

# City of Tolleson

ORDINANCE NO. 376, N.S.  
DECEMBER 8, 1998

EXHIBIT A

## Section 7-9 Clean-burning fireplaces

A. Definitions: For purposes of this Standard, the following words and terms shall be defined as follows:

1. 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.
2. SOLID FUEL includes but is not limited to wood, coal, or other nongaseous or non-liquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential woodturning devices.
3. WOODSTOVE means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

B. Installation Restrictions: On or after January 1, 1999, no person, firm or corporation shall construct or install a fireplace or wood stove, and the Building Official shall not approve or issue a permit to construct or install a

fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

1. A fireplace which has a permanently installed gas or electric log insert.
2. A fireplace, wood stove 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, wood stove 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, wood stove 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 a permanently installed wood stove insert which complies with subparagraphs 2, 3, or 4 above.

C. The following installations are not regulated by this Standard and are not prohibited by this Standard:

1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.
2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.
3. Fire pits, barbecue grills, and other outdoor fireplaces.

Fireplace or Wood Stove Alterations Prohibited:

- a. On or after the effective date, no person, firm or corporation shall alter or remove a gas or electric log insert or a wood stove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.
- b. On or after the effective date, no person, firm or corporation shall alter a fireplace, wood stove or other solid fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this Standard.

Permits Required:

In addition to the provisions and restrictions of this Standard, construction, installation or alteration of all fireplaces, wood stoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the 1994

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Uniform Building Code (UBC) and shall be subject to the permits and inspections required by the 1994 Uniform Building Code (UBC).