

# Wood Burning Appliance Regulations

## REFERENCE

Municipal Ordinance 26133

Certain types of wood burning appliances are large contributors of fine particles causing severe air pollution and harmful health impacts. On June 6, 2000, the City of San José adopted Ordinance 26133 which specifies that:

**Only wood burning appliances that comply with Environmental Protection Agency (EPA) requirements may be installed; those that do not comply are prohibited.**

## APPLICATION OF REGULATIONS

- Any building permit application filed after July 20, 2000 must comply with Ordinance 26133.
- Tract developments that were filed prior to July 21, 2000 will be exempt as long as the Plan Check Application is maintained active as per Adopting Ordinance of the Uniform Building Codes, however, all tracts must comply with this ordinance after July 20, 2001.
- **Repairs may trigger compliance requirements.** Any repair to a wood burning appliance that costs more than \$1,759 must comply.
- **Renovations may trigger compliance requirements.** Any remodel or renovation that costs more than \$1,759 and comes within 12 inches of a wood burning appliance must comply. This 12-inch dimension is measured on the plane of the wall where the appliance is located; walls at right angles to the appliance are exempt.
- **Annual cost threshold adjustment.** The cost threshold of \$1,759 will be adjusted annually on July 1st.

## ACCEPTABLE WOOD BURNING APPLIANCES

- Any EPA-certified wood heater listed at [www.epa.gov/compliance/epa-certified-wood-heater-database](http://www.epa.gov/compliance/epa-certified-wood-heater-database)
- Pellet-fueled wood heater
- Listed gas appliances installed in masonry fireplaces

**San José Permit Center**  
San José City Hall  
200 E. Santa Clara St.  
San José, CA 95113  
408-535-3555