

# CITY OF MILPITAS

Office of Building Safety  
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[www.milpitas.gov](http://www.milpitas.gov)



# Residential Brick, Masonry & Precast Fireplace Reconstruction

## **I. PERMIT INFORMATION:**

- The repair or reconstruction of existing fireplace chimneys and fireboxes requires a building permit.
- Residents who begin a chimney or fireplace remodeling project that costs over \$15,000 and requires a building permit will only be allowed to install a gas-fueled, electric or EPA-certified device per BAAQMD.
- Regulation 6, Rule 3, Section 110.1 requires anyone whose sole source of heat is a wood-burning device to utilize an EPA-certified device that is registered with the Air District for an exemption from the burn ban. An open-hearth fireplace will not qualify for an exemption. (BAAQMD)
- No wood-burning devices of any kind may be installed in new homes or buildings being constructed in the Bay Area. (BAAQMD)
- BAAQMD Frequently Asked Questions Regulation 6, Rule 3 Wood-Burning Devices:  
<https://www.baaqmd.gov/~/media/files/compliance-and-enforcement/wood-burning/2019-amendments/faq-pdf.pdf?la=en>
- A Permit may be issued only to a State of California Licensed Contractor with the proper license classification, the property owner, or the property owner designee.

## **II. INSTALLATION REQUIREMENTS:**

- Codes: All work must comply with the California Residential Code (CRC) or California Building Code (CBC), the Milpitas Municipal Code (MMC), and other adopted codes as applicable.
  - California Residential Code: Chapter 10 Chimneys and Fireplaces.
  - California Building Code: Chapter 21 Masonry.

## **III. ENERGY REQUIREMENTS:**

- CEC Section 150.0(e) Installation of Fireplaces, Decorative Gas Appliances and Gas Logs:**
- If a masonry or factory-built fireplace is installed, it shall have the following:
  1. Closeable metal or glass doors covering the entire opening of the firebox; and
  2. A combustion air intake to draw air from the outside of the building, which is at least 6 square inches in area and is equipped with a readily accessible, operable, and tight-fitting damper or combustion-air control device.  
EXCEPTION to Section 150.0(e)1B: An outside combustion-air intake is not required if the fireplace will be installed over concrete slab flooring and the fireplace will not be located on an exterior wall
  3. A flue damper with a readily accessible control.  
EXCEPTION to Section 150.0(e)1C: When a gas log, log lighter, or decorative gas appliance is installed in a fireplace, the flue damper shall be blocked open if required by the CMC or the manufacturer's installation instructions.
- Continuous burning pilot lights and the use of indoor air for cooling a firebox jacket, when that indoor air is vented to the outside of the building, are prohibited.

## **IV. SMOKE ALARMS, CARBON MONOXIDE ALARMS & SPARK ARRESTER:**

- In single family and multi-family residences (including townhomes, condominiums and apartments), installation of smoke alarms, carbon monoxide alarms and spark arresters on all chimneys is required prior to the final inspection.

Refer to the “Smoke Alarm, Carbon Monoxide Alarm and Spark Arrester Certificate” handout for detailed information.

**V. WATER CONSERVING FIXTURES:**

- When required, prior to final inspection, all non-compliant plumbing fixtures shall be replaced. Refer to the “*Water Conserving Certificate of Compliance*” handout for details of this requirement.

**VI. INSPECTION PROCEDURES:**

- A varying number of inspections may be required, please check with your inspector.**
  1. The first inspection is for teardown when 24” of existing reinforcing bars are exposed or at the foundation.
  2. The next inspection should be scheduled when the new steel and straps are installed.
  3. The final inspection should be scheduled after all work is complete.
- For each inspection, the permit card and the approved job copy of the plans (if any) shall be presented to the inspector.

**VII. QUESTIONS:**

- If you have any questions regarding your project, please contact the Office of Building Safety at (408) 586-3240.