

ARTICLE 14.A WOOD STOVES AND FIREPLACES

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ARTICLE 14.A. WOOD STOVES AND FIREPLACES

Sec. G-IV 14.A.1 Intent

In adopting this Article, it is the intent of the Board of Supervisors to maintain and improve the quality of air in the County to protect and enhance the health of its citizens by controlling the emissions of particulate matter and other wood burning pollutants into the air in Nevada County.

Sec. G-IV 14.A.2 Applicability

The provisions of this Article shall apply to Western Nevada County, described for purposes of this Article to be that portion of Nevada County which lies west of a line described as follows: beginning at the Nevada-Placer County boundary and running north along the western boundaries of sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Nevada-Sierra County boundary, as shown on a map to be prepared for and maintained in the custody of the County Fire Protection Planner.

Sec. G-IV 14.A.3 Definitions

As used in this Article, the following words, phrases and abbreviations are defined as follows:

- A. "Dwelling" means a structure designed and used for long-term residential occupancy. "Dwelling Unit" means that portion of a dwelling designed or used for occupancy of one family or living group separated from and living independently of others in the same dwelling, e.g. a duplex constitutes one "dwelling" but two "dwelling units".
- B. "EPA" means the United States Environmental Protection Agency.
- C. "EPA certified appliance" means any solid fuel burning appliance utilized for aesthetic, water heating or space heating purposes that has been certified by the EPA as meeting the performance and emission standards for new residential wood heaters (as set forth in Title 40 Code of Federal Regulations [C FR] Part 60, Subpart AAA February 26, 1988).
- D. "EPA Phase II certified appliance" means an EPA certified appliance that meets the emission requirements of no more than 4.1 grams per hour particulate matter emission for catalytic and 7.5 grams per hour for non-catalytic appliances. Pellet fueled wood heaters, gas fueled appliances or fireplace inserts, as defined herein, shall be considered as meeting Phase II requirements. Any other solid fuel burning appliances, including fireplaces not

qualifying as factory-built fireplaces, shall be considered non-certified appliances that must be proven, based upon evidence including manufacturer's documentation, to be at least an equivalent alternative before use may be authorized. (Ord. #2163, 11/23/04.)

- E. "Factory-built fireplace" means a prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a "wood heater" as defined in 40 CFR 60.531. It does not mean open masonry fireplaces, barbecue devices, gas fired fireplaces or cook stoves.
- F. "Pellet fueled wood heater" means any heater designed to heat the interior of a building that operates only on pelleted wood fuel and has an automatic feed manufactured and included as an integral part of the unit.
- G. "Permanently inoperable" means modified in such a way that the appliance can no longer function as a solid fuel heater or easily be re-modified to function as a solid fuel heater. Conversion to other fuels, such as gas, is prohibited.
- H. "Gas fueled appliances" means any heater designed to heat the interior of a building that operates on either propane, natural gas or oil.
- I. "Solid fuel burning appliance" means any fireplace, heater, stove or structure that burns wood, coal or any other non-gaseous or non-liquid fuels, or any similar device burning any solid fuel used for aesthetic, water heating or space heating purposes and includes pellet fueled wood heaters, fireplaces and factory-built fireplaces, airtight wood stoves and any other such appliance that is a "wood heater" as defined in 40 CFR 60.531. It does not mean a cook stove, a boiler or a furnace as those terms are defined in 40 CFR 60.531.

Sec. G-IV 14.A.4 Permit and Inspection Required

No solid fuel burning appliance shall be installed without first obtaining a permit from the County Building Department. All installations shall require an inspection and approval by the County Building Inspector prior to operation. The Building Inspector shall verify that appliances comply with the required emissions standards and with this Article and such verification shall remain on file with the County Building Department. Effective January 1, 2003, no building permit or permit for installation of any solid fuel burning appliance may be issued unless the plan indicates any new or replacement solid fuel burning appliance proposed complies with Section G-IV 14.A.5.

Sec. G-IV 14.A.5 Standards for Solid Fuel Burning Appliances

- A. All new solid fuel burning appliances shall be EPA Phase II certified appliances or such alternate appliances meeting or exceeding EPA clean air emission standards as the Chief Building Inspector may approve. Additionally, whenever

an existing solid fuel burning appliance installed prior to January 1, 2003 is voluntarily replaced, the replacement unit shall be an EPA Phase II certified appliance. (Ord. #2163, 11/23/04.)

- B. No more than one (1) solid fuel burning appliance may be installed per dwelling unit after January 1, 2003, provided, however that each dwelling unit may have additional electric or gas fueled appliances. Dwellings with one or more existing solid fuel burning appliances as of that date shall not be permitted to install any additional solid fuel burning appliances, but may be permitted to replace non-certified appliances with EPA Phase II certified appliances on a one-to-one basis.

Sec. G-IV 14.A.6 Prohibited Fuels

- A. Materials that are allowed to be burned in a solid fuel burning appliance are listed below:
1. Dried and untreated wood
 2. Uncolored paper
 3. Manufactured logs, pellets and similar manufactured fuels
 4. Cardboard
 5. Undyed organic cloth.
- B. Burning of any other fuels or materials in a solid fuel burning appliance is prohibited within the unincorporated area of Nevada County. Burning of any fuels or materials other than those recommended by the manufacturer in pellet fueled wood heaters and gas fueled appliances is prohibited within the unincorporated areas of Western Nevada County.

Sec. G-IV 14.A.7 Fees

A fee shall be charged for the inspection and permitting services of the County pursuant to this Article, payable before a permit is issued. The fee shall be established and adopted by the Board from time to time by resolution.

Sec. G-IV 14.A.8 Violations/Infractions

Any person who violates any provision of this Article shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine of \$100 for a first violation; \$200 for a second violation of the same section within a 12 month period; and \$500 for a third or subsequent violation of the same section within a 12 month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

Sec. G-IV 14.A.9 Enforcement Official

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of this Article along with the Chief Building Official of Nevada County, or his designee. To the extent violations are designated to be infractions, the Nevada County Code Compliance Manager (as established in Sec. L-II 5.21 of the Nevada County Land Use and Development Code) is authorized to enforce the provisions of this Article.

Added by Ordinance #2099, 11/26/02; Ord. #2163, 11/23/04.