and is either U.S. EPA-certified or exempted under U.S. EPA requirements set forth in Part 60, Title 40, Subpart AAA, Code of Federal Regulations, February 26, 1988.
- (n) **PERMANENTLY INOPERABLE:** Modified in such a way that a device can no longer operate as a wood burning device.
- (o) **PETROLEUM PRODUCT:** Any petroleum product other than gaseous fuels.
- (p) **PLASTIC PRODUCT:** Any material that contains any of numerous organic synthetic or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and that can be made into objects, films, or filaments.

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- (q) **RUBBER PRODUCT:** Any material either natural or synthetic, which can be stretched at room temperature to at least twice its original length and, immediately upon release of the stress, returns with force to its approximate original length.
- (r) **SEASONED WOOD:** Wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
- (s) **SOLID FUEL:** Any wood or any other non-gaseous or non-liquid fuel.
- (t) **TREATED WOOD:** Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
- (u) **U.S. EPA:** The United States Environmental Protection Agency.
- (u) **U.S. EPA-CERTIFIED WOOD BURNING DEVICE:** Any wood burning device that meets the performance and emission standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
- (v) **WOOD BURNING DEVICE:** Any fireplace, free standing fireplace, fireplace insert, wood stove, or other wood heater, that burns wood or any other non-gaseous or non-liquid fuels, or any similar device burning any wood used for aesthetic or space-heating purposes in any interior space, having a heat input less than one million British thermal units per hour.
- (w) **WOOD BURNING COOK STOVE:** means a wood burning device designed primarily for cooking food, with a separate oven for cooking or baking which is contained in, and is an integral part of, the body of the device.

### SEC. \_\_.3. APPLICABILITY

Any person, who owns, operates, installs, builds, inspects, sells or offers for sale a wood burning device within the boundaries of Butte County.

### SEC. \_\_.4. GENERAL REQUIREMENTS

Provisions (a) through (d) are required pursuant to Butte County AQMD Rule 207, *Wood Burning Devices* and need not be adopted by (*local agency*) to be enforceable. Based on the (*local agency's*) desire to obtain further emission reductions and with the support of the Butte County AQMD, the (*local agency*) is also adopting provisions (*insert provision letters*).

- (a) It shall be unlawful to install or replace a wood burning device in a new or existing development that is not one of the following:
  - 1. A U.S. EPA-Certified Phase II wood burning device;
  - 2. A pellet-fueled wood heater;
  - 3. A catalytic or non-catalytic wood burning device determined to meet the U.S. EPA Phase II emission standard, and is approved in writing by the APCO; or
  - 4. A dedicated gas-fired fireplace.

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- (b) All wood burning devices shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA approved wood burning device which has been altered, installed, or disassembled in anyway not specified by the manufacturer, or is operated in any manner that would result in emissions exceeding the U.S. EPA standard set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, shall be considered a non U.S. EPA compliant device.
- (c) Retailers selling or offering for sale new wood burning devices shall supply public education information with each sale of a wood burning device in the form of pamphlets, brochures or fact sheets on the following topics. Public education information shall be subject to the review and approval of the APCO.
  - 1. Proper installation, operation, and maintenance of the wood burning device;
  - 2. Proper sizing of wood burning devices;
  - 3. Proper fuel selection and use and the importance of using seasoned wood;
  - 4. Weatherization methods for the home;
  - 5. Proper fuel storage to maintain low moisture content; and
  - 6. Health effects from wood smoke and benefits from low-emission wood burning devices.
- (d) Prohibited fuel types include but are not limited to
  - 1. Garbage;
  - 2. Treated wood or wood composition products;
  - 3. Plastic products;
  - 4. Rubber products;
  - 5. Petroleum products, including tar or tar paper;
  - 6. Paints and paint solvents;
  - 7. Coal;
  - 8. Other material which may produce noxious odors or toxic compounds when burned.
- (e) Any wood burning device, freestanding or insert, which is not either U.S. EPA-Certified Phase II, approved in writing by the (*insert appropriate official*), or a pellet-fueled wood heater, shall be removed, replaced with a compliant device, or rendered inoperable when all of the following conditions occur, as determined by (*insert name of agency*):
  - 1. Interior remodel or renovation is done requiring a building permit, and
  - 2. The valuation of the remodel or renovation exceeds \$3,500, and
  - 3. The remodel is in the same room as the wood device.

## SEC. \_\_.5. EXEMPTIONS

This Ordinance does not apply to the following:

- (a) Any device exclusively fired with a gaseous fuel; or
- (b) Any wood burning device specifically designed for cooking such as a cook stove.

**SEC. \_\_.6. ENFORCEMENT**

Any person who plans to install or replace a wood burning device must submit documentation to the *(insert appropriate building department)*, with a building permit application, demonstrating that the device is in compliance with this ordinance.

**SEC. \_\_.7. VIOLATION**

Every person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

**SEC. \_\_.8. SEVERABILITY**

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The *(insert name of governing board of local agency)* declares that it would have passed each section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any portion of this Ordinance could be declared unconstitutional, invalid or ineffective.

**SEC. \_\_.9. EFFECTIVE DATE**

The provisions of this Ordinance shall be effective upon adoption by the *(insert name of governing board of local agency)* and certified by the *(insert City Clerk or other appropriate official)*.

APPROVED AS TO FORM:

*(Insert Agency Name)* Attorney

By: \_\_\_\_\_  
Name

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### SEC. \_\_.4. GENERAL REQUIREMENTS – ADDITIONAL OPTIONS

- (f) The ordinance requires the (*insert agency, i.e. city or county*) in conjunction with the Butte County AQMD, public notification requesting residents to suspend all wood burning activities during poor air quality episodes as determined by the Butte County AQMD. Methods of notification could include a notice published in local newspapers, email notifications, and notices broadcast through radio or television.
- (g) No person shall sell or transfer any real property located within the (*insert jurisdiction, i.e. city or county*), which contains a wood burning device without first assuring that each wood burning device included in the real property is either U.S. EPA-Certified Phase II, approved in writing by (*insert appropriate official*), a pellet-fueled wood heater, or permanently rendered inoperable or removed.
- (h) Effective (*insert date*), it shall be unlawful to operate any wood burning device within the (*insert jurisdiction*) which is not U.S. EPA Phase II Certified, a pellet-fueled heater, or approved by the (*insert appropriate official*). (*Insert Agency*) may grant an exception to this section in case of hardship. Hardship can include one of the following:
  - 1. A residential sole source of heat,
  - 2. A temporary sole source of heat, or
  - 3. An inadequate alternative source of heat.