

**CHAPTER 9  
SOLID FUEL BURNING DEVICES**

**Subchapter 5 – Solid Fuel Burning Device Removal Program**

**Rule 9.501 – Removal of Solid Fuel Burning Devices Upon Sale of the Property.**

- (1) After October 1, 1994, in the Air Stagnation Zone, all solid fuel burning devices contained on property to be sold must be removed from the property or rendered permanently inoperable unless they meet the emissions requirements listed in Section (2) of this rule.
- (2) The following solid fuel burning devices may remain on a property in the Air Stagnation Zone to be sold:
  - (a) Woodstoves or Pellet Stoves installed with a valid permit if the emissions do not exceed:
    - (i) 6.0 grams per hour weighted average when tested in conformance with the Oregon Method; or
    - (ii) 5.5 grams per hour weighted average when tested in conformance with the EPA Method.
  - (b) Commercially manufactured pellet stoves:
    - (i) that have not been tested, but were installed prior to October 1, 1994; or
    - (ii) with emissions that do not exceed 1.0 grams per hour when tested in conformance with the EPA Method.
  - (c) Fireplaces meeting the definition of Rule 9.102(6).
  - (d) Wood-fired, forced-air combustion furnaces that primarily heat living space, through indirect heat transfer using forced air duct work or pressurized water systems.
- (3) Within the Air Stagnation Zone, it is unlawful for any person to complete, or allow the completion of the sale, transfer or conveyance of any real property unless a Certificate of Compliance is filed with the Missoula County Clerk and Recorders Office.
- (4)
  - (a) Until July 1, 2001, a Certificate of Compliance is valid until the real property is transferred or conveyed to a new owner. At that time, another Certificate must be filed.
  - (b) After July 1, 2001, once a Certificate of Compliance has been filed for a property, another certificate is not needed if the number and type of stoves on the real property matches what is on file at the department. The department shall list properties with Certificates of Compliance on the internet. A copy of the list must be available at the department for inspection.
- (5) The Certificate of Compliance must state that either:
  - (a) there are no solid fuel burning devices on the property; or
  - (b) any solid fuel burning devices on the property meet the requirements of Section (2) above.
- (6) The Certificate of Compliance must be in a format specified by the department and must be signed by the seller(s), the buyer(s), the real estate agent(s) of the seller(s), and if any solid fuel burning devices will remain on the property, a certified inspector must sign the certificate.
- (7) City Building Department inspectors and persons certified by the department to inspect and certify that solid fuel burning devices on the real property meet the criteria described by these regulations shall sign and submit a Certificate of Compliance to the Missoula County Clerk and Recorders Office.
- (8) The Certificate of Compliance does not constitute a warranty or guarantee by the department or

certified inspectors that the Solid Fuel Burning Device on the property meets any other standards of operation, efficiency or safety, except the emission standards contained in these regulations.