

CITY OF PRINCE GEORGE

BYLAW NO. 8266, 2010

WHEREAS Council of the City of Prince George 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 the purposes of this bylaw are to regulate a variety of wood burning space heating appliances, outdoor burning and dust control to protect and enhance the well-being of the community and public health through air quality improvement;

AND WHEREAS the Medical Health Officer responsible for public health matters within the municipality has been consulted;

AND WHEREAS a copy of this Bylaw has been deposited with the Minister of Health;

NOW THEREFORE, in open meeting assembled, Council of the City of Prince George, **ENACTS AS FOLLOWS:**

Part 1 - INTRODUCTION

1. TITLE AND REPEAL

1.1 This bylaw may be cited for all purposes as the "City of Prince George Clean Air Bylaw No. 8266, 2010".

1.2 "City of Prince George Clean Air Bylaw No. 7721, 2005" is repealed.

2. DEFINITIONS

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 City of Prince George, on the basis of the monitoring of air quality parameters in the City of Prince George.

Authorized Person - means the head of the Development Services Department.

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.

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**.

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.

Part 2 – WOOD BURNING APPLIANCES

2.1 Wood Burning Restrictions

2.1.1 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**.

2.1.2 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**.

2.1.3 Except as expressly provided in section 2.1.4, 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.

2.1.4 Incidents of air contaminant discharge, or odour shall not constitute a nuisance for the purposes of section 2.1.3 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.

2.2 Requirements for Installation of Wood Burning Appliances

- 2.2.1 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**.
- 2.2.2 No person shall install a **hydronic heater** on any property within the City of Prince George.
- 2.2.3 In addition to the requirement of this Bylaw, the owner or occupant of a **building** shall obtain a building permit before installing any **wood burning appliance**, or **masonry heater** in any **building**.

2.3 Requirements for New Buildings or Alterations to Buildings

2.3.1 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**, **hydronic heater**, 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**.

2.4 Prohibited Fuel Type

- 2.4.1 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.

Part 3 - OPEN BURNING AND RECREATIONAL FIRES

- 3.1 No person shall conduct **open burning** at any time within the City of Prince George.

- 3.2** No person shall ignite or maintain any **recreational fire** if an **air quality advisory** has been issued.
- 3.3** 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.
- 3.4** 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.
- 3.5** No person shall cause or allow any **garbage, yard and garden waste** or **noxious material** to be burned in a **recreational fire**.
- 3.6** 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 three (3) meters of any property line, fence, standing timber, brush or **building**.

Part 4 - FUGITIVE DUST CONTROL

- 4.1** 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**.
- 4.2** 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**.
- 4.3** 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.

- 4.4 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**.
- 4.5 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.

Part 5 - OFFENCES AND PENALTIES

- 5.0 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 not less than \$2,000 and not more than \$10,000, or a term of imprisonment not exceeding six months, or both.
- 5.1 Each day during which any violation, contravention or breach of the Bylaw continues shall be deemed a separate offence.
- 5.2 This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
- 5.3 Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers, and the Authorized Person are designated to enforce this Bylaw.
- 5.4 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.
- 5.5 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.

5.6 Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to Bylaw Enforcement Officers and to the Authorized Person.

READ A FIRST TIME THIS THE **1st** DAY OF **FEBRUARY** , **2010**.

READ A SECOND TIME THIS THE **1st** DAY OF **FEBRUARY** , **2010**.

First Two readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

Certified correct as passed Second Reading, this the **3rd** day of **FEBRUARY, 2010**.

Walter Babicz
CORPORATE OFFICER OF THE
CITY OF PRINCE GEORGE

SECOND READING RESCINDED ON THE **1st** DAY OF **MARCH** , **2010**, BY A **UNANIMOUS** DECISION OF MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

READ A SECOND TIME AS AMENDED THIS THE **1st** DAY OF **MARCH, 2010**.

Second Reading passed by a **unanimous** decision of Members of City Council present and eligible to vote.

READ A THIRD TIME THIS THE **22nd** DAY OF **MARCH** , **2010**.

Third Reading passed by a **unanimous** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE DAY OF **29th** DAY of **MARCH** , **2010**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICER

Schedule "A" Municipal Ticket Information Fine Schedule

Column 1: Brief Description of Offence	Column 2: Bylaw Section #	Column 3: Fine
Using a wood burning appliance while an air quality advisory is in effect.	2.1.1	\$200.00
Failure to maintain wood burning appliance.	2.1.2	\$100.00
Operating a wood burning appliance causing injury or damage.	2.1.3	\$100.00
Installation of a non-compliant woodburning appliance.	2.2.1	\$300.00
Installation of a hydronic heater.	2.2.2	\$300.00
Failure to obtain a Building Permit for a wood burning appliance.	2.2.3	\$200.00
Failure to install and maintain additional form of space heating in new building.	2.3.1(a)	\$300.00
Failure to install and maintain additional form of space heating during building renovation.	2.3.1(b)	\$200.00
Burning prohibited fuel type.	2.4.1	\$200.00
Conducting open burning.	3.1	\$300.00
Igniting or maintaining a recreational fire during an air quality advisory.	3.2	\$100.00
Maintaining a recreational fire causing injury or damage.	3.4	\$100.00
Burning prohibited fuel type in a recreational fire.	3.5	\$100.00
Failure to control and supervise a recreation fire.	3.6(b)	\$100.00
Failure to possess fire extinguishing equipment	3.6(c)	\$100.00
Failure to maintain a recreation fire in a safe location.	3.6(e)	\$100.00
Failure to use dust control measures.	4.1	\$200.00
Failure to use sufficient dust suppressing liquids.	4.2	\$200.00

Column 1: Brief Description of Offence	Column 2: Bylaw Section #	Column 3: Fine
Sweeping or maintenance operations causing injury or damage.	4.3	\$200.00
Conducting sweeping or maintenance during air quality advisory.	4.4	\$200.00
Failure to maintain sites so that dust does not cause injury or damage.	4.5	\$200.00