

ORDINANCE NO. 2316

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING CHAPTER 2.08 (OFFICERS) BY CLARIFYING THE ROLE OF THE COMMUNITY DEVELOPMENT DIRECTOR AND BUILDING OFFICIAL, CHAPTER 6.10 (NUISANCE ABATEMENT AND ADMINISTRATIVE PENALTIES) TO INCLUDE A REFERENCE TO NEW AIR QUALITY REGULATIONS, ADDING CHAPTER 6.13 (AIR QUALITY) TO ESTABLISH AIR QUALITY AND NOX EMISSIONS REGULATIONS, AND AMENDING TITLE 18 (BUILDING CODES AND REGULATIONS) TO REMOVE REQUIREMENTS RELATED TO ELECTRIFICATION AND WOODBURNING APPLIANCES AND AMEND THE DEFINITION OF SCOPE OF WORK OF THE CAMPBELL MUNICIPAL CODE. FILE NO. PLN-2022-112.

WHEREAS, after notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

WHEREAS, the Federal Clean Air Act requires the Federal Environmental Protection Agency to establish federal air quality standards to protect public health and public welfare and to regulate emissions of hazardous air pollutants.

WHEREAS, Nitrogen Dioxide, Ground-level Ozone, and Particulate Matter are three of the six criteria air pollutants explicitly addressed in the Federal Clean Air Act.

WHEREAS, the Clean Air Act requires the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for six common air pollutants, known as "criteria air pollutants", which include Particulate Matter (PM10 and PM2.5), Ground-level Ozone (O3), Carbon Monoxide (CO), Sulfur Dioxide (SO2), Nitrogen Dioxide (NO2), and Lead (Pb).

WHEREAS, the Clean Air Act also addresses 178 Hazardous Air Pollutants (HAPs) which are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects. Some examples include Benzene, Perchloroethylene, Methylene Chloride, Dioxins and Furans, Asbestos, Toluene, and Cadmium.

WHEREAS, Congress has found that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation.

WHEREAS, Congress has found that air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments (Clean Air Act, 42 U.S.C. § 7401(a)(3)).

WHEREAS, pursuant to the California Clean Air Act Law, the California Air Resources Board (CARB) regulates mobile sources of pollution while local and regional authorities are responsible for controlling air pollution from other sources.

WHEREAS, Section 39002 of the California Health and Safety Code (HSC) recognizes local authority to set stricter standards than those set forth by law or by the state board for nonvehicular sources.

WHEREAS, much of the Greater Bay Area, including the City of Campbell, remains a nonattainment area that does not meet the federal air quality standards established to protect public health.

WHEREAS, Nitric Oxide and Nitrogen Dioxide (collectively NOx) react with volatile organic compounds (VOCs) in the presence of sunlight to form Ground-level Ozone (O3).

WHEREAS, NOx can also contribute to the formation of fine particulate matter (PM2.5) through a series of chemical reactions in the atmosphere.

WHEREAS, emissions from building appliances contribute significantly to NOx, and therefore O3 and PM2.5 that are present in the Greater Bay Area at levels that violate state and federal standards.

WHEREAS, by establishing standards and policies that reduce NOx emissions will also lead to a reduction in Ground-level Ozone and PM2.5.

WHEREAS, NOx gases can irritate the airways in the human respiratory system, leading to impaired lung function, increased asthma attacks, cardiovascular harm, lower birth weight, and increased ER and hospital admissions.

WHEREAS, Ground-level ozone can cause respiratory issues, exacerbate asthma, reduce lung function, and lead to other health problems. It also affects vegetation and ecosystems.

WHEREAS, PM2.5 can penetrate deep into the lungs and even enter the bloodstream, causing cardiovascular and respiratory diseases, as well as other health issues. It also contributes to visibility reduction and environmental degradation.

WHEREAS, the Bay Area Air Quality Management District approved rules on June 21, 2023, that outlaw the sale of NOx-emitting water heaters and furnaces in 2027 and 2029, respectively, in the Bay Area.

WHEREAS, preparing structures in the City of Campbell for the upcoming implementation of the Bay Area Air Quality Management District's rules will promote efficiency and cost savings that will benefit Campbell residents and protect community health.

WHEREAS, Section 39002 of the California Health and Safety Code authorizes local agencies to establish air pollution standards that are stricter than statewide or federal standards.

WHEREAS, the subject Ordinance will add Chapter 6.13 (Air Quality) of the Campbell Municipal Code as set forth herein.

WHEREAS, the subject Ordinance will amend Title 18 (Building Codes and Regulations) and of the Campbell Municipal Code as set forth herein.

WHEREAS, while the subject Ordinance will remove Chapter 18.70 (Woodburning Appliances) the requirements of that section will be subsumed and continued to be implemented by the newly created Chapter 6.13 (Air Quality).

WHEREAS, the proposed amendments to the Campbell Municipal Code are consistent with goals, policies, and actions from the 2040 General Plan including, but not limited to, the following:

Conservation and Open Space (COS)

1. Goal COS-10: Improve air quality in Campbell and the region through reductions in air pollutants and greenhouse gas (GHG) emissions.
2. Action COS-10.e Continue implementation of the City's Municipal Code Chapter 18.70, Woodburning Appliances, in order to improve and maintain air quality conditions in the City and enhance the health and quality of life of its citizens.
3. Policy COS-10.4 Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD), including standards related to fireplaces, wood stoves, heaters, dust control, and abatement measures.
4. Policy COS-10.8 Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.

Community Health and Wellness (CHW)

5. Policy CHW-2.1: Practice effective city leadership in order to promote and enhance overall health conditions for residents.
6. Goal CHW-2: Promote a comprehensive and diverse approach to community health and wellness.
7. Policy CHW-2.2 Consider the effects of planning decisions on the overall health and well-being of the community and its residents.

Safety (SA)

8. Goal SA-5: Protect citizens from hazardous materials.
9. Goal SA-7: Minimize risks to life, property, the economy, and the environment through climate adaptation strategies that enhance and promote Campbell's community resiliency.
10. Action SA-7.c Periodically assess and monitor the effects of climate change and the associated levels of risk in order to adapt to changing climate conditions.

WHEREAS, NOx-emitting equipment has been shown to have a specific, adverse impact upon the public health and safety as evidenced by the following reports:

1. Gas appliances in California homes and buildings generate four times as much lung-damaging nitrogen oxide (NOx) pollution as the state's gas power plants, and roughly two thirds as much NOx as all the state's passenger cars, according to a 2022 report by RMI, SPUR, and Sierra Club titled "[Gas Appliances and Smog: California's Hidden Air Pollution Problem](#)."
2. "[Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California](#)," a study by UCLA, found that gas appliances not only emit NOx and PM2.5 indoors, but also outdoors, and that these pollutants have been linked to various acute and chronic health effects, including respiratory illness, cardiovascular disease, and premature death. If all residential gas appliances were immediately replaced with clean alternatives, the reduction of outdoor NOx and PM2.5 would result in 354 fewer deaths, as well as 596 fewer cases of acute bronchitis, and 304 fewer cases of chronic bronchitis annually in California.
3. BMC Environmental Health published "[Short term exposure to air pollution and mortality in the US: a double negative control analysis](#)," a research paper that concluded breathing PM2.5, and possibly O3 and NO2, even for a short time, can increase the risk of death from any cause, and that these risks are present even at pollution levels that are currently considered safe.
4. A [report published by RMI, Mothers Our Front, Physicians for Social Responsibility, and the Sierra Club](#) found that gas stoves emit numerous pollutants and peak indoor air pollution from gas stoves can reach levels that would be illegal outdoors per EPA standards. Children are particularly at risk for asthma, aggravated respiratory symptoms, irritated airways, lung infections, decreased lung function, and learning deficits.
5. "[Fine particulate matter exposure during childhood relates to hemispheric-specific differences in brain structure](#)," a paper published by Environmental International, found that exposure to PM2.5 across the U.S. may be an important environmental factor influencing patterns of structural brain development in childhood.
6. BAAQMD conducted a study titled "[Assessing Ambient Air Quality and Health Impacts from Natural Gas Building Appliances in the Bay Area](#)," citing the harmful impacts of exposure to NOx and PM2.5 and simulation modeling showing the significant reduction in pollution by prohibit the sale of NOx-emitting appliances beginning in 2027.

WHEREAS, the legislature of the State of California has, in Article XI, Section 7 of the California Constitution, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, adoption of the proposed Ordinance is considered a "project" under Section 15378(a)(1) of the California Environmental Quality Act (CEQA).

WHEREAS, the proposed Ordinance may be found exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the City's Municipal Code may have a significant effect on the environment.

WHEREAS, the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Campbell Municipal Code.

WHEREAS, in consideration of the adoption of the subject Ordinance, the City Council provided due consideration of all evidence presented and provided in the entire administrative record.

THEREFORE, the City Council of the City of Campbell does ordain as follows:

Section 1. Section 2.08.120 (Community Development Director) of the Campbell Municipal Code is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

2.08.120 Community Development Director.

The Community Development Director shall organize and supervise the operation of the Community Development Department. ~~plan for the orderly development of the City.~~ The Community Development Director ~~He/she~~ or their/his/her designated representative shall be secretary to Planning Commission. The Community Development Director ~~He/she~~ shall plan for the orderly development, subdivision, and use of properties in the City. ~~The Community Development Director shall administer and enforce development, subdivision, and land use regulations and other City regulations, as set forth in this code.~~ and direct the formulation and administration of subdivisions, zoning regulations, and the enforcement of sign and zoning regulations. ~~He/she shall coordinate, with any planning consultant, all planning services of the City.~~

Section 2. Section 2.08.130 (Building Official) of the Campbell Municipal Code is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

2.08.130 Building Official.

The Building Official shall organize and supervise the operation of ~~the Building~~ Division of the Community Development Department and housing code programs. The Building Official or their designated representative shall be the secretary to the Building Board of Appeals. ~~The Building Official~~ He/she shall administer the enforcement of the California Building Code ~~direct the building inspection program~~ and other City regulations, as set forth in this code.

Section 3. Subsection (a)(6)(Q) of Section 6.10.020 (Nuisance Conditions) of the Campbell Municipal Code is hereby amended to read as follows with underlining (underlining) indicating new text:

(Q) A violation of any of the provisions of Campbell Municipal Code Chapters 5.24, 5.28, 5.29, 5.30, 5.36, 5.48, 5.58, 6.11, 6.12, 6.13, 6.19, 6.20, 6.30, 6.40, 8.34, 8.38, 8.40, 8.42, 11.04, 11.08, 11.12, 11.16, 11.32, 13.04, or 14.02,

Section 4. Chapter 6.13 (Air Quality) is hereby adopted as set forth in Exhibit A.

Section 5. Section 18.26.060 (Electrification) of the Campbell Municipal Code is hereby deleted in its entirety.

Section 6. Section 18.26.070 (Limited exemptions from electrification standards.) of the Campbell Municipal Code is hereby deleted in its entirety.

Section 7. Section 18.32.010 Definition of “Scope of Work.” of the Campbell Municipal Code is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

18.32.010 Definition of "New Structure Using Portions of the Original Structure~~Scope of Work.~~"

A project ~~shall be submitted as a "remodel" or "remodel and addition," or a "remodel of an accessory structure to create an accessory dwelling unit" (or similar scope of work) shall instead be considered and~~ defined as a "new structuredwelling using portions of the original structure" when at least three of the following criteria are satisfied:

- (1) The valuation of the proposed work exceeds one hundred eighty-five thousand dollars (valuation calculated using established valuations from the most current RS means - square foot and estimating software and book series and modified by the Building Division);
- (2) Seventy-five percent or more of the existing roof framing (area) is proposed to be removed. Existing roof covered by a new roof shall be considered as removed for the purposes of this calculation;
- (3) Seventy-five percent or more of the existing exterior walls (lineal footage of wall length) are removed, altered, filled in, or rebuilt. In no event shall new exterior walls exceed more than seventy-five percent of the length of the existing exterior walls as determined by the building official. Nonconforming exterior walls shall not be included in the twenty-five percent remaining calculation (this subsection shall not apply to a proposed conversion of an accessory structure to an accessory dwelling unit);
- (4) Seventy-five percent or more of the existing interior walls (lineal footage of wall length) are removed, altered, filled in, or rebuilt. In no event shall new interior walls exceed more than seventy-five percent of the length of the existing interior walls as determined by the building official.

Section 8. Chapter 18.70 (Woodburning appliances.) of the Campbell Municipal Code is hereby deleted in its entirety.

Section 9. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance, shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 10. The proposed Ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) as there is no possibility that the proposed changes to the City’s Municipal Code may have a significant effect on the environment.

Section 11. The City Council further finds and determines that the proposed Ordinance is consistent with the goals, policies, and actions of the 2040 General Plan.

Section 12. That this Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, or summary thereof, one time within fifteen (15) days upon passage and adoption in the Metro Silicon Valley, a newspaper of general circulation for the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this _____ day of _____, 2024, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED: _____
Susan M. Landry, Mayor

ATTEST: _____
Andrea Sanders, City Clerk

Chapter 6.13 AIR QUALITY

6.13.010. Purpose and findings.

- A. The purpose of this Chapter is to protect public health and welfare by establishing objective, written public health and safety standards that enhance air quality conditions and reduce greenhouse gas emissions.
- B. Much of the Greater Bay Area, including the City of Campbell, remains a nonattainment area that does not meet the federal air quality standards established to protect public health.
- C. Exposure to NO_x has been linked to coughing, wheezing, difficulty breathing, asthma, and increased susceptibility to respiratory infections.
- D. Establishing standards and policies that reduce NO_x emissions will also lead to a reduction in Ground-level Ozone and Particulate Matter which have been found to be harmful to public health.
- E. The regulations of this Chapter are established under the authority of local jurisdictions to set stricter standards than those set forth by law or by the state board for nonvehicular sources (Section 39002 of the California Health and Safety Code).
- F. The regulations of this Chapter are further established pursuant to the City's police power authority to protect the public health, safety, and welfare.

6.13.020. Burning of specific materials prohibited.

It is unlawful to burn garbage, plastics, rubber, paints, solvents, oil, treated wood products, particle board, glossy or treated paper, coal, or any other material that produces noxious or toxic emissions.

6.13.030. Fireplaces.

Fireplaces, including gas or woodburning fireplaces, shall not be replaced except when certified to meet or exceed the United States Environmental Protection Agency's (U.S. EPA) New Source Performance Standards (NSPS).

6.13.040. NO_x-emission regulations.

- A. Applicability. The requirements of this section apply to all projects meeting the definition of a newly constructed structure, or a new structure reusing portions of the existing structure, established after the effective date of this Ordinance.
- B. NO_x-emission limit. NO_x-emissions from regulated appliances, including space heaters (including furnaces and fireplaces), water heaters (including boilers), cooking appliances (including stoves and ovens), and clothes dryers, shall not exceed 0.0 nanograms of nitrogen oxides (NO_x) per joule of heat and/or light output.
- C. Compliance. The requirements of this Section shall be verified by one of the two following methods:
 - a. Appliance Specifications. Manufacturers of regulated appliances shall either provide documentation demonstrating the appliance is powered exclusively by electricity or provide documentation certifying that their appliance does not exceed the NO_x-emission limit based on performance data from standardized testing procedures specific to the type of appliance (e.g., American National Standard for Household Cooking Appliances Z21.1, ANSI Z21.1, for gas-fired appliances).
 - b. Testing. NO_x-emissions shall be measured in accordance with the U.S. Environmental Protection Agency's Method 7E: Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure).
- D. Exceptions. Outdoor equipment and appliances (i.e., barbeque grills) that utilize a 5 gallon or smaller gas tank, and emergency equipment, shall not be subject to the requirements of this Section.

6.13.050. Limited exemptions from NO_x-emission regulations.

- A. Purpose. The City recognizes certain services and/or operations may be rendered infeasible if required to comply with the NO_x-emission regulations established by Section 6.13.040 (NO_x-emission regulations). In such circumstances, a limited exemption from the NO_x-emission regulations

established by Section 6.14.040 (NOx-emission regulations) may be warranted. The purpose and intent of this section is to outline the regulations for when a limited exemption from the NOx-emission regulations may be granted.

- B. Exemption Process. The City shall not approve any request for a limited exemption from the NOx-emission regulations, as set forth in Section 6.13.040 (NOx-emission regulations), except upon a complete and duly filed application on the then-current form prepared by the city and accompanied by a filing fee, if established, in compliance with the City's schedule of fees and charges.
- C. Review Criteria. The applicant always bears the burden to demonstrate why a limited exemption should be granted. The following criteria shall be used by the Building Official to determine if there is an operational necessity that warrants a limited exemption from the NOx-emission regulations, as set forth in Section 6.13.040 (NOx-emission regulations).
 - 1. Dependent processes. Business or commercial activities that require the emission of NOx for specific operationally dependent processes, shall be allowed to emit NOx in exceedance of the limit established by Section 6.13.040 (NOx-emission regulations) for that process. Examples include, but shall not be limited to, metallurgy, glass blowing, pottery, research and development uses, and certain medical processes.
 - 2. Commercial cooking. Commercial restaurants and similar commercial food preparatory facilities shall be permitted appliances that emit NOx in exceedance of the limit established by Section 6.13.040 (NOx-emission regulations) for food preparation. Examples include, but shall not be limited to, restaurants, bakeries, grocery stores, and commercial kitchens.
 - 3. Cost prohibitive. Appliances that emit NOx in exceedance of the limit established by Section 6.13.040 (NOx-emission regulations) shall be permitted when it can be demonstrated that the ten-year life-cycle cost analysis of installing and using a compliant appliance will be fifty percent or greater than that of using NOx emitting appliance. When estimating the life-cycle cost, all calculations will assume the purchase and use of all new appliances.
 - 4. Reconstruction after damage or destruction. A structure with appliances that emit NOx in exceedance of the limit established by Section 6.13.040 (NOx-emission regulations) which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the Building Official) may continue to have NOx emitting appliances in exceedance of the limit established by Section 6.13.040 (NOx-emission regulations) provided that building permits are submitted for the reconstruction of the structure within twelve months of its involuntary damage or destruction.
- D. Electric Service Required. In the event a limited exemption is granted, electric service will be required to any location where NOx emitting appliances are to be installed. The exact type and placement of electrical service and outlets in proximity to locations where NOx emitting equipment is installed shall be subject to the satisfaction and discretion of the Building Official. The requirement to provide electrical service in areas where NOx emitting equipment is installed serves to further the purpose of this Chapter by facilitating the more expeditious removal and replacement of NOx-emitting equipment, thereby reducing NOx emissions.
- E. Decision. The Building Official shall notify the applicant of the decision rendered electronically through the City's online permitted system, by email, or by first class mail.
- F. Revocation. The Building Official may revoke a limited exemption if the criteria used to grant the limited exemption may no longer be made.
- G. Appeals from Building Official Decision. The applicant or any interested person or entity may file an appeal to the Community Development Department of any decision made by the Building Official in compliance with this chapter. The appeal shall be filed within ten days of the Building Official's decision, with the City Clerk in writing and accompanied by a filing fee in compliance with the city's schedule of fees and charges. The Community Development Director, or Community Development Director's designee, in his or her discretion, shall determine whether to affirm, set side, or modify the Building Official's decision appealed therefrom based on a review of the same criteria used by the

Building Official. Thereafter, the appellant shall be notified of the Community Development Director's decision.

- H. Appeals from Community Development Director Decision. The applicant or any interested person or entity may file an appeal to the City Council of any decision made by the Community Development Director in compliance with this chapter. The appeal shall be filed within ten days of the Community Development Director's decision, with the City Clerk in writing and accompanied by a filing fee in compliance with the city's schedule of fees and charges. The City Council, in their discretion, shall determine whether to affirm, set side, or modify the Community Development Director's decision appealed therefrom based on a review of the same criteria used by the Community Development Director. Thereafter, the appellant shall be notified of the decision.

6.13.060. Interpretation of provisions.

This section provides rules for resolving questions about the meaning or applicability of provisions of this Chapter. The provisions of this section are intended to ensure consistent interpretation and application of the requirements of this Chapter with other sections of the Campbell Municipal Code and General Plan, and to the extent necessary, to provide authority to temporarily suspend the enforcement of, or harmonize the application of, the provisions of this Chapter with federal and state law, or relevant court decisions.

- A. Authority. The Building Official shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Chapter.
- B. Rules of Interpretation.
1. Minimum requirements. The provisions of this Chapter shall be strictly interpreted and applied as minimum requirements (unless stated as maximums) for the promotion of public health, safety, convenience, and general welfare.
 2. Terminology. When used in this Chapter, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" mean "including but not limited to..." and the word "used" includes the words "arranged for, designed for, occupied, or intended to be occupied for."
- C. Request for Interpretation. The request for an interpretation or determination shall be made to the Building Official, shall include all information required by the Building Official, and the fee established by the City's fee resolution.

6.13.070. Enforcement.

Violations of the requirements of this Chapter are hereby declared a public nuisance a subject to the policies, procedures, and penalties of other public nuisances as defined and regulated by Chapter 6.10 (Nuisance Abatement and Administrative Penalties) of the Campbell Municipal Code.

6.13.080. Severability of provisions.

If any provision or clause of this Chapter or the application thereof is held to be invalid, such invalidity shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

6.13.090. Definitions.

As used in this chapter, the following terms shall have the meanings set forth below. Definitions contained in this Section shall be arranged in alphabetical order.

“Appliance.” (See “Powered appliance”).

“Boiler(s)” means any combustion equipment used to heat water or produce steam and that is not exclusively used to produce electricity for sale. For the purposes of this definition, a boiler does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine or any unfired waste heat recovery boiler that is used to recover sensible from the exhaust of any combustion equipment.

“Cooking appliance” means a powered appliance used to cook food, such as stoves and ovens.

“Clothes dryer” means a powered appliance used to remove moisture from clothing, fabrics and other textiles, typically through a tumble-type drum with forced air circulation.

“Established” means the date a building permit has been submitted to, accepted by, the City of Campbell with all fees required for permit intake review having been paid.

“Emergency equipment” means equipment or appliances that are specifically designed, designated, and utilized to respond to urgent and unforeseen situations that pose immediate threats to life, property, or the environment. Examples of emergency equipment include, but are not limited to, emergency generators used to provide temporary power during power outages, emergency water pumps used to remove water in flooding situations, and fire pumps used to provide water pressure for fire protection systems.

“Installed” means the placing, anchoring, or mounting of an appliance within a building or structure.

“Nitrogen oxides” or “NO_x” means the sum of nitrogen oxide (NO) and nitrogen dioxide (NO₂), collectively expressed as nitrogen dioxide.

“Newly constructed structure” means a structure that has never been used or occupied for any purpose.

“NO_x emitting appliance” means any appliance that emits more than 0.0 nanograms of nitrogen oxides (expressed as NO_x) per joule of heat output.

“Noxious or toxic emissions” means any gaseous or particulate byproducts of combustion that are harmful or hazardous to human health, animal life, or the environment. This includes, but is not limited to, emissions that contain nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), volatile organic compounds (VOCs), heavy metals, dioxins, and furans.

“New structure reusing portions of the original structure” shall mean the same as set forth in Chapter 18.32 (Determination of scope of work) of the Campbell Municipal Code.

“Powered appliance” means a device used to perform a specific task using a source of energy or power that is not manual human effort.

“Regulated appliances” means space heaters (including furnaces and fireplaces), water heaters (including boilers), cooking appliances (including stoves and ovens), and clothes dryers.

“Space heater(s)” means a powered appliance such as a furnace or fireplace used to heat a designated area or space within a building to raise the temperature of air.

“Water heater(s)” means a powered appliance, such as boilers, used to raise the temperature of water.

“Zero NO_x emitting appliance” means any appliance that emits no more than 0.0 nanograms of nitrogen oxides (expressed as NO_x) per joule of heat output.