



TOWN of MAMMOTH LAKES
Community Development Department
P. O. Box 1609
437 Old Mammoth Road
Mammoth Lakes, CA 93546
(760) 934-8989, x 244
jgoetz@ci.mammoth-lakes.ca.us



**MAMMOTH LAKES FIRE
PROTECTION DISTRICT**
Post Office Box 5, 3150 Main Street
Mammoth Lakes, CA 93546
Phone: 760-934-2300, Fax: 760-934-9210
thom@mlfd.ca.gov

Immediate Distribution – Potential Safety Issue

Press Release

Date: July 2, 2013

Point of Contact: Thom Heller, Fire Marshal, Phone Number: 934-2300

**TOWN/FIRE DISTRICT AMEND MAMMOTH LAKES CODE REGARDING
WOOD BURNING INSERTS**

The Town of Mammoth Lakes (Town) and Mammoth Lakes Fire Department (Fire District) have identified a problem with inserted wood burning fireplace installations in town. When a wood burning insert is placed into a zero clearance fireplace box (fireplace) with factory built metal flue pipe and a wooden chase there may not be adequate clearance to concealed combustible materials (wood, plywood, and/or sheetrock). This problem can exist in all types of residential occupancies, from single family to multi-family projects.

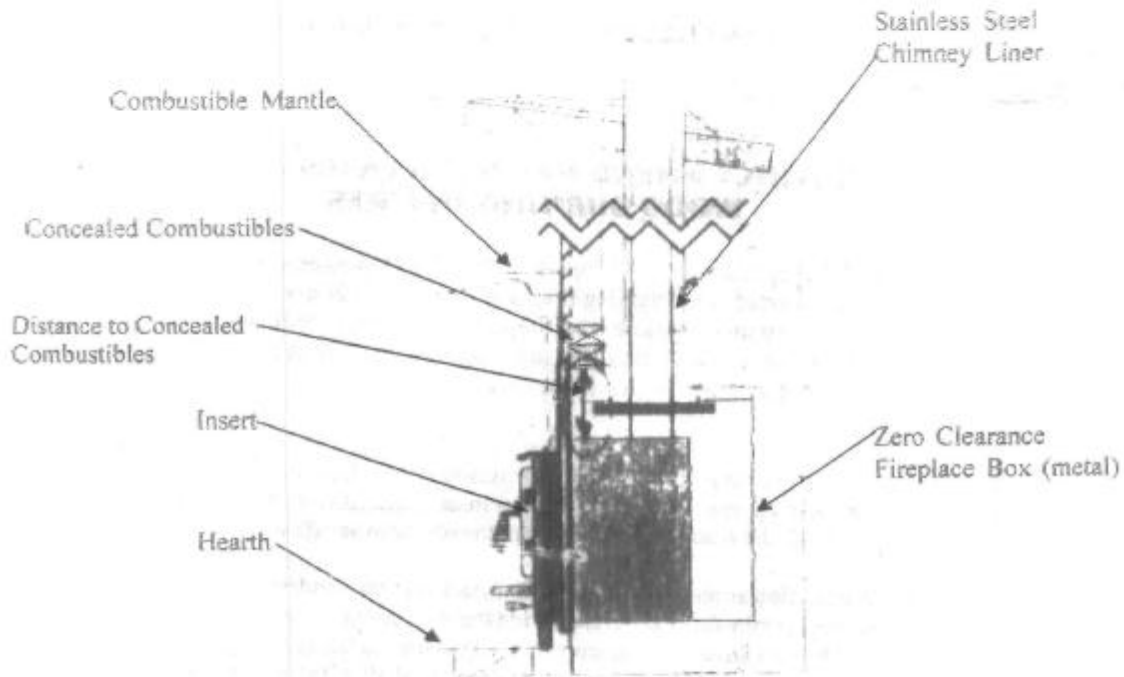
If you have either a pellet or gas insert installation or a masonry flue/chase you are NOT required to change anything based upon the new code. Also, if your insert installation occurred after July, 2011, and a building permit was pulled, the required clearance has already been satisfied.

As a result of the improper clearances and a lack of clear construction standards governing how the inserts were to be installed, combustible materials inside the wall are igniting and several fires have resulted around town. The Fire District has documented eight fires in the last ten years that exhibit very similar characteristics. One complex in town has already replaced all of their fireplace/insert installations and found that 23 of 60 units show some sign of heat damage to surrounding combustibles, while another complex had 11 of 18 units. **The only sure way to prevent a similar type of fire from occurring is to remove all combustible materials and replace with non-combustible construction materials per the new code modifications.** Unfortunately, there are no common characteristics that allow for the narrowing down of the likely affected installations such as certain complexes, certain installers, certain products, or any other common factor.

The problem is that the original fireplace, while installed to manufacturer's requirements, contained fires that never obtained very high burning temperatures, and most of the heat went up the chimney. To counter the inefficiencies and air quality issues, owners began installing inserts into the fireplaces several years ago. Once installed, the appliance burned much more efficient and hotter causing the concealed combustibles surrounding the original installation to be exposed to significantly greater heat levels. This greater heat exposure results in a process called pyrolysis (chemical decomposition of combustibles through the action of prolonged exposure to heat) and a decrease of moisture in the combustibles, thus decreasing the ignition temperature. Eventually, continued exposure to heat will cause the combustible material to ignite.

Unfortunately there is no easy way for a person to determine if there are concealed combustible materials too close to the fireplace box, or if pyrolysis is occurring inside the wall. There is little chance that the problem can be viewed short of exposing the construction materials surrounding the fireplace by removing the fascia material.

On March 20, 2013, Town Council adopted a resolution amending the Town ordinance establishing standards for new and reconstructed wood burning inserts. The ordinance requires all new woodstove insert installations to meet the new standards. Recognizing that reconstruction of existing woodstove insert installations can cost several thousand dollars, the ordinance does not require immediate removal and reconstruction of existing inserts. Instead, the ordinance requires existing nonconforming inserts to be removed or reconstructed upon sale of the residential unit, or by October 31, 2022 if no sale of a particular unit has occurred before then. It is in your best interest to correct this issue as soon as possible.



To correct the situation, there are basically six options available to the owner to comply with the ordinance:

1. Remove the insert and weld a steel plate on the fireplace,
2. Remove the insert and place either a gas or pellet insert in its place...insert can be plumbed directly into existing chase,
3. Remove the insert and place a free standing wood burning appliance in front of the fireplace and plumb directly into existing chase,
4. Remove the insert and fireplace box and replace with EPA Phase II fireplace, constructed to manufacturer's installation requirements,
5. Remove the insert, fireplace box, all combustible materials to satisfy the ordinance and replace the box and insert after non-combustible materials have been installed.

The Town and Fire District do not mean to alarm anyone, but it is felt the situation is serious enough that we wanted each of you to have all the information available so that you can make informed decisions. If you need any further assistance or have any questions, please contact the Fire District at (760) 934-2300 or Town at (760) 934-8989, ex 244.



**MAMMOTH LAKES FIRE
PROTECTION DISTRICT**
Post Office Box 5, 3150 Main Street
Mammoth Lakes, CA 93545
Phone: 760-934-2300, Fax: 760-934-9210

Dear Homeowner,

We are working on an assessment of heating appliances within the Town of Mammoth Lakes. Currently, we are collecting information on all residential homes. Once we have compiled this list we will have an accurate idea of how many wood burning inserts exist. This will also help to expand our department knowledge and aid in fire prevention. The goal of our assignment is strictly data collection and not code enforcement. Thank you for your time as we understand your cooperation is essential to the successful completion of this project. For more information on ordinance 13-03 please visit www.ci.mammoth-lakes.ca.us

Please call, email, or stop by station #1 to schedule a time for us to obtain information on your home

Tuesday-Friday (9am-5pm) and ask for Tim or Steve.

(760) 934-2300

brett@mffd.ca.gov

ACTUAL TEXT OF ORDINANCE AMENDMENT FOLLOWS:

ORDINANCE NO. 13-03

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, STATE OF CALIFORNIA, AMENDING
SECTION 15.04.130 OF AND ADDING
SECTION 15.04.140 TO THE MAMMOTH LAKES MUNICIPAL CODE
REGARDING WOODSTOVE INSERTS**

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the Town of Mammoth Lakes ("Town") may adopt by reference the California Building Standards Code, 2010 Edition as provided in Title 24 and 25 of the California Code of Regulations and other codes; and

WHEREAS, the California Building Standards Commission ("Commission") has adopted the 2010 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the Town has recently experienced a number of chimney fires due to woodstove inserts being improperly installed in pre-fabricated firebox's; and

WHEREAS, the Town wishes to adopt regulations regarding the selection and installation of woodstove inserts; and

WHEREAS, to the extent required, the Town desires to adopt these woodstove regulations as amendments the California Building Standards Code to assure the Codes are tailored to the particular safety needs of the Town as required by its unique climatic, geological, and topographical conditions; and

WHEREAS, any and all legal prerequisites relating to the adoption of this Ordinance have occurred.

The Town Council of the Town of Mammoth Lakes does hereby ordain as follows:

- 1. Recitals.** The Town Council hereby incorporates by reference the recitals of this Ordinance.
- 2. Purpose.** The purpose of this Ordinance is to adopt safety regulations regarding the selection and installation of woodstove inserts.
- 3. Authority.** California Health & Safety Code Section 17958.7 and 18941.5 require the Town to adopt the California Building Standards Code by reference and authorize the Town to adopt modifications to the California Building Standards Code determined to be reasonably necessary because of local climatic, geological, or topographical conditions

4. **Code Findings.** The Town Council hereby finds that the proposed amendments to the 2010 California Building Standards Code are reasonably necessary because of local climatic, geologic, or topographic conditions, based on the express findings and determinations, marked in relation to the respective amendments provided in this ordinance, described in "Exhibit A" attached hereto, and hereby adopted by the Town Council as the findings to support the modifications to the California Building Standards Code.

5. **Amendment.** Mammoth Lakes Municipal Code section 15.04.130 is hereby amended to read in full as follows:

15.04.130 - Woodstoves and similar appliances—California Mechanical Code.

It is unlawful for anyone to install and use a woodstove, woodstove insert, or similar appliance without first obtaining a building permit and an inspection or approval from the building official or his/her designee authorizing its use.

6. **Amendment.** Mammoth Lakes Municipal Code section 15.04.140 is hereby added to read in full as follows:

15.04.140 – Woodstove inserts — California Mechanical Code.

- A. "Woodstove insert" shall mean a factory-built metal solid fuel burning device designed to be inserted into a fireplace constructed of masonry, metal, or other materials.
- B. All newly installed and/or reconstructed woodstove inserts shall meet the following requirements:
 - 1. Dimensions to combustibles: A minimum of 48 inches vertically of non-combustible material shall be installed within the chase area measured from the top of the existing pre-fabricated metal firebox. A minimum of 24 inches horizontally of non-combustible material shall be installed within the chase area measured from the edge of the woodstove insert. Some construction exceptions may be permitted due to unforeseen circumstances. Further, should the manufacturer's minimum dimensions be greater than the above dimensions, the manufacturer's dimensions shall prevail.
 - 2. Air channels around enclosure panel: Per NFPA 211, passive circulation shall be maintained in the void space around the woodstove insert and the pre-fabricated fireboxes. Passive circulation shall be

installed in each corner of the panels installed with the woodstove insert.

3. Circulation of air in the pre-fabricated fireboxes: Passive circulation shall be maintained around the walls of the pre-fabricated firebox.
 4. Lintel bar: All lintels and all supporting material for said lintels shall be of non-combustible material.
 5. Flue pipe: required spacing of not less than two inches shall be maintained for all installations. No exceptions shall be granted for existing non-conforming flue pipes, and all flue pipes shall meet the standards in this ordinance prior to any final approval being issued.
 6. Support of pre-fabricated fireboxes at the base of unit: Should the woodstove insert assembly weigh more than 200 pounds then the base of the pre-fabricated firebox shall be supported by an approved method and means. Should the complete assembly of the woodstove insert exceed more than two stories in height then the base of pre-fabricated firebox shall be supported regardless of the weight of the woodstove insert.
 7. Pre-fabricated firebox: Any modification to the pre-fabricated firebox shall be approved by the manufacturer of record. Town inspection and verification shall be required prior to installing decorative panels.
 8. Approved manufacturers: Unless otherwise approved by the Board of Appeals, building official and fire marshal, all woodstove inserts shall be manufactured by the following manufacturers: Quadra Fire, Buck Stoves, Regency Fire, Lopi, Jotul, Sierra Stove, Avalon, Pacific Energy, Napoleon, Enviro, Country Stoves, Hampton, Drolet, and Flame XTD.
- C. All woodstove inserts currently installed within the Town shall be removed or be reconstructed to meet the requirements of this section upon the sale of the real property within which the woodstove insert is located (provided that for a property for which escrow is opened in

conjunction with the sale, the requirements of this paragraph shall apply only to properties for which escrow is opened after June 30, 2013) or by October 31, 2022 if no sale has occurred prior to that date. This requirement shall apply to all occupancy types, including single family homes, multifamily residential structures, and commercial structures in which woodstove inserts have been installed.

- D. The building official and fire marshal may enforce the provisions of this section. Neither the building official nor fire marshal shall finally approve any building permit for a woodstove insert without determining that the insert complies with the provisions of this section. This subsection is not intended to and does not modify or abrogate any Town immunities set forth in the Government Code.
- E. Pursuant to Section 1102.6(a) of the California Civil Code, sellers of residential real property shall disclose to purchasers of such property the provisions of this section. This disclosure obligation shall be satisfied by providing to each purchaser a "Local Option Real Estate Transfer Disclosure Statement" specified by the Town and by providing a copy of this section.

7. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

8. **Effective Date.** The Mayor shall sign and the Town Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

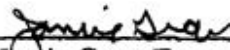
Ordinance No 13-03
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PASSED AND ADOPTED by the Town Council of the Town of Mammoth Lakes this 20th day
of March 2013.



MATTHEW LEHMAN, Mayor

ATTEST:



Janie Gray, Town Clerk

EXHIBIT A

**Findings to Support Amendments to the
2010 Edition of the California Building Standards Code**

This Exhibit A provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the Town of Mammoth Lakes' amendments to the 2010 California Building Standards Code as reasonably necessary because of local climatic, geologic or topographic conditions.

Amendments to 2010 California Building Standards Code

Amendment Section	Amendment	Justification (see below key to justifications)
15.04.130	Permit requirements for woodstoves	A/B/C/D
15.04.140	Woodstove insert requirements	A/B/C/D

Justifications KEY: Findings to Support Amendments to California Building Standards Code

A – This amendment is necessary for administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the Town of Mammoth Lakes.

B – This amendment is reasonably necessary because of the following local climatic conditions:

- (i) During the winter the Town experiences of periods of very cold temperatures accompanied by periods of significant snowfall and high winds; and
- (ii) During the summer months relatively hot temperatures with periods of low humidity and high winds. The vegetative environment surrounding the Town varies from meadow/high desert vegetation communities (grass/brush) to densely populated stands of timber.
- (iii) These conditions require building conditions suitable for these wildland environments.

C – This amendment is reasonably necessary because of the following local geological conditions:

- (i) The Town is within an active seismic/volcanic area; and

- (ii) A significant earthquake could render emergency responders incapable of providing adequate emergency response.

D – This amendment is reasonably necessary because of the following local topographical conditions:

- (i) The Town is located in a geographically challenging environment with elevations ranging from approximately 7,500 feet to over 11,000 feet. Slopes vary from relatively flat to hillsides exceeding 60 degrees; and
- (ii) These conditions require building conditions addressing these challenges.

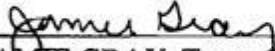
TOWN OF MAMMOTH LAKES

Notice is hereby given that on March 6, 2013 the Town Council introduced an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTION 15.04.130 OF AND ADDING SECTION
15.04.140 TO THE MAMMOTH LAKES MUNICIPAL CODE
REGARDING WOODSTOVE INSERTS.

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: March 7, 2013



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on March 20, 2013 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 13-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTION 15.04.130 OF AND ADDING SECTION
15.04.140 TO THE MAMMOTH LAKES MUNICIPAL CODE
REGARDING WOODSTOVE INSERTS.

by the following vote:

AYES: Councilmembers Bacon, Eastman, Raimondo, and Mayor Lehman

NOES: None

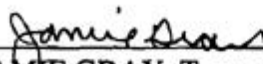
ABSENT: Mayor Pro Tem Wood

ABSTAIN: None

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: March 21, 2013



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 13-03, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on March 6, 2013 by the following vote:

AYES: Councilmembers Bacon, Eastman, Raimondo, Mayor Pro Tem Wood, and Mayor Lehman

NOES: None

ABSENT: None

DISQUALIFICATION: None

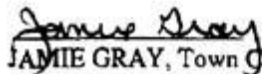
and adopted at a meeting held on March 20, 2013 by the following vote:

AYES: Councilmembers Bacon, Eastman, Raimondo, and Mayor Lehman

NOES: None

ABSENT: Mayor Pro Tem Wood

DISQUALIFICATION: None


JAMIE GRAY, Town Clerk

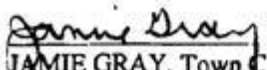
STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 13-03 being:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTION 15.04.130 OF AND ADDING SECTION 15.04.140 TO THE
MAMMOTH LAKES MUNICIPAL CODE REGARDING WOODSTOVE INSERTS.

was published in summary in The Sheet newspaper on March 15 and 29, 2013, and was posted at the Town Administrative Offices.


JAMIE GRAY, Town Clerk