

DISTRICT OF VANDERHOOF

OUTDOOR SOLID FUEL COMBUSTION APPLIANCE CONTROL

BYLAW NO. 1027, 2008

A bylaw to regulate and control the installation of outdoor solid fuel combustion appliances within the District of Vanderhoof.

WHEREAS the Council of the District of Vanderhoof has the authority pursuant to the *Community Charter* to regulate in regard to the protection, promotion or preservation of the health of individuals and the maintenance of sanitary conditions in the municipality;

AND WHEREAS in June 2000, the Canadian Council of Ministers of Environment (CCME), except Quebec, adopted the Canada-wide Standards for Particulate Matter (PM2.5) and Ozone;

AND WHEREAS research indicates that wood smoke is a significant contributor to PM2.5 levels, which pose significant health risks;

AND WHEREAS the District of Vanderhoof has consulted on these matters with the Public Health Protection Branch for the Northern Health Region;

NOW THEREFORE the Council of the District of Vanderhoof, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as the District of Vanderhoof Outdoor Solid Fuel Combustion Appliance Control Bylaw No. 1027, 2008.

2. DEFINITIONS

Canadian Standard means the performance testing of solid-fuel burning stoves, inserts and low burn rate factory built fireplaces, CAN. CSA-B415.1 standard published by the Canadian Standards Association as amended from time to time.

Occupant means a person residing on or in property, other than the owner.

Officer means the District of Vanderhoof Building Inspector, Bylaw Enforcement Officer, Fire Chief or Deputy Fire Chief or appointed designates thereof.

Outdoor Solid Fuel Combustion Appliance means an outdoor woodburning appliance or a solid fuel burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or on the exterior of

the building which it serves. These appliances are also referred to as outdoor hydronic heaters and wood boilers.

Owner means a person who has any right, title, estate or interest in property, including the agent of any such person.

Permitted Woodburning Appliance Fuel means seasoned, untreated wood or manufactured products such as wood pellets or fuel logs retailed for use as fuel in a woodburning appliance. In the case of seasoned wood, this shall mean wood that has a moisture content of less than 20%.

Prohibited Burning Materials means waste material including mixed solid waste (garbage), yard and garden waste, demolition, renovation or construction waste material, tires, coal, plastics, drywall, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt products, fuel and lubricant containers or biomedical waste.

US Standard means the New Source Performance Standards, Title 40, Part 60, Subpart AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency.

3. FUELS

Only **permitted woodburning appliance fuels** shall be used in an **outdoor solid fuel combustion appliance**. At no time may **prohibited burning materials** be used in an **outdoor solid fuel combustion appliance**.

4. OUTDOOR SOLID FUEL COMBUSTION APPLIANCE INSTALLATION

4.1 No person shall install an **outdoor solid fuel combustion appliance** in or about any premises unless the appliance is certified to the **Canadian Standard** or the **US Standard**.

4.2 **Outdoor solid fuel combustion appliances** are permitted only on parcels located within the hatched areas as delineated on Schedule "A" to this bylaw.

5. RESTRICTIONS

No person shall operate an **outdoor solid fuel combustion appliance** in such a manner as to discharge air contaminants that are likely to cause or significantly contribute to the cause of injury or damage to human health, plant or animal life or property.

6. INSPECTION AND ORDERS

- 6.1 An **Officer** may enter and inspect any land and/or premises on which burning is being conducted for the purpose of determining compliance with this bylaw.
- 6.2 No person shall interfere with or obstruct an **Officer** in carrying out his/her duties pursuant to this bylaw.
- 6.3 All persons shall comply with all orders of an **Officer** concerning compliance with the provisions of this bylaw.
- 6.4 An **Officer** may order the extinguishment of any fire that is in violation of this bylaw.
- 6.5 When a person does not comply with an **Officer's** order to extinguish a fire, which is in violation of this bylaw, the **Officer** may cause the fire to be extinguished.

7. COST RECOVERY

- 7.1 An **owner** or **occupant** responsible for the use of an **outdoor solid-fuel combustion appliance**, shall be responsible for all costs and expenses resulting from extinguishment of the fire authorized by an **Officer** under section 6.5.
- 7.2 In the event that an **owner** or **occupant** fails to pay the costs for which he or she is responsible under section 7.1 before the 31st day of December in each year in which the non-compliance was in effect and the invoice issued, all such costs will be deemed to be taxes in arrears on the property containing the **outdoor solid-fuel combustion appliance**.

8. OFFENCES AND PENALTIES

Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw, commits an offence and is liable, upon summary conviction, to a fine of not more than \$10,000 for each offence.

9. SEVERABILITY

If any part, section, subsection, clause or subclause of this bylaw for any reason is held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remaining portions of this bylaw.

10. LIABILITY

10.1 This bylaw shall not create a duty of the District of Vanderhoof, its Officers, employees, inspectors or person acting on its behalf pursuant to this bylaw concerning enforcement or failure to enforce any matter contained in this bylaw.

10.2 No act, error, omission or other neglect of the District of Vanderhoof in relation to any matter contained in this bylaw shall give rise to a cause or action or liability to any person.

READ A FIRST TIME THIS 25th DAY OF March, 2008.

READ A SECOND TIME THIS 25th DAY OF March, 2008.

READ A THIRD TIME THIS 25th DAY OF March, 2008.

DEPOSITED WITH THE MINISTRY OF HEALTH THIS 31st DAY OF March, 2008.

APPROVED BY THE MINISTER OF ENVIRONMENT

Barry Penner

on the 14th DAY OF May, 2008.

ADOPTED THIS 28th DAY OF May, 2008.

MAYOR

CORPORATE OFFICER