

**CITY OF TEMPE AMENDMENTS TO THE  
2012 INTERNATIONAL MECHANICAL CODE  
ARTICLE V, SECTION 8-500 OF THE  
THE CODE OF THE CITY OF TEMPE, AZ**

**Sec. 202 GENERAL DEFINITIONS.** (Additions to existing list of definitions)

Section 202 is hereby amended as follows:

**FIREPLACE:** Means a built-in-place masonry hearth and fire chamber or a factory built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**SMOKE DETECTOR.** An approved, listed and labeled device that senses visible or invisible particles of combustion.

**SOLID FUEL:** Means and includes, but is not limited to, wood, coal, or other nongaseous or non-liquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood burning devices.

**WOOD STOVE:** Means a solid-fuel-burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

**Sec. 303 EQUIPMENT AND APPLIANCE LOCATION.**

Section 303 is hereby amended as follows:

*Section 303.3 Prohibited locations.* Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.
6. Any room operating under negative pressure unless the appliances are listed for that use.

**Exceptions:** This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors.
2. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Chapter 7. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the International Energy Conservation Code and equipped with an approved self-closing device.

*Section 303.7 Pit locations.* Appliances installed in pits or excavations shall not come in contact with the surrounding soil. The sides of the pit or excavation shall be held back a minimum of 12 inches (305 mm) from the appliance. Where the depth exceeds 12 inches (305 mm) below adjoining grade, the walls of the pit or excavation shall be lined with concrete or masonry. Such concrete or masonry shall extend a minimum of 4 inches (102 mm) above to adjacent grade and shall have sufficient lateral load-bearing

capacity to resist collapse. The appliance shall be protected from flooding in an approved manner. Liquefied petroleum (LPG) appliances shall not be installed in a pit, attic or other location that would cause a ponding or retention of gas.

### **Sec. 304. INSTALLATION.**

Section 304 is hereby amended as follows:

*Section 304.3 Elevation of ignition source.* Equipment and appliances having an ignition source and located in hazardous locations and public garages, private garages, repair garages, automotive motor fuel-dispensing facilities and parking garages shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor surface on which the equipment or appliance rests. For the purpose of this section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

#### **Exceptions:**

1. Elevation of the ignition source is not required for appliances that are listed as flammable vapor resistant and listed for installation without elevation.
2. Direct-vent appliances that obtain all combustion air directly from the outdoors.
3. Clothes dryers installed in private garages.

### **Sec. 506 COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST EQUIPMENT.**

Section 506 is hereby amended as follows:

*Section 506.3.11.4 Non-fire-resistance-rated roof/ceiling assembly penetration.* A duct enclosure for a grease duct that penetrates only a non-fire-resistant-rated roof/ceiling assembly and only passes through the attic space may have the total thickness of the required fire-resistive material installed on the duct side of the duct enclosure.

### **Sec. 902 MASONRY FIREPLACES.**

Section 902 is hereby amended as follows:

*Section 902.1 General.* Masonry fireplaces shall be constructed in accordance with the International Building Code and comply with Section 929 of this code.

### **Sec. 903 FACTORY-BUILT FIREPLACES.**

Section 903 is hereby amended as follows:

*Section 903.1 General.* Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing and comply with Section 929. Factory-built fireplaces shall be tested in accordance with UL 127.

### **Sec. 904. PELLET FUEL-BURNING APPLIANCES.**

Section 904 is hereby amended as follows:

*Section 904.1 General.* Pellet fuel-burning appliances shall be listed and labeled in accordance with ASTM E 1509 and shall be installed in accordance with the terms of the listing and comply with Section 929.

## **Sec. 905 FIREPLACE STOVES AND ROOM HEATERS.**

Section 905 is hereby amended as follows:

*Section 905.1 General.* Fireplace stoves and solid-fuel-type room heaters shall be listed and labeled and shall be installed in accordance with the conditions of the listing and comply with Section 929. Fireplace stoves shall be tested in accordance with UL 737. Solid-fuel-type room heaters shall be tested in accordance with UL1482. Fireplace inserts intended for installation in fireplaces shall be listed and labeled in accordance with the requirements of UL1482 and shall be installed in accordance with the manufacturer's installation instructions and comply with Section 929.

## **Sec. 929 SOLID FUEL-BURNING EQUIPMENT OR FIREPLACE RESTRICTIONS.**

Section 929 is hereby amended as follows:

*Section 929.1 General.* On or after December 31, 1998, no person, firm, or corporation shall construct or install a fireplace or a woodstove, and the city shall not approve or issue a permit to construct or install a fireplace or a woodstove, unless the fireplace or woodstove complies with one of the following:

1. A fireplace which has permanently installed gas or electric log insert;
2. A fireplace, woodstove, or other solid-fuel-burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA;
3. A fireplace, woodstove, or other solid-fuel-burning appliance that has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA;
4. A fireplace, woodstove, or other solid-fuel-burning appliance that has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA; or
5. A fireplace that has a permanently installed woodstove insert that complies with paragraphs 2, 3, or 4 above.

**Exceptions:** The following installations are not regulated and are not prohibited by this section:

1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment;
2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking; and
3. Fire pits, barbecue grills, and other outdoor fireplaces.

Fireplaces constructed or installed on or after December 31, 1998, that contain a gas or electric log insert or a woodstove insert, shall not be altered to directly burn wood or any other solid fuel. On or after December 31, 1998, no person, firm, or corporation shall alter a fireplace, woodstove, or other solid-fuel-burning appliance in any manner that would void its certification or operational compliance with the provisions of this section.

Fireplaces constructed or installed on or after December 31, 1998, shall not be altered without first obtaining a permit from the city to insure compliance with this section.