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Ordinance No. 122000 - BS

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF PINAL COUNTY, ARIZONA, RELATING TO
RESIDENTIAL FIREPLACE RESTRICTIONS**

IT IS HEREBY ORDAINED by the Board of Supervisors of Pinal county as follows:

Section 1 - General

1.1 Purpose. The purpose of this ordinance is to regulate residential woodburning in fireplaces, woodstoves, and other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter.

1.2 Applicability. This ordinance applies to any residential woodburning device in any part of "Area A" as defined in A.R.S. §49-541. In Pinal County the area is delineated as follows:

- Township 1 north, range 8 east and range 9 east
- Township 1 south, range 8 east and range 9 east
- Township 2 south, range 8 east and range 9 east
- Township 3 south, range 7 east through range 9 east

Section 2 - Definitions

For purposes of this ordinance, the following words and terms shall be defined as follows:

- 2.1 CONTROL OFFICER** - The director and executive head if the Pinal County Air Quality Control District responsible for performing duties and exercising powers prescribed by law.
- 2.2 FIREPLACE** - 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.
- 2.3 INAPPROPRIATE FUEL** - Includes but is not limited to leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphaltic products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 30 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.
- 2.4 RESIDENTIAL WOODBURNING DEVICE** - A device designed for solid fuel combustion so that usable heat is derived for the interior of a residence. Residential woodburning devices do not include barbecue devices, fire pits, or mesquite grills.

- 2.5 SOLE SOURCE OF HEAT** - one or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of fuel for cooking for a residence. No residential woodburning device shall be considered the sole source of heat, if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether such furnace or heating system is connected to or disconnected from its energy source.
- 2.6 SOLID FUEL** - includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Pinal County Building Official as “inappropriate fuel” to burn in residential woodburning devices.
- 2.6 WOODSTOVE** - A solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

Section 3 - Installation Restrictions

On or after the effective date, 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 wood stove complies with one of the following:

- 3.1** A fireplace which has a permanently installed gas or electric log insert.
- 3.2** 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.
- 3.3** A fireplace, woodstove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance articles equivalent to those adopted by 40 Code of Federal Regulations Part 60, subpart AAA as in effect on July 1, 1990.
- 3.4** A fireplace, woodstove or other solid-fuel burning appliance which has been determined by the building official to meet performance articles equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- 3.5** A fireplace which has a permanently installed wood stove insert which complies with subparagraphs 2, 3, or 4 above.

Section 4 - Exemptions

The following installations are not regulated or prohibited by this regulation:

- 4.1 Furnaces, boilers, incinerators, kilns and other similar space heating or industrial process equipment.
- 4.2 Cookstoves, barbecue grills, and similar appliances designed primarily for cooking.
- 4.3 Fire pits, barbecue grills and other outdoor fireplaces.
- 4.4 A residential sole source of heat as described in the definitions.

Section 5 - Fireplace or Woodstove Alterations Prohibited

- 5.1 On or after the effective date, 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.
- 5.2 On or after the effective date, 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 Ordinance.

Section 6 - Permits Required

In addition to the provisions and restrictions of this ordinance, 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 Pinal County Building Code Ordinance and shall be subject to the permits and inspections required by the building code.

Section 7 - Penalties

- 7.1 The Control Officer or a designated representative from Building Safety may issue citations to persons in violation of this ordinance.
- 7.2 Any person who violates this ordinance is subject to :
 - i. A warning for the first violation.
 - ii. The imposition of a civil penalty of fifty dollars (\$50.00) for the second violation.
 - iii. The imposition of a civil penalty of one hundred dollars (\$100.00) for a third or any subsequent violation.
- 7.3 For violations of this ordinance, the Control Officer or a designated representative

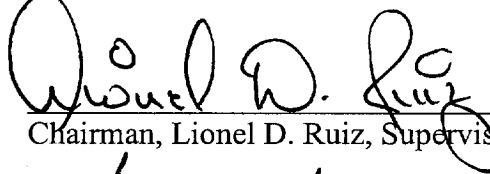
shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Arizona State Supreme Court.

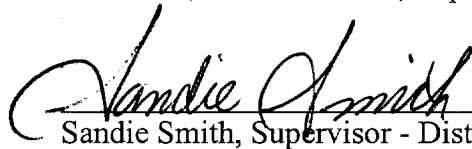
Section 8 - Effective Date

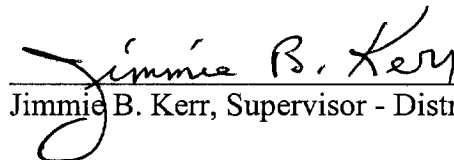
The effective date of the regulations and prohibitions of this Ordinance shall take effect thirty (30) calendar days from the date passed and adopted by the Pinal County Board of Supervisors. In order to provide for a period of public education, the building official may grant exceptions to individuals for a period not to exceed six months from the effective date, when strict compliance with this ordinance would/cause significant hardship.

PASSED AND ADOPTED THIS 20th DAY OF December, 2000.

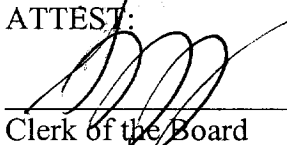
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ATTEST:


Clerk of the Board