Subchapter Eleven: Woodburning Appliances

3.11.010 Findings.

The City Council makes the following findings:

(a) The State Air Resources Board (ARB) has adopted a particulate matter (PM^{10}) Ambient Air Quality Standard (AAQS) in December 1982, and levels for the PM^{10} AAQS were selected pursuant to the California Code of regulations Title 17 Section 70200 to protect the health of people who are sensitive to exposure to fine particles; and

(b) Research indicates that smoke from burning wood is a significant contributor to PM^{10} levels that pose significant health risks; and

(c) The City Council desires to lessen the risk to life from air pollution from woodburning appliances; and

(d) The City Council finds that the proposed regulations will reduce the increase in particulate emissions from future installations of woodburning appliances.

[*History*: formerly § 3.10.010; ORD. 616, 6/16/04; ORD. 638, 12/14/05]

3.11.020 Definitions.

The following definitions shall apply:

Bay Area Air Quality District shall mean the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code Section 40200.

EPA shall mean the United States Environmental Protection Agency.

EPA Certified Wood Heater shall mean any wood heater that meets the standards in Title 40, Part 60, Subpart AAA, Code of federal regulations in effect at the time of installation.

Fireplace shall mean any permanently installed masonry or factory built woodburning appliance expect a pellet-fueled wood heater, designed to be used with an air to fuel ratio greater than or equal to 35:1.

Garbage shall mean all solid, semi-solid and liquid wastes generated from residential, commercial or industrial sources, including trash, refuse, rubbish, industrial wastes, asphalt products, manure, vegetable or animal solids and semi-solid wastes, and other discarded solid and semi-solid wastes.

Gas Fireplace shall mean any device designed to burn natural gas in a manner that simulates the appearance of a woodburning fireplace.

Paints shall mean 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.

Paint Solvents shall mean all original solvents sold or used to thin paints or to clean up painting equipment.

Pellet-fueled Wood Heater shall mean any woodburning appliance that operates exclusively on wood pellets.

Solid Fuel shall mean wood or other non-gaseous or non-liquid fuel.

Treated Wood shall mean wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or weathering.

Waste Petroleum Product shall mean any petroleum product other than gaseous fuels that have been refined from crude oil, and has been used, and as a result of use, has been contaminated with chemical or physical impurities.

Woodburning Appliance shall mean fireplace, wood heater, or pellet-fueled wood heater or any similar device burning any solid fuel used for aesthetic or space heating purposes.

[*History*: formerly § 3.10.020; ORD. 616, 6/16/04; ORD. 638, 12/14/05]

3.11.030 Applicability.

These regulations shall apply within the Town of Colma as specified herein:

(a) All woodburning appliances installed in any new residential unit or woodburning appliances being added to or replacing woodburning appliances in existing residential units shall comply with the regulations set forth in Section 4.

(b) All woodburning appliances installed in new hotels, motels or group quarters or woodburning appliances being added to or replacing woodburning appliances in existing hotels, motels or group quarters shall comply with the provisions set forth in Section 3.11.040.

[*History*: formerly § 3.10.030; ORD. 616, 6/16/04; ORD. 638, 12/14/05]

3.11.040 Regulation.

It shall be unlawful to:

(a) Use any woodburning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available.

(b) Install a woodburning appliance that is not one of the following:

(1) A pellet-fueled wood heater.

(2) An EPA certified wood heater.

(3) A fireplace certified by EPA, should EPA develop a fireplace certification program.

(c) Use any of the following prohibited fuels in a woodburning appliance: Garbage, treated wood, plastic products, rubber products, waste petroleum products, paint solvents, coal, glossy or colored papers, particle board, salt-water driftwood.

[*History*: formerly § 3.10.040; ORD. 616, 6/16/04; ORD. 638, 12/14/05]

3.11.050 Enforcement.

Any person who proposes to install a woodburning appliance must submit documentation to the Colma Building Department demonstrating that the appliance complies with these regulations. Any person violating any of the provisions of this Subchapter shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law. Violation of this ordinance is a public nuisance under section 1.11.140 of the Colma Municipal Code.

[*History*: formerly § 3.10.050; ORD. 616, 6/16/04; ORD. 638, 12/14/05]