

**DISTRICT OF CHETWYND  
BYLAW NO. 963, 2012**

**A bylaw to provide for the regulation of wood burning appliances, open air burning and fugitive dust control**

**WHEREAS**, the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention and other classes of circumstances that may cause harm to persons or property;

**AND WHEREAS** the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community as related to the emission of smoke, sparks, dust, ash, soot, cinders fumes or other effluvia that is liable to foul or contaminate the atmosphere;

**AND WHEREAS** the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection of the natural environment;

**NOW THEREFORE**, the Council of the District of Chetwynd, in open meeting lawfully assembled, hereby enacts as follows:

**1. CITATION**

1.1. This bylaw may be cited for all purposes as the “District of Chetwynd Wood Burning Appliance/Clean Air Bylaw No. 963, 2012”.

**2. DEFINITIONS**

2.1. In this Bylaw:

“**Air Quality Advisory**” means a public health warning issued by the Province of British Columbia in collaboration with the regional health board responsible for public health matters within the District of Chetwynd, on the basis of the monitoring of air quality parameters in the District of Chetwynd;

“**Authorized Person**” means the Director of Engineering & Public Works or his/her designate;

“**Building**” means a temporary or permanent structure designed, erected, or intended for the shelter, enclosure or occupancy of persons or property including animals, materials, chattels, and/or equipment. This includes any shed, garage, shop, tent, trailer, or container used for the above purposes as well as any business;

“**Bylaw Enforcement Officer**” means a person appointed by Council as Bylaw Enforcement Officer for the enforcement of Bylaws, and may include the Chief Administrative Officer, Building Inspector, Animal Control Officer, Director of Engineering & Public Works, or their designates, and other persons acting in another capacity on behalf of the municipality for the purpose of enforcing one or more of the municipal Bylaws;

**“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;

**“Demolition, Renovation and Construction Wastes”** includes but is not limited to waste materials resulting from the demolition, renovation or construction of buildings such as pipe, concrete, asphalt, lumber, stumps, roofing material, masonry, wire, treated wood, particle board, paint, drywall, tar and asphalt products;

**“Dust Suppressing Liquids”** means water or a water-based solution used to control the generation of fugitive dust.

**“Fire Chief”** means the person appointed as such by the Council of the District of Chetwynd and any person delegated to assist him/her in carrying out his/her duties under this Bylaw;

**“Fugitive Dust”** means dust generated by sweeping and maintenance operations on highways, parking areas and other paved surfaces or dust generated from vehicle traffic or wind on gravel lots, paved and gravel roads, construction sites and soil and gravel pits;

**“Garbage”** means any household or commercial waste or refuse;

**“Hydronic Heaters”** also known as outdoor wood heaters or outdoor wood boilers, are appliances that may be located inside or outside a building, that burns fuel such as wood, pellets, corn, hay or other biofuels to heat and circulate a fluid through piping to provide heat and/or hot water to a building;

**“Land Clearing Debris”** means any organic material cleared from land in the process of preparing the land for development, agriculture, silviculture, highway construction or utility installation or any other use;

**“Masonry Heater”** means a pre-manufactured, site-built or site-assembled, solid-fueled heating device constructed mainly of masonry materials or soapstone having a mass of at least 800 kg in which heat from intermittent fires burned rapidly in its firebox is stored in its massive structure for slow release to the building. It has an interior construction consisting of a firebox and heat exchange channels built from refractory components. It must be site-built or site-assembled to the specifications of the manufacturer;

**“Noxious Material”** includes but is not limited to tires, plastics, rubber products, Demolition and Construction Wastes, hazardous waste as defined in the *Environmental Management Act*, animal organic waste, vegetable waste, food waste, biomedical waste, automotive battery shipping boxes, plastic materials, waste petroleum products, treated or painted wood, chemically-treated paper, cardboard, and those materials listed in Schedule “A” to the *Environmental Management Act’s Open Burning Smoke Control Regulation* as amended from time to time;

**“Open Burning”** means the combustion in the open air of yard and garden waste, land clearing debris, or any other material, including burning of any of these materials in a container, but does not include a recreational fire or the combustion of gas, propane, or charcoal in a barbecue or hibachi for the purpose of cooking food;

**“Pellet Stove”** means a stove designed and used exclusively for the combustion of wood pellets having a maximum length of 2.5 cm in any dimension, and meeting the particulate emission requirements of the Canadian Standard or the US Standard, but does not include a hydronic heater that is fuelled by pellets;

**“Recreational Fire”** means the burning of seasoned firewood for recreational purposes in a permanent outdoor fireplace, barbecue or fire pit not larger than 60 centimeters in diameter that is designed and constructed to confine the fire and is suitable for such a purpose, or within a fully enclosed burner or similar device;

**“Seasoned Firewood”** means untreated wood that has been air dried for a minimum of six months including summer months and has a moisture content of 25% or less and includes wood pellets;

**“US Standard”** means the New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency as amended from time to time;

**“Wood Burning Appliance”** means a fireplace, fireplace insert, wood stove, heater, burner, boiler, furnace, pellet stove or similar device, other than a masonry heater, installed in or about any building, in which wood is burned and discharges combustion products to the air;

**“Yard and Garden Waste”** means grass, foliage, tree debris, prunings, weeds, crops, stumps, stubble, compost and similar waste items.

### **3. WOOD BURNING APPLIANCES**

#### **3.1. Wood Burning Restrictions**

3.1.1. No person shall use a wood burning appliance, hydronic heater, or masonry heater at any time when an air quality advisory is in effect, except to heat a building that is equipped with no heating appliance, floor board heaters or facilities other than the wood burning appliance, hydronic heater, or masonry heater.

3.1.2. All persons shall maintain, according to manufacturers’ specifications, a wood burning appliance, hydronic heater, or masonry heater, and associated chimney and vent that is used to heat a building including the replacement of catalytic combustors or catalysts in catalytic wood burning appliances.

- 3.1.3. Except as expressly provided in section 3.1.4, no person shall operate a wood burning appliance, hydronic heater, or masonry heater in such a manner as to discharge air contaminants that are likely to cause or significantly contribute to the injury of or damage to human health, plant or animal life or property, or so as to unreasonably interfere with the enjoyment of life or property.
- 3.1.4. Incidents of air contaminant discharge or odour shall not constitute a nuisance for the purposes of section 3.1.3 if:
- (a) the incident occurs for less than two (2) continuous minutes, or;
  - (b) the incident occurs within thirty (30) minutes of, and is a direct result of, the ignition of a wood burning appliance, hydronic heater, or masonry heater, or;
  - (c) the incident occurs within thirty (30) minutes of, and is a direct result of, the refueling of a wood burning appliance or an hydronic heater, provided that such refueling occurs not more than once every four hours.

### **3.2. Requirements for Installation of Wood Burning Appliances**

- 3.2.1. No person shall install a wood burning appliance in or about any building unless the appliance meets the particulate emission requirements of the Canadian standard or the US standard.
- 3.2.2. No person shall install a hydronic heater on any property within the District of Chetwynd.

### **3.3. Requirements for New Buildings or Alterations to Buildings**

- 3.3.1. Any person:
- (a) constructing a new building, or
  - (b) otherwise obtaining a building permit for alterations or renovations to an existing building that result in an increase of 7.0 square meters or more to the area of that building for which space heating is required in respect of a building that uses a wood burning appliance or masonry heater as its primary source of heat;
- shall install and maintain an additional form of space heating, such as natural gas, propane, electricity or oil, or other alternative means of heating the space in the event of an air quality advisory.

### **3.4. Prohibited Fuel Type**

- 3.4.1. No person shall cause or allow any substance; in particular any garbage or noxious material, to be burned in any wood burning appliance, hydronic heater or masonry heater other than seasoned firewood for the combustion of which the appliance was designed.

#### **4. OPEN BURNING AND RECREATIONAL FIRES**

- 4.1. Any open burning conducted at any time within the District of Chetwynd must meet the current *Environmental Management Act Open Burning Smoke Control Regulations* of the Province of British Columbia. In extraordinary circumstances and for purposes of public safety, the Fire Chief may grant a temporary burning permit.
- 4.2. No person shall ignite or maintain any recreational fire if an air quality advisory has been issued.
- 4.3. If an air quality advisory is issued while a person is maintaining a recreational fire, that person shall take all reasonable steps to extinguish the recreational fire within an hour of the advisory being issued.
- 4.4. No person shall maintain any recreational fire in such a manner as to discharge air contaminants that are likely to cause or significantly contribute to the cause or injury or damage to human health, plant or animal life, or so as to unreasonably interfere with the enjoyment of life or property.
- 4.5. No person shall cause or allow any garbage, yard and garden waste or noxious material to be burned in a recreational fire.
- 4.6. All persons maintaining a recreational fire shall:
  - (a) be competent to control the recreational fire;
  - (b) continuously control and supervise the recreational fire;
  - (c) possess at the site of the recreational fire extinguishing equipment appropriate to the size and type of recreational fire;
  - (d) use only seasoned firewood, and;
  - (e) not cause, permit or allow the recreational fire to come within five (5) meters of any property line, fence, standing timber, brush or building.
- 4.7. This bylaw also applies to a recreation fire in a designated campground within the District of Chetwynd, but these campfires are subject to restrictions and/or prohibition at the discretion of the Fire Chief due to hazardous fire conditions or poor smoke dispersion.

#### **5. MEANS TO CONTROL**

- 5.1. Every person to whom permission has been granted to burn any material must:
  - (a) place and keep a competent person, at all times, in charge and be present while open burning and until the open air burning is completely extinguished and will provide such person with sufficient and adequate fire fighting appliances and equipment as is required in order to prevent open air burning from getting beyond controls or causing damage or becoming a danger to life and property; and
  - (b) ensure the competent person attending the open air burning is over the age of 18 years.

## **6. PUBLIC SAFETY**

- 6.1. No person shall burn material in any manner which:
- (a) produces heavy or toxic smoke and/or fly ash which endangers the health, safety or welfare of persons or animals; or
  - (b) causes smoke to obscure visibility and thereby creates a hazard to traffic on a public roadway.

## **7. RESTRICTIONS OR CANCELLATION OF PERMIT**

- 7.1. The Fire Chief may require any person to extinguish open air burning which has been set out, started or kindled in breach of any provisions, condition or restriction of this Bylaw or any burning permit issued pursuant to this bylaw.
- 7.2. Where, in the opinion of the Fire Chief, hazardous open air burning conditions develop or exist, the Fire Chief may, at any time, make an Order cancelling or suspending all or any permits issued pursuant to this Bylaw, or attaching to all or any such permits any conditions or restrictions as the Fire Chief may deem necessary.

## **8. FUGITIVE DUST CONTROL**

- 8.1. No person shall sweep or maintain any highway or off street parking, loading and storage areas except with the use of equipment using fugitive dust control procedures, or dust suppressing liquids.
- 8.2. All persons using dust suppressing liquids shall apply those liquids to the swept or maintained areas prior to and during sweeping or maintenance operations in amounts sufficient to minimize the generation of fugitive dust.
- 8.3. No person shall conduct sweeping or maintenance operations in such a manner as to cause or significantly contribute to the cause of injury or damage to human health, plant or animal life or property, or so as to unreasonably interfere with the enjoyment of life or property.
- 8.4. No person shall undertake any sweeping or maintenance of highways or off street parking, loading, or storage areas at any time when an air quality advisory is in effect, unless approved by an Authorized Person on the basis that dust suppression measures satisfactory to the Authorized Person will be taken to control fugitive dust.
- 8.5. All owners and operators of off street parking, loading and storage areas, sand and gravel pits, demolition sites, construction sites and highways shall maintain those areas so that fugitive dust does not escape in such a manner as to cause or significantly contribute to the cause of injury or damage to human health, plant or animal life or property, or so as to unreasonably interfere with the enjoyment of life or property.

## **9. EXEMPTIONS**

- 9.1. This bylaw does not apply to the normal use of recreational fires, charcoal, gas fired or electric grills and barbeques for the purpose of cooking food or approved gas fuelled outdoor fireplaces or heaters.
- 9.2. This Bylaw does not apply to open air burning set for the purpose of Fire Department “Live Fire” training exercises.

## **10. LIABILITIES**

- 10.1. This bylaw shall not be construed to hold the District or its authorized agents responsible for any damage to persons or property by reason of a burning permit issued as herein provided or an inspection authorized by this Bylaw.

## **11. OFFENCES AND PENALTIES**

- 11.1. Any person who violates any provision of this Bylaw, or who permits, suffers, or allows any act or thing to be done in contravention of any provision of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, or perform any duty or obligation imposed by this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine as listed in Schedule ‘A’. Where a person commits repeated violations and continues to ignore the provisions of this bylaw, or where a person is reckless and has caused or has the potential to cause serious damage to property or has the potential to cause serious harm to others, that person may be subject to a fine of not more than Ten Thousand Dollars (\$10,000).
- 11.2. Each day during which any violation, contravention or breach of the Bylaw continues shall be deemed a separate offence.

## **12. ENFORCEMENT**

- 12.1. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
- 12.2. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers, and the Authorized Person are designated to enforce this Bylaw.
- 12.3. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 1 of Schedule “A” to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.
- 12.4. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule “A” to this Bylaw is the fine amount that corresponds to the words or expression and section number set out in Columns 1 and 2 opposite the fine amount.
- 12.5. Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to Bylaw Enforcement Officers and to the Authorized Person.

**13. SEVERABILITY**

13.1. If any portion of this Bylaw is held to be invalid by any Court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remaining portions of this Bylaw.

**14. EFFECTIVE DATE**

14.1. This bylaw shall come into full force and effect upon its adoption.

Read a First time this	16 <sup>th</sup>	day of	April, 2012.
Read a Second time this	16 <sup>th</sup>	day of	April, 2012.
Read a Third time this	7 <sup>th</sup>	day of	May, 2012.
Reconsidered and Adopted by Council this	22 <sup>nd</sup>	day of	May, 2012.

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Mayor

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Director of Corporate Administration

Certified a true and correct copy of the “District of Chetwynd Wood Burning Appliance/Clean Air Bylaw No. 963, 2012 as adopted on the 22<sup>nd</sup> day of May, 2012.”

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Director of Corporate Administration



**DISTRICT OF CHETWYND  
WOOD BURNING APPLIANCE/CLEAN AIR BYLAW NO. 963, 2012**

**SCHEDULE “A”**

**MUNICIPAL TICKET INFORMATION FINE SCHEDULE**

<b>Column 1: Brief Description of Offence</b>	<b>Column 2: Bylaw Section Number</b>	<b>Column 3: Fine</b>
Using a wood burning appliance while an air quality advisory is in effect.	3.1.1	\$ 200.00
Failure to maintain wood burning appliance.	3.1.2	\$ 100.00
Operating a wood burning appliance causing injury or damage.	3.1.3	\$ 100.00
Installation of a non-compliant wood burning appliance.	3.2.1	\$ 300.00
Installation of a hydronic heater.	3.2.2	\$ 300.00
Failure to install and maintain additional form of space heating in new building.	3.3.1 (a) & (b)	\$ 300.00
Burning prohibited fuel type.	3.4.1	\$ 200.00
Conducting open burning.	4.1	\$ 300.00
Igniting or maintaining a recreational fire during an air quality advisory.	4.2/4.3	\$ 100.00
Maintaining a recreational fire causing injury of damage.	4.4	\$ 100.00
Burning prohibited fuel type in a recreational fire.	4.5	\$ 100.00
Failure to control and supervise a recreational fire.	4.6 (b)	\$ 100.00
Failure to possess fire extinguishing equipment.	4.6 (c)	\$ 100.00
Failure to maintain a recreational fire in a safe location.	4.6 (e)	\$ 100.00
Failure to provide means to control open burning.	5.1 (a) & (b)	\$ 100.00
Endangering public health, safety and welfare.	6.1 (a)	\$ 200.00

Creating a hazard to traffic.	6.1 (b)	\$ 200.00
Failure to use dust control measures.	8.1	\$ 200.00
Failure to use sufficient dust suppressing liquids.	8.2	\$ 200.00
Sweeping or maintenance operations causing injury or damage.	8.3	\$ 200.00
Conducting sweeping or maintenance during air quality advisory.	8.4	\$ 200.00
Failure to maintain sites so that dust does not cause injury or damage.	8.5	\$ 200.00