

ORDINANCE 157-99

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING TOWN CODE, CHAPTER 7, BUILDING AND BUILDING REGULATIONS; BY ADDING ARTICLE 7-8, FIREPLACE REGULATIONS.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AS FOLLOWS:

Section 1. The Town Code is hereby amended by adding to CHAPTER 7, BUILDING AND BUILDING REGULATIONS, AS ARTICLE 7-8, FIREPLACE REGULATIONS:

ARTICLE 7-8 FIREPLACE REGULATIONS

Section 7-8-1 Definitions

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

- A. "Fireplace" means a built in place 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.
- B. "Solid Fuel" includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Office as "inappropriate fuel" to burn in residential woodburning devices.
- C. "Woodstove" means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

Section 7-8-2 Installation Restrictions

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 woodstove complies with one of the following:

- 1. A fireplace which has a permanently installed gas or electric log insert.
- 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. A fireplace, woodstove 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, woodstove or other solid-fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Office 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 permanently installed woodstove insert which complies with subparagraphs 2, 3, or 4 above.

Section 7-8-3 Fireplace or Woodstove Alterations Prohibited

- A. 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.
- B. 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 Article.

Section 7-8-4 Permits Required

In addition to the provisions and restrictions of this Article, 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 Construction Code and shall be subject to the permits and inspections required by the Construction Code.

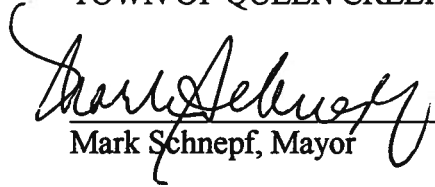
Section 7-8-5 Exemptions

The following installations are not regulated by this Article and are not prohibited by this Article:

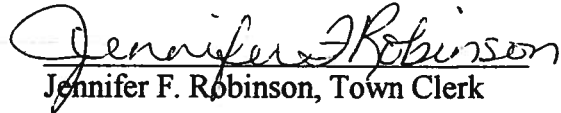
1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.
2. Cookstoves, barbecue grills, and similar appliances designed primarily for cooking.
3. Fire pits, barbecue grills, and other outdoor fireplaces.

PASSED AND ADOPTED by the Mayor and Council of the Town of Queen Creek,
Arizona, this 7th day of July 1999.

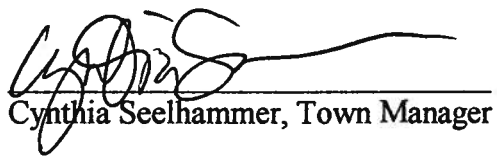
TOWN OF QUEEN CREEK:


Mark Schnepf, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney