

## **Chapter 17-35 INSTALLATION OF WOOD BURNING APPLIANCES, REMOVAL AND OPERATION OF NONCERTIFIED WOOD HEATERS**

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### **17-35.010 Purpose.**

The purpose of this chapter is (1) to improve air quality within the City of Santa Rosa by educating the public with regard to the impacts of burning wood and the various types of wood burning appliances; (2) to regulate the type of wood burning appliances that may be installed and maintained within the City; and (3) ban the use of noncertified wood burning appliances after June 1, 2004. (Ord. 3567 § 2, 2002)

### **17-35.020 Definitions.**

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(A) “Bay Area Air Quality Management District” means the air quality agency for the San Francisco Bay Area pursuant to California [Health and Safety Code](#).

(B) “EPA” means the United States Environmental Protection Agency.

(C) “EPA certified wood heater” means any wood heater that meets the standards in Title 40, Part 60.530, Subpart AAA, of the Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.

(D) “Fireplace” means any permanently installed masonry or factory-built wood burning appliance, including fireplaces with gas logs, designed to be used with an air-to-fuel ratio greater than or equal to 35 to 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.

(F) “Gas fireplace” means any device designed to burn only natural gas or liquefied petroleum gas in a manner that simulates the appearance of a wood burning fireplace.

(G) “Gas log 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.

(H) “Insert” means any wood heater designed to be installed in an existing masonry or factory-built fireplace.

(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 solvents sold or used to thin paints or to clean up painting equipment.

(K) “Pellet-fueled heater” means any appliance that operates exclusively on solid fuel pellets.

(L) “Solid fuel” means wood or any other nongaseous or nonliquid fuel.

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

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

(O) “Wood burning appliance” means a fireplace, wood heater or pellet-fired heater or similar device burning solid fuel used for aesthetic or space heating purposes.

(P) “Wood heater” means an enclosed, wood-burning appliance capable of and intended for space heating that meets all of the following criteria:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1, as determined by the test procedure prescribed in Section 60.534, performed at an accredited laboratory;

- (2) A usable firebox volume less than 20 cubic feet (0.57 cubic meters);
- (3) A minimum burn rate less than 11 lb/hr (5 kg/hr); and
- (4) A maximum weight of less than 1,760 lbs (800 kg). For the purpose of this ordinance, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight. (Ord. 3567 § 2, 2002)

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### **17-35.030 Exemptions.**

Any wood burning appliance specifically designed for cooking, outdoor wood burning appliances and all gas appliances, except for gas log fireplaces, shall be exempt from all provisions of this chapter. (Ord. 3567 § 2, 2002)

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### **17-35.040 Education program.**

The City shall establish and maintain an ongoing program to educate the public on the provisions of this chapter and the health impacts of wood smoke. The education program shall also identify the various types of wood burning appliances and gas fireplaces, and instruct residents how to burn fires more cleanly. Methods to educate the public shall include the City's quarterly newsletter, City web site, utility bills and other methods. (Ord. 3567 § 2, 2002)

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### **17-35.050 Voluntary curtailment.**

When an impaired air quality episode occurs within the region, the Bay Area Air Quality Management District may issue a "Spare the Air Tonight" warning. During this period, the City shall provide public notification requesting residents curtail the burning of wood. (Ord. 3567 § 2, 2002)

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### **17-35.060 New installations.**

It shall be unlawful to install a wood burning appliance that is not one of the following:

- (A) A pellet-fueled heater;
- (B) An EPA Certified Phase II wood heater or newer;
- (C) Solid fuel burning appliance certified for use by the Northern Sonoma County Air Pollution Control District;
- (D) Gas log fireplace; or
- (E) A fireplace certified by the EPA, should the EPA develop a fireplace certification program.

The conversion of a gas log fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the requirements of this chapter. (Ord. 3567 § 2, 2002)

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### **17-35.070 Removal of noncertified wood heater upon remodel.**

A noncertified (EPA or Northern Sonoma County Air Pollution Control District) wood heater, freestanding or insert, shall be removed when both of the following conditions occur:

- (A) Remodel or renovation work which requires a building permit and consists of the opening of a wall within twelve inches of the appliance and in the same room; and
- (B) The valuation of the remodel or renovation works exceeds \$2,500.00.

This section does not apply to fireplaces without an insert or to pellet-fueled heaters. (Ord. 3567 § 2, 2002)

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### **17-35.080 Non operation of noncertified wood heater.**

Effective June 1, 2004, it shall be unlawful to use or operate a noncertified (EPA or Northern Sonoma County Air Pollution Control District) wood heater, freestanding or insert, on any property within the City of Santa Rosa. The

Director of Community Development may grant an exception to this section in cases of hardship. Hardships include:

- (A) A residential sole source of heat;
- (B) A temporary sole source of heat;
- (C) An inadequate alternative source of heat. (Ord. 3567 § 2, 2002)

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### **17-35.090 Recommended removal of noncertified wood heater upon sale of property.**

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It is recommended that any noncertified (EPA or Northern Sonoma County Air Pollution Control District) wood heater, freestanding or insert, be removed by the transferor prior to the transfer of, or close of escrow on sale of, any residential real property located within the City of Santa Rosa. This section does not apply to fireplaces without an insert or to pellet-fueled heaters. (Ord. 3567 § 2, 2002)

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### **17-35.100 Disclosure by transferor of residential real property.**

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Where a transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or residential stock cooperative improved with one to four dwellings is proposed for any real property within the City of Santa Rosa, the transferor shall transmit to the prospective transferee a disclosure, which may be delivered to the prospective transferee as part of the Sonoma County Disclosure and Disclaimers Advisory provided pursuant to local real estate practice, or by delivery to the prospective transferee of a local option disclosure statement pursuant to Article 1.5, Section 1102.6a of Chapter 2 of Title 4 of Part 4 of Division 2 of the [Civil Code](#) of the State of California.

The disclosure required by this section shall contain substantially the following affecting air quality in this county: (1) buyer is advised that if the property has a wood burning appliance (“wood burning appliance” includes, but is not limited to, a fireplace insert, a free standing wood stove or a wood heater, but does not include appliances or fireplaces that burn solely propane or natural gas or pellets as fuel); (2) buyer should have it inspected by a licensed contractor with expertise in the installation, maintenance and repair of fireplaces, fireplace inserts and wood stoves. In the event the unit is not an EPA certified device, it is recommended that buyer have the unit removed and/or replaced by a licensed contractor with expertise in the installation, maintenance and repair of fireplaces, fireplace inserts and wood stoves. If the buyer desires removal and /or replacement of the unit by the seller, the parties must separately negotiate and document their agreement on this issue. Buyer is further advised that certain cities and towns within Sonoma County have enacted ordinances that may affect existing and future wood burning appliances at the property, and buyer should contact all relevant public agencies regarding the applicability of these ordinances to buyer’s purchase of the property, as well as the feasibility of buyer’s plans to improve the property. (Ord. 3567 § 2, 2002)

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### **17-35.110 Prohibited fuels.**

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Use of any of the following fuels in a wood burning appliance is prohibited:

- (A) Garbage;
- (B) Treated wood;
- (C) Plastic products;
- (D) Rubber products;
- (E) Waste petroleum products;
- (F) Paints;
- (G) Paint solvents;
- (H) Coal;
- (I) Glossy or colored paper;
- (J) Particle board;
- (K) Salt water driftwood.

This section shall not apply to products designed and marketed specifically for use as a fuel in a wood burning appliance. (Ord. 3567 § 2, 2002)

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### **17-35.120 Permit for installation or replacement of wood burning appliance.**

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Any person who plans to install or replace a wood burning appliance must submit documentation to the Building Division with a building permit application demonstrating that the appliance is one of the following:

- (A) A pellet-fueled heater;
- (B) An EPA Certified Phase II wood burning appliance;
- (C) A solid fuel burning appliance approved for use by the Northern Sonoma County Air Pollution Control District;
- (D) Gas log fireplace; or
- (E) A fireplace certified by the EPA should the EPA develop a fireplace certification program. (Ord. 3567 § 2, 2002)

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### **17-35.130 Violation.**

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Every person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 3567 § 2, 2002)

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