

ORDINANCE NO. 1-06 N.S.

AN ORDINANCE OF THE CITY OF RICHMOND PERTAINING TO THE REDUCTION OF AIR POLLUTION BY REGULATING THE INSTALLATION OF WOOD-BURNING APPLIANCES

WHEREAS, the State Air Resources Board (ARB) adopted a particulate matter PM₁₀ Ambient Air Quality Standard (AAQS) in December, 1982 and levels of the PM₁₀ and PM_{2.5} AAQS were selected pursuant to California Code of Regulations Title 17 Section 70200 to protect the health of people who are sensitive to exposure to fine particulates; and

WHEREAS, research indicates that wood smoke is a significant contributor to PM₁₀ and PM_{2.5} levels that pose significant health risks; and

WHEREAS, the City of Richmond desires to lessen the risk to life and property from air pollution from wood-burning appliances; and

WHEREAS, The City of Richmond finds that the proposed regulations will significantly reduce the increase in particulate emission from future installation and construction activities; and

WHEREAS, the City of Richmond finds a need exists to adopt regulations which apply to wood-burning combustion emissions; and

WHEREAS, This Ordinance is a California Environmental Quality Act Class-8 Exemption: Action by Regulatory Agencies for the Protection of the Environment (Section 15308).

THE COUNCIL OF THE CITY OF RICHMOND DO ORDAIN AS FOLLOWS: That Article IX - "Health" of the City of Richmond Municipal Code shall be amended by adding the following as Chapter 9.55 "Fireplaces & Wood-Burning Appliances":

Sections:

- 9.55.000 **Purpose**
- 9.55.010 **Definitions**
- 9.55.020 **Applicability**
- 9.55.030 **General Requirements**
- 9.55.040 **Enforcement**
- 9.55.050 **Severability**
- 9.55.060 **Effective Date**

9.55.000 Purpose

This ordinance establishes general requirements to reduce air pollution by regulating the installation of wood-burning appliances in the City of Richmond. These requirements are designed to address the State Air Resources Board's (ARB) adoption of a particulate matter PM₁₀ and PM_{2.5} Ambient Air Quality Standard (AAQS) in December, 1982, and selection of levels for the PM₁₀ and PM_{2.5} AAQS pursuant to California Code of Regulations Title-17 Section 70200 to protect the health of people who are sensitive to exposure to fine particles.

9.55.010 Definitions

(A) **“Bay Area Air Quality Management District (BAAQMD)”** means the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code Section 40200.

(B) **“E.P.A.”** means United States Environmental Protection Agency.

(C) **“E.P.A. Certified Appliance”** means any appliance that meets the standards in Title-40, Part 60, Subpart AAA, Code of Federal Regulations in effect at the time of installation and is certified and labeled to those regulations.

(D) **“Fireplace”** means any permanently installed masonry or factory-built wood-burning appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio greater than or equal to 30:1.

(E) **“Garbage”** means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solids and semi-solid wastes, and other discarded solid and semi-solid wastes.

(F) **“Gas Fireplace”** means 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) **“Masonry Heater”** means a solid fuel heating system that meets the most current EPA emissions requirements for wood stoves. It is of predominantly masonry construction having a mass of at least 800 kg (1760 lb) (excluding chimney and foundation), and having an overall average wall thickness of not more than 250 mm (10 in.). It achieves heat storage by the routing of exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox includes at least one 180 degree change in flow direction, usually downward, before

entering the chimney. The shortest distance between the firebox exit and chimney entrance is not less than twice the largest firebox dimension. It is equipped with doors that are intended to be in the closed position during the burn cycle. Its combustion air supply system is configured to produce a burn rate greater than five kilograms of fuel per hour. The chimney has a maximum flue size of 8 in. x 12 in. nominal rectangular dimensions, or 8 in. round.

(I) **“Paints”** means all 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.

(J) **“Paint Solvents”** means all original or modified chemical solvents sold or used to thin paints or to clean up painting equipment.

(K) **Particulate Matter (PM₁₀ and PM_{2.5})** means aerosols or fine particles of solid or liquid suspended in the air that are characterized by a diameter of 10 and 2.5 micrometers or less.

(L) **“Pellet-Fueled Heater”** is any appliance that operates exclusively on solid fuel pellets.

(M) **“Solid Fuel”** means wood or any other non-gaseous or non-liquid fuel.

(N) **“Treated Wood”** means wood of any species that has been chemically treated, painted or similarly modified to improve resistance to insects or weathering.

(O) **“Waste Petroleum Products”** means any petroleum product other than a gaseous fuel that has been refined from crude oil, has been used, and as result of subsequent use, has been contaminated with physical or chemical impurities.

(P) **“Wood-burning Appliance”** means fireplace, wood heater, or pellet-fired wood heater or any similar device burning any solid fuel used for aesthetic or space-heating purposes.

9.55.020 Applicability

This ordinance shall apply within the limits of the City of Richmond and all zoning districts as specified herein:

(A) **New Construction, Replacement & Reconstruction:** The following actions shall comply with this ordinance:

1. New Construction of wood-burning appliances;
2. Relocation of existing wood-burning appliances;
3. Maintenance and repair of appliances installed in conformance with this chapter;

4. Conversion of gas fireplaces into wood-burning appliances;

(B) **Exemptions:** The following appliances and actions are exempt from the provisions of this chapter:

1. Any wood-burning appliance specifically designed for cooking
2. Maintenance or repair of existing residential open hearth fireplaces

9.55.030 General Requirements

(A) **Heating Appliances Allowed:** It shall be unlawful to install or replace a stationary wood-burning or alternate heating appliance that is not one of the following:

1. Pellet-fueled appliance;
2. EPA certified appliance or insert (Phase-II or later);
3. Dedicated gas log fireplace or gas stove;
4. Masonry heater which meets the definition described in Section 9.55.010 (H) of this chapter.

(B) **Prohibited Fuels:** It shall be unlawful to use garbage, treated wood, plastic products, rubber products, waste petroleum products, paints, paint solvents, pesticide residues, coal, glossy or colored papers, particle board, or salt water driftwood, in any wood-burning appliance. This section shall not apply to products designed specifically for use as fuel in a wood-burning appliance.

Section 9.55.040 Enforcement

Any person who plans to install a wood-burning appliance must submit documentation to the Richmond Building Regulations Department with a building permit application demonstrating that the proposed wood-burning appliance is one which is allowed by this chapter. Any installation that is in violation of the provisions in this chapter shall constitute a nuisance subject to the provisions set forth in Chapter 9.22 and specifically the abatement procedures set forth in Section 9.22.100 of this code.

Section 9.55.050 Severability

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.

Section 9.55.060 Effective Date

This Ordinance shall take effect and be in force 30 days after its final passage and adoption.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond, California at a regular meeting held January 10th of 2006 by the following vote:

AYES:	Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

IRMA L. ANDERSON
MAYOR

Approved as to Form:

JOHN EASTMAN
CITY ATTORNEY

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 1-06 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting held on January 10, 2006, and published in accordance with law.