



AGENDA ITEM SUMMARY

TO: Chair and Directors, Cariboo Regional District Board

AND TO: Janis Bell, Chief Administrative Officer

FROM: Graham Barbour, Chief Building Official and Manager Responsible for Bylaw Enforcement DATE: February 23, 2009

DATE OF MEETING: March 27, 2009

SHORT SUMMARY: Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009

VOTING: Corporate Vote - Unweighted

MEMORANDUM: At the June 27, 2008 Board Meeting, the Board passed a resolution to direct staff to prepare a draft policy and bylaw to regulate solid fuel fired appliances. In response, staff has written the "Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009" and presents it to the Board for consideration.

Bylaw No. 4462, 2009 regulates the fuels that may be burnt in an interior solid fuel fired appliances, the installation and location of these appliances.

Bylaw No. 4462, 2009 regulates the phasing out of non-certified solid fuel fired appliances and does not permit any appliance to become a nuisance.

ATTACHMENT: Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009

POLICY IMPLICATIONS: This bylaw creates a regulatory process that reflects the policy decisions of the Board. Approval and adoption of this bylaw will indicate that the Board has considered and adopted this bylaw for valid economic and/or social reasons.

FINANCIAL IMPLICATIONS: Nil Reviewed by the Treasurer:

OPTIONS: 1. Endorsement of the recommendations; or
2. Rejection of the proposed bylaw, with request for changes.
3. Receipt only.

RECOMMENDATION: Recommendation #1:

That the agenda item summary from Graham Barbour, Chief Building Official and Manager Responsible for Bylaw Enforcement, dated February 23, 2009, proposing a new Indoor Solid Fuel Fired Appliance Regulatory Bylaw, be received. Further, that Cariboo Regional District Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009 be read a first, second and third time this 27th day of March, 2009.

Recommendation #2:

That Cariboo Regional District Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009 be adopted this 27th day of March, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Graham Barbour', written in a cursive style.

Graham Barbour
Chief Building Official and
Manager Responsible for Bylaw Enforcement



CARIBOO REGIONAL DISTRICT

BYLAW NO. 4462

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to establish an indoor solid fuel fired appliance regulatory bylaw.

WHEREAS the Cariboo Regional District may by bylaw establish and operate the service of regulating solid fuel fired appliances;

AND WHEREAS, in June 2000, the Canadian Council of Ministers of Environment (CCME), except Quebec, adopted the Canada Wide Standards for Particulate Matter (*PM_{2.5}*) and Ozone;

AND WHEREAS, governments have committed themselves to significantly reduce Particulate Matter (*PM_{2.5}*) and ground-level ozone by 2010 to comply with these standards;

AND WHEREAS, research indicates that wood smoke is a significant contributor to Particulate Matter (*PM_{2.5}*) levels, which pose significant health risks;

AND WHEREAS, the Cariboo Regional District desires to lessen the risk to life and property from air pollution from woodburning appliances;

NOW THEREFORE the Regional Board of the Cariboo Regional District in open meeting assembled enacts as follows:

1. APPLICABILITY

This bylaw shall apply within the limits of the entire Cariboo Regional District.

All *solid fuel fired appliances*, including furnaces and boilers with outputs up to 2 megawatts (MW), installed in new residential premises, or solid fuel fired appliances being added to or replacing *solid fuel fired appliances* in or about existing residential premises, shall comply with this bylaw.

All *solid fuel fired appliances*, including furnaces and boilers with outputs up to 2 megawatts (MW), installed in new commercial buildings, or *solid fuel fired appliances* being added to or replacing *solid fuel fired appliances* in existing commercial buildings, shall comply with this bylaw. Commercial buildings shall include, but not be limited to, hotels and restaurants.

2. DEFINITIONS

In this bylaw:

1. “*Burn rate*” means the weight of the dry fuel charge (excluding the weight of any moisture) divided by the burn cycle time usually expressed in kilogram per hour (kg/h).
2. “*Canadian CSA standard*” means the “Performance Testing of Solid-Fuel-Burning Heating Appliances CAN/CSA-B415.1” standard published by the Canadian Standards Association.
3. “*Certified solid fuel fired appliance*” means a *solid fuel fired appliance* that bears a certification mark certifying conformity with the *Canadian CSA Standard*.
4. “*Garbage*” means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial waste, asphalt products, manure, vegetable or animal solid and semi-solid wastes and other discarded solid or semi-solid wastes but excluding untreated sawdust and untreated wood wastes.
5. “*Inspector*” means a duly appointed bylaw enforcement officer, peace officer, building inspector or designated member of a fire department.
6. “*Nuisance*” means the emission into the atmosphere of smoke by any means, which disturbs the comfort or convenience of persons in the vicinity.
7. “*Paint*” means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
8. “*Paint solvent*” means all original solvents sold or used to thin paints or to clean up paint equipment.
9. “*PM_{2.5}*” means airborne particles less than 2.5 microns in diameter, the breathing of which can be harmful to human health.

10. “*Regional District*” means the Cariboo Regional District as described in its Letters Patent. All references to the *Regional District* shall include its officers, employees, agents, elected representatives, *inspectors* and persons acting on its behalf.
11. “*Smoke*” means the gases, particulate matter and all other products from the combustion emitted into the atmosphere when a substance is burned including, without limitation, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia.
12. “*Solid fuel*” means wood or any other non-gaseous or non-liquid fuel.
13. “*solid fuel fired appliance*” means a solid fuel burning device including, without limitation, a stove, a fireplace or any similar device.
14. “*Treated wood*” means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to weathering or insects.
15. “*Unseasoned wood*” means wood that has not been seasoned (dried) for at least six months.
16. “*Waste petroleum product*” means any petroleum product other than gaseous fuels that has been refined from crude oil and has been used and, as a result, has been contaminated with physical or chemical impurities.

REQUIREMENTS

3. RESTRICTION ON SOME FUELS

- 3.1 No person shall use the following material as fuel in a *solid fuel fired appliance*:
 - 3.1.1 *Wet or unseasoned wood*
 - 3.1.2 *Garbage*
 - 3.1.3 *Treated wood*
 - 3.1.4 *Plastic products*
 - 3.1.5 *Rubber products*
 - 3.1.6 *Waste petroleum product*
 - 3.1.7 *Paints*

3.1.8 *Paint solvents*

3.1.9 Glossy or coloured papers

3.1.10 Particle board

3.1.11 Salt water driftwood

4. INSTALLATION OF WOODBURNING APPLIANCES

4.1 No person shall install a *solid fuel fired appliance* that is not:

4.1.1 A *certified solid fuel fired appliance* that bears a certification mark certifying conformity with the *Canadian CSA standard*.

4.1.2 A site built masonry fireplace, a site built masonry heater, a decorative fireplace or a fireplace with a minimum *burn rate* of 5 kg/h.

4.1.3 A *solid fuel fired appliance* that is non-certified but that is in a condition such that it does not present a hazard.

4.2 For all new construction, the structure shall contain an alternate form of space heating, including natural gas, propane, electric or oil, sufficient to meet space heating requirements as described in the current edition of the BC Building Code.

4.3 In addition to the requirement of this bylaw, the owner shall obtain a valid Building Permit for the installation of any *solid fuel fired appliance* within the Building Inspection Services Area.

5. NON-CERTIFIED APPLIANCE REMOVAL

5.1 The *Regional District* is hereby authorized to establish a removal program for non-certified *solid fuel fired appliances* that may incorporate incentives for energy conservation and air quality improvement including, but not limited to, household insulation, insulating products, non-certified wood stove replacement, and substitution of heating methods and appliances, including certified *solid fuel fired appliances*.

5.2 Any non-certified *solid fuel fired appliance* removed under this section shall be rendered permanently inoperable.

5.3 Prior to the completion or consummation of a sale or transfer of any real property on or after **December 31, 2010**, all existing non-certified *solid fuel fired appliances* shall be removed and rendered permanently inoperable.

6. NUISANCE

- 6.1 *Solid fuel fired appliance* fires shall be maintained so as not to cause a *nuisance* for more than two minutes in succession except during the starting or refueling of the appliance for a period not to exceed thirty minutes in any four hour period.

7. INSPECTIONS AND ORDERS

- 7.1 An *inspector* may order the extinguishment of any fire that is a violation of this Bylaw.
- 7.2 An *inspector* may enter and inspect any land and/or premises on which burning is being conducted, for the purpose of determining compliance with this Bylaw.
- 7.3 No person shall interfere with or obstruct an *inspector* in carrying out his duties pursuant to this Bylaw.
- 7.4 All persons shall comply with all orders of an *inspector* concerning compliance with the provisions of this Bylaw.
- 7.5 Where a person does not comply with an *inspector's* order to extinguish a fire or abate a *smoke nuisance* which is in violation of this Bylaw, the *inspector* may cause the fire to be extinguished.

8. LIABILITY

- 8.1 This Bylaw shall not create a duty of the *Regional District*, its officers, employees, *inspectors* and person acting on its behalf, pursuant to this Bylaw concerning enforcement or failure to enforce any matter contained in this Bylaw.
- 8.2 No act, error, omission or other neglect of the *Regional District* in relation to any matter contained in the Bylaw shall give rise to a cause or action or liability to any person.

9. SEVERANCE

If any section, subsection, paragraph, subparagraph or phrase of this Bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

10. OFFENCES AND PENALTIES

- 10.1 Any person who contravenes the provisions of this Bylaw commits an offence and is liable to prosecution pursuant to the provisions of the *Offence Act*.

10.2 Each contravention of this Bylaw constitutes a separate offence.

11. TITLE

This Bylaw may be cited as the “Cariboo Regional District Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009”.

READ A FIRST TIME THIS ___ day of _____, 2009.

READ A SECOND TIME THIS ___ day of _____, 2009.

READ A THIRD TIME THIS ___ day of _____, 2009.

ADOPTED THIS ___ day of _____, 2009.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4462, cited as "Cariboo Regional District Indoor Solid Fuel Fired Appliance Regulatory Bylaw No. 4462, 2009" as adopted by the Board of the Cariboo Regional District on the ___ day of _____, 2009.

Corporate Officer