

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MENLO PARK
ADDING SECTION 8.04.010 (21) (BURNING OF GARBAGE/SOLID FUEL)
TO CHAPTER 8.04 (NUISANCES) AND
ADDING CHAPTER 12.48 (WOODBURNING APPLIANCES), ALL OF THE MENLO
PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1: Section 8.04.010 (21) shall be added to Chapter 8.04 of the Menlo Park Municipal Code, which Section shall read as follows:

(21) No person shall burn any garbage as defined in Section 7.04.010, or solid fuel as defined in Section 12.48.010, within or upon any premises except for the burning of fuel in woodburning appliances that is not prohibited under Section 12.48.070 of this Code.

SECTION 2: A new Chapter 12.48 shall be added to Title 12 of the Menlo Park Municipal Code, which Chapter shall read as follows:

Chapter 12.48

Woodburning Appliances

Sections:

12.48.010	Definitions.
12.48.020	Residential Installations.
12.48.030	Commercial Installations.
12.48.040	Gas Fireplaces.
12.48.050	Additions, Alterations or Repairs.
12.48.060	Unauthorized Appliances Prohibited.
12.48.070	Prohibited Fuels.
12.48.080	Certification.

12.48.010 Definitions. The definitions set forth in this Part shall govern the application and interpretation of this Chapter.

(1) "Bay Area Air Quality Management District" means the air quality agency for the San Francisco Bay Area established pursuant to California Health and Safety Code Section 40200.

(2) "EPA" means United States Environmental Protection Agency.

(3) "EPA Certified Wood Heater" means 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 and is certified and labeled pursuant to those regulations.

(4) "Fireplace" means any permanently installed masonry or factory-built woodburning appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio greater than or equal to thirty-five (35) to one (1).

(5) "Gas Fireplace" means any device designed to burn natural gas in a manner that simulates the appearance of a woodburning fireplace.

(6) "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.

(7) "Paint Solvents" means all original solvents sold or used to thin paints or to clean up painting equipment.

(8) "Pellet-Fueled Wood Heater" means any woodburning appliance that operates exclusively on wood pellets.

(9) "Solid Fuel" means wood or any other non-gaseous or non-liquid fuel.

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

(11) "Waste Petroleum Products" 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.

(12) "Woodburning Appliance" means fireplace, wood heater, or pellet-fired wood heater or any similar device burning any solid fuel used for aesthetic or space-heating purposes.

12.48.020 Residential Installations. All woodburning appliances installed in new residential units or woodburning appliances being added to or replacing woodburning appliances in existing residential units shall comply with this Chapter.

12.48.030 Commercial Installations. All woodburning appliances installed in new commercial buildings or woodburning appliances being added to or replacing woodburning appliance in existing commercial buildings shall comply with this Chapter. Commercial buildings shall include, but not be limited to, hotels and restaurants.

12.48.040 Gas Fireplaces. Gas fireplaces shall be exempt from this Chapter. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a woodburning appliance and shall be subject to the requirements of the Chapter.

12.48.050 Additions, Alterations or Repairs. A woodburning appliance shall comply with this Chapter, if:

(a) The appliance is reconstructed.

(b) There are any additions, alterations, or repairs to the appliance, excepting minor repairs, such as damper repairs, firebox repairs, seismic bracing and/or flue liner replacement, which repairs shall be exempt.

(c) There is any remodel or renovation work that requires opening up walls within twelve inches of the appliance, excepting minor repairs, which shall be exempt.

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

Mayor

ATTEST:

City Clerk