

MARICOPA COUNTY ORDINANCE

P-26

RESIDENTIAL WOODBURNING RESTRICTION

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RESIDENTIAL WOODBURNING RESTRICTION

SECTION 1 – GENERAL

- A. PURPOSE:** The Residential Woodburning Restriction Ordinance restricts residential woodburning in a non-approved device, outdoor fire pits, woodburning chimineas, and similar outdoor fires when monitoring or forecasting indicates that air quality standards are likely to be exceeded.
- B. APPLICABILITY:** The Residential Woodburning Restriction Ordinance applies to any residential woodburning device, outdoor fire pits, woodburning chimineas, and similar outdoor fires that are within Maricopa County or within incorporated cities and towns in such sections. The Residential Woodburning Restriction Ordinance does not apply to barbecue devices and mesquite grills.

SECTION 2 – DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

- A. ADEQUATE SOURCE OF HEAT –** A permanently installed furnace or heating system, connected to or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane, and designed to maintain a minimum of 70° Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence.
- B. APPROVED WOODBURNING DEVICE –** The following residential devices shall be approved woodburning devices, even though such devices may burn a solid fuel other than wood:
 - 1.** A device that has been certified by the Environmental Protection Agency (EPA) as conforming to Phase II EPA Standards of Performance for Wood Heaters in 40 Code of Federal Regulations (CFR) 60, Subpart AAA as amended through July 1, 2006.
 - 2.** Any pellet stove.
 - 3.** Any gas burning hearth appliances, including a dedicated gas logset permanently installed in any kind of indoor or outdoor woodburning fireplace which is designed to burn exclusively natural gas or propane.

4. Any masonry heater or any other solid fuel burning device that meets performance standards that are equivalent to the standards in 40 CFR 60, Subpart AAA as amended through July 1, 2006, and that is approved by the Control Officer and the Administrator of EPA.

- C. **AREA A** – As defined in Arizona Revised Statutes (A.R.S.)§49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

- D. **BURN-DOWN PERIOD** – That period of time, not to exceed three hours after declaring a restricted-burn period, required for the cessation of combustion within any residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire by withholding fuel or by modifying the air-to-fuel ratio.
- E. **CARBON MONOXIDE (CO) STANDARD** – The maximum allowable eight-hour concentration that is nine parts of contaminant per million parts of air by volume (ppm).
- F. **CHIMNEY** – A passage for smoke that is usually made of bricks, stone, or metal and often rises two feet above the roof of a building. An approved, factory-built chimney will have a label on each chimney connector and gas vent specifying that such chimney can be used for all fuels and will show the minimum safe clearances to combustibles.
- G. **INAPPROPRIATE FUEL** – Includes, but is not limited to: leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphalt products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 20 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.
- H. **NONATTAINMENT AREA** – An area so designated by the Administrator of the EPA, acting pursuant to Section 107 of the Clean Air Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

- I. OUTDOOR FIRE PITS** – Any combustion of material outdoors, where solid fuels including wood or any other non-gaseous or non-liquid fuels are burned in the fuel bed, and the products of combustion are not directed through a flue or chimney.
- J. OZONE STANDARD** – The maximum allowable eight-hour concentration within a 24-hour period (midnight to midnight) that is 0.08 parts of contaminant per million parts of air by volume (ppm).
- K. PARTICULATE MATTER NO-BURN STANDARD** – If either of the following maximum allowable 24-hour concentrations is forecast for particulate matter:
PM₁₀ – 120 micrograms per cubic meter;
PM_{2.5} – 30 micrograms per cubic meter.
- L. PARTICULATE MATTER STANDARDS** – The maximum allowable 24-hour concentration that is:
PM₁₀ – 150 micrograms per cubic meter;
PM_{2.5} – 35 micrograms per cubic meter.
- M. RESIDENTIAL WOODBURNING DEVICE** – A woodburning device designed for solid fuel combustion so that usable heat is derived for the interior of a residence. These devices can be used for aesthetic or space-heating purposes.
- N. RESTRICTED-BURN PERIOD** – A condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of CO, ozone and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer.
- O. SOLE SOURCE OF HEAT** – One or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of fuel for cooking for a residence. No residential woodburning device shall be considered the sole source of heat if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether or not such furnace or heating system is connected to or disconnected from its energy source. However, this definition shall not supersede municipal or County Building Code requirements as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*
- P. WOODBURNING CHIMINEA** – Chimineas are burning devices made from clay, aluminum, or steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn solid fuels.

SECTION 3 – BURNING RESTRICTIONS:

- A. RESTRICTED OPERATION DURING RESTRICTED-BURN PERIODS:** During a declared restricted-burn period, a person shall be restricted from operating a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire, in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections. Exemptions to this requirement are described in Section 3(C) and Section 4 of this ordinance.
- B. UNLAWFUL OPERATION:** A person shall:
1. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire such that emissions to the atmosphere are visible during a restricted-burn period declared by the Control Officer.
 2. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire unless such residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire has been installed according to the instructions and restrictions specified by the manufacturer.
 3. Not use a fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire except those fuels that are recommended by the manufacturer.
 4. Not burn inappropriate fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire.
- C. LAWFUL OPERATION:**
1. During a declared restricted-burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4 of this ordinance and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of or a refueling of such residential woodburning device.
 2. During a declared restricted-burn period, a person may operate a residential woodburning device if such device meets the requirements of Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices) and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.
 3. During a declared restricted-burn period, a person may operate a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire, if such device is designed to burn exclusively natural gas or propane.

D. DECLARATION OF A RESTRICTED-BURN PERIOD:

1. The Control Officer shall declare a restricted-burn period if, after reviewing available meteorological data, atmospheric conditions, and ambient temperatures, the Control Officer determines that air pollution levels could exceed the carbon monoxide (CO) standard, the ozone standard, and/or the particulate matter no-burn standard.
2. A person responsible for a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire, excluding those devices described in Section 3(C) of this ordinance, already in operation at the time a restricted-burn period is declared shall withhold new fuel from the residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire for the duration of the restricted-burn period.
3. Any person operating or in control of a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections has a duty to know when a restricted-burn period has been declared.
4. Notice of a restricted-burn period shall be distributed over the wire service to electronic and print media and/or announced by a recorded telephone message at least three hours before initiating any enforcement action for a violation of this ordinance.

E. VIOLATIONS, NOTICES, AND PENALTIES: For purposes of this ordinance, and in accordance with A.R.S. §11-871(D):

1. When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this ordinance, the Control Officer shall issue, for the first violation of this ordinance, a warning notice which includes a summary of the Maricopa County Residential Woodburning Restriction Ordinance and information on proper woodburning techniques.
2. The Control Officer may impose a civil penalty of \$50 to any person who violates this ordinance for the second violation within a one year period after having been issued a warning notice for the first violation of this ordinance.
3. For the third violation of this ordinance, the Control Officer may impose a civil penalty of \$100. The Control Officer may impose a civil penalty of \$250 for the fourth or any subsequent violation of this ordinance. After having been issued a citation for a violation of this ordinance, the violation may be refuted by demonstration that the smoke was not caused by a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire or by proof of an exemption pursuant to Section 4 of this ordinance.
4. Only those violations of this ordinance which have occurred within one year of a present offense shall be considered as prior violations. No person shall be cited for a

violation of this ordinance more than once in any calendar day. Each day of violation constitutes a separate offense.

SECTION 4 – EXEMPTIONS

- A. RESIDENTIAL SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may grant a residential sole source of heat exemption if the Control Officer determines that a residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance. The recipient of a residential sole source of heat exemption must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue a residential sole source of heat exemption after December 31, 1995. However, the Control Officer may renew a residential sole source of heat exemption if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance.
- B. TEMPORARY SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue a temporary sole source of heat exemption for economic or health reasons if the Control Officer determines that the applicant qualifies for financial assistance, according to the economic guidelines established under the Food Stamps, Medicaid, or low income energy assistance programs, as administered by the Income Support Division, or if the Control Officer determines that failure to grant a temporary sole source of heat exemption would endanger the health of the applicant. A temporary sole source of heat exemption shall not be issued for more than 150 days.
- C. EMERGENCY EXEMPTION:** The Control Officer may issue an emergency exemption if the Control Officer determines that an emergency situation exists. An emergency exemption shall be valid for a period determined by the Control Officer, but shall not exceed one year from the date it is issued. An emergency situation shall include, but is not limited to, the following:
1. A situation where a person demonstrates that his heating system, other than a residential woodburning device, is inoperable for reasons other than his own actions; or
 2. A situation where a person demonstrates that his heating system has been involuntarily disconnected by a utility company or other fuel supplier.
- D. INADEQUATE ALTERNATE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue an inadequate alternate source of heat exemption if the Control Officer determines:
1. That there is a heat source other than a residential woodburning device available to the residence;

2. That such heat source is not a sole source of heat, as defined in Section 2(O) of this ordinance, and that such heat source is used in conjunction with a residential woodburning device;
3. That such heat source is not an approved woodburning device, as defined in Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices); and
4. That such heat source is not an adequate source of heat, as defined in Section 2(A) of this ordinance.

The recipient of an inadequate alternate source of heat exemption must comply with municipal or County Building Code requirements (as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*) and must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue an inadequate alternate source of heat exemption after December 31, 1995. However, the Control Officer may renew an inadequate alternate source of heat exemption, if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of this ordinance.

E. APPLICATION FOR AN EXEMPTION: Any person seeking an exemption shall do so by submitting an acceptable written application to the Control Officer. An application shall state:

1. The applicant's name and mailing address;
2. The address for which the exemption is sought; and
3. The reasons for seeking the exemption.

F. ACTION ON AN EXEMPTION APPLICATION: Following the receipt of an exemption application, the Control Officer shall either grant the exemption, grant the exemption subject to conditions, or deny the exemption. The Control Officer shall notify, in writing, the applicant of such decision.

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