



CARIBOO REGIONAL DISTRICT

BYLAW NO. 4490

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to establish an outdoor wood fired boiler 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 Cariboo Regional District Outdoor Wood Fired Boiler Regulatory Service Area as established by Bylaw No. 4593 of the Cariboo Regional District;

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. “*Outdoor wood fired boiler*” means an outdoor *solid fuel fired 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, free standing or on the exterior of the building which it serves.
8. “*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.
9. “*Paint solvent*” means all original solvents sold or used to thin paints or to clean paint equipment.
10. “*PM_{2.5}*” means airborne particles less than 2.5 microns in diameter, the breathing of which can be harmful to human health.

11. “*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.
12. “*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.
13. “*Solid fuel*” means wood or any other non-gaseous or non-liquid fuel.
14. “*solid fuel fired appliance*” means a solid fuel burning device including, without limitation, a stove, a fireplace or any similar device.
15. “*Treated wood*” means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to weathering or insects.
16. “*Unseasoned wood*” means wood that has not been seasoned (dried) for at least six months.
17. “*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 an *outdoor wood fired boiler*:
 - 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 products*

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 OUTDOOR WOOD FIRED BOILERS

4.1 No person shall install an *outdoor wood fired boiler* that is not:

4.1.1 An *outdoor wood fired boiler* that bears a certification mark certifying conformity with the *Canadian CSA standard*.

4.1.2 An *outdoor wood fired boiler* that is non-certified but that is in a condition such that it does not present a hazard or nuisance.

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 *Outdoor wood fired boilers* shall be permitted on a lot which has a minimum lot area of 1.75 hectares and the unit shall be located and installed as follows:

4.3.1 setback at a minimum of the required setbacks to the property lines as defined in the zoning bylaw for the property or 3.5 metres; whichever is the greatest distance;

4.3.2 at a minimum of 50.0 metres from any dwelling unit not served by the appliance;

4.3.3 with a minimum chimney height 600mm above the highest ridge of any dwelling unit within 100 metres and not served by the appliance;

4.3.4 with a minimum clearance of 3.0 metres from any building;

4.3.5 such that the perimeter ground area around the unit to a distance of 3.0 metres minimum from the unit shall be of non-combustible material (i.e. gravel, sand, concrete pad);

- 4.3.6 the unit's chimney cap shall be fitted/equipped with a rain cap and spark arrestor;
 - 4.3.7 In accordance with a site location/installation plan as approved by the Chief Building Official or designate when installed within the Building Inspection Service Area; and
 - 4.3.8 fuel shall be stored a minimum of 3.0 metres from the appliance.
- 4.4 Where such installations are otherwise permitted in this bylaw, there shall be no more than one (1) unit permitted per property within the *Regional District* except where:
- 4.4.1 more than one (1) *outdoor wood fired boiler* is permitted on a lot where it serves a permitted accessory dwelling or an agricultural building on lands that are designated a bona fide farm by BC Assessment.
- 4.5 The installation of *outdoor wood fired boilers* shall comply with the requirements of the current edition of the BC Building Code, the current edition of the BC Fire Code, the manufacturer's installation instructions and all other applicable laws and regulations.
- 4.6 No *outdoor wood fired boiler* shall be used for the incineration of material listed in subsection 3.1.
- 4.7 The installation of such unit shall require a permit to be issued by the *Regional District's* Building Department to ensure compliance with this bylaw where the unit is to be installed on a property within the Building Inspection Service Area.

5. NUISANCE

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.

6. INSPECTIONS AND ORDERS

- 6.1 An *inspector* may order the extinguishment of any fire that is a violation of this Bylaw.
- 6.2 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.

- 6.3 No person shall interfere with or obstruct an *inspector* in carrying out his duties pursuant to this Bylaw.
- 6.4 All persons shall comply with all orders of an *inspector* concerning compliance with the provisions of this Bylaw.
- 6.5 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.

7. LIABILITY

- 7.1 This Bylaw shall not create a duty of the *Regional District*, its officers, employees, *inspectors* and persons acting on its behalf, pursuant to this Bylaw concerning enforcement or failure to enforce any matter contained in this Bylaw.
- 7.2 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.

8. 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.

9. OFFENCES AND PENALTIES

- 9.1 Every *person* who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
- 9.2 Every *person* who violates a provision of this Bylaw, or consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable Bylaw of the Cariboo Regional District, and is guilty of a separate offence each day that a violation continues to exist.
- 9.3 Any *person* designated as a Bylaw Enforcement Officer pursuant to Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4566, 2010 or is

named as the enforcement officer pursuant to Cariboo Regional District Ticket Information Utilization Bylaw No. 3685, 2001 is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice in accordance with Schedule 'A' attached hereto, or Municipal Ticket Information or as otherwise provided by this Bylaw.

10. TITLE

This Bylaw may be cited as the "Cariboo Regional District Outdoor Wood Fired Boiler Regulatory Bylaw No. 4490, 2010".

READ A FIRST TIME THIS 30th day of April, 2010.

READ A SECOND TIME THIS 30th day of April, 2010.

READ A THIRD TIME THIS _____ day of _____, 2010.

ADOPTED THIS _____ day of _____, 2010.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4490, cited as "Cariboo Regional District Outdoor Wood Fired Boiler Regulatory Bylaw No. 4490, 2010" as adopted by the Board of the Cariboo Regional District on the _____ day of _____, 2010.

Corporate Officer

Cariboo Regional District Outdoor Wood Fired Boiler Regulatory Bylaw No. 4490, 2010

SCHEDULE "A"

OFFENCE

FINE

Contravention of "Cariboo Regional District Outdoor
Wood Fired Boiler Regulatory Bylaw No. 4490, 2010"

\$200