

CITY OF SALMON ARM

BYLAW NO. 3625

A bylaw to regulate Wood Burning Appliances and Air Quality within the City of Salmon Arm

WHEREAS the Council of the City of Salmon Arm has the authority, pursuant to Section 8(3)(i) of 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 Ministry of Health has been consulted with prior to adoption, pursuant to the Health Act;

NOW THEREFORE, the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. DEFINITIONS

"Air Quality Advisory" means a public health warning issued by the Ministry of Environment in conjunction with Interior Health through local communications media.

"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.

"City" means the City of Salmon Arm.

"Occupant" includes:

- a) a person residing on or in property;
- b) the person entitled to the possession of property if there is no person residing on or in the property; and

c) a leaseholder.

"Officer" means the City of Salmon Arm Chief Administrative Officer, Director of Development Services, Fire Chief, or Assistant Fire Chief, or appointed designates thereof.

"Outdoor Solid-Fuel Combustion Appliance" means an outdoor Wood Burning 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.

"Owner" means a person who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agent of any such person.

"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 U.S. Standard.

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

"Prohibited Burning Materials" means waste material including mixed solid waste (garbage), 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.

"Smoke" means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned, including without limitation smoke, dust, gas, sparks, ash, soot, cinders and fumes.

"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; and

"Wood Burning Appliance" means a fireplace, woodstove, central furnace or similar device, other than a Pellet Stove or Outdoor Solid-Fuel Combustion Appliance installed in or about any premises, in which wood is burned and which discharges combustion products to the air.

2. FUELS

Only Permitted Wood Burning Appliance Fuels shall be used in a Wood Burning Appliance. At no time may Prohibited Burning Materials be used in a Wood Burning Appliance.

3. WOOD BURNING APPLIANCE INSTALLATION

3.1 No person shall install a Wood Burning Appliance in or about any premises unless the appliance is certified to the Canadian Standard or the US Standard.

3.2 No person shall install an Outdoor Solid-Fuel Combustion Appliance in or about any premises.

3.3 For all new construction, the building shall contain an alternate form of space heating, including natural gas, propane, electric, oil, solar, kerosene, or other sufficient to meet necessary space heating requirements so that during episodes of high pollution levels, the Occupant will be able to heat the home other than with a Wood Burning Appliance.

3.4 Central wood heating systems able to demonstrate very low emissions (e.g., < 20 % of the CSA B415.1 limit) are exempted from 3(3.1) and 3(3.2) of this bylaw.

3.5 Site-built masonry fireplaces, site-built masonry heaters, decorative fireplaces, or fireplaces with a minimum burn rate above 5 kg/hr are exempt from 3(3.1).

3.6 All installations are subject to permit requirements of the City's Building Bylaw No. 3535, as amended.

4. WOOD BURNING RESTRICTIONS

4.1 No person shall use a Wood Burning Appliance or an Outdoor Solid-Fuel Combustion Appliance at any time when an Air Quality Advisory is in effect, except to heat premises that are equipped with no heating appliance or facilities other than the Wood Burning Appliance or an Outdoor Solid-Fuel Combustion Appliance.

4.2 No person shall operate a Wood Burning Appliance or 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.

5. INSPECTION AND ORDERS

- 5.1 An Officer may enter and inspect any land and/or premises on which burning is being conducted for the purposes of determining compliance with this bylaw.
- 5.2 No person shall interfere with or obstruct an Officer in carrying out his/her duties pursuant to this bylaw.
- 5.3 All persons shall comply with all orders of an Officer concerning compliance with the provisions of this bylaw.
- 5.4 An Officer may order the extinguishment of any fire that is in violation of this bylaw.
- 5.5 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.

6. COST RECOVERY

- 6.1 An Owner or Occupant responsible for the use of a Wood Burning Appliance or 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 5 of this bylaw.
- 6.2 In the event that an Owner or Occupant fails to pay the costs for which he or she is responsible under Section 7 of this bylaw 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 Wood Burning Appliance.

7. OFFENCES AND PENALTIES

- 7.1 Any person, firm or corporation who violates any of the provisions of this bylaw, or who causes suffers or permits any act or thing to be done in contravention, or in violation of this bylaw, or who refuses, omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw, shall be deemed to be guilty of an offence against this bylaw and shall be liable to the penalties hereby imposed.
- 7.2 A separate new offence shall be deemed to be committed on each day during which a violation occurs or continues.

7.3 Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.

8. SEVERABILITY

If any part, section, sub-section, clause, or sub-clause 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 it is invalid shall not affect the validity of the remaining portions of this bylaw.

9. LIABILITY

9.1 This bylaw shall not create a duty of the City, 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.

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

10. CITATION

This bylaw may be cited for all purposes as "City of Salmon Arm Wood Burning Appliances and Air Quality Bylaw No. 3625".

READ A FIRST TIME THIS 23rd DAY OF
July 2007

READ A SECOND TIME THIS 23rd DAY OF
July 2007

READ A THIRD TIME THIS 23rd DAY OF
July 2007

DEPOSITED WITH THE
MINISTRY OF HEALTH THIS 24th DAY OF
July 2007

ADOPTED BY COUNCIL THIS 13th DAY OF
August 2007

"M. BOOTSMA"

MAYOR

"C. BANNISTER"

CORPORATE OFFICER