

DISTRICT OF FORT ST. JAMES
SOLID FUEL BURNING APPLIANCE AND EMISSIONS REGULATION
BYLAW NO. 864, 2008

A bylaw to regulate emissions of air contaminants.

The Council of the District of Fort St. James enacts as follows:

CITATION

1. This bylaw may be cited as “Solid Fuel Burning Appliance and Emissions Regulation Bylaw No. 864, 2008”.

INTERPRETATION

2. In this bylaw,
 - (a) *Canadian Standard* means the “Performance Testing of Solid-Fuel-Burning Heating Appliances CAN/CSA-B415.1” standard published by the Canadian Standards Association, as amended;
 - (b) *Cured wood* means untreated wood that has been dried for at least one full year;
 - (c) *Outdoor Appliance* means a *solid fuel burning appliance* situated outside of the main building which it is intended to heat;
 - (d) *Smoke House* means any building or structure where meat or fish is cured by means of smoke;
 - (e) *Solid Fuel Burning Appliance* means a device that burns wood or any other non-gaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space heating purposes in or about any premises, and includes a fireplace, wood stove, fireplace insert, wood burning furnace or heater, or pellet stove;
 - (f) *U.S. Standard* means the “New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA)”, published by the United States Environmental Protection agency, as amended.

REGULATIONS

- 3.1 A person must not cause or permit the fouling or contamination of the atmosphere through emission of smoke, dust, ash, soot, cinders, fumes or other air contaminants so that it is likely to cause or significantly contribute to
 - (a) injury or damage to human health;
 - (b) injury or damage to plant health;
 - (c) injury or damage to animal health;
 - (d) damage to property;
 - (e) interference with the enjoyment of life or property.
- 3.2 Pursuant to subsection 4.2, a person must not install a *solid fuel burning appliance* in or about any premises unless the appliance meets the particulate emission requirements of the *Canadian standard* or the *U.S. standard*.
- 3.3 Pursuant to subsection 4.2, a person must not install a *solid fuel burning appliance* or *outdoor appliance* contrary to the manufacturer’s specifications and the BC Building Code as amended.
- 3.4 Pursuant to subsection 4.2, a person may install an *outdoor appliance* in the following zones only, as defined in the District of Fort St. James Zoning Bylaw as amended:
 - a) RU-2 Rural Residential;

- b) RU-3 Rural Residential;
 - c) C-RU Commercial – Rural;
 - d) I-2 Industrial – Heavy.
- 3.5 A person must not use or operate a *solid fuel burning appliance* or *outdoor appliance* contrary to the manufacturer's specifications.
- 3.6 Every owner of a *solid fuel burning appliance* or *outdoor appliance* must clean the unit's chimney on a regular basis according to the manufacturer's specifications.
- 3.7 A person must burn only cured wood:
- (a) in a *solid fuel burning appliance* or *outdoor appliance* that is intended to burn wood; or
 - (b) in a *smoke house*.

ENFORCEMENT

- 4.1 Subject to the provisions of the Fort St. James Building Bylaw as amended, a Bylaw Enforcement Officer or Building Inspector may order an owner to remove a *solid fuel burning appliance* or *outdoor appliance* that does not meet the provisions of this bylaw.
- 4.2 Subsections 3.2, 3.3 and 3.4 of this bylaw do not apply where a *solid fuel burning appliance* or *outdoor appliance* was installed prior to the adoption of this bylaw.
- 4.3 A *Bylaw Enforcement Officer* is authorized to enter, at all reasonable times, on any premises that is subject to this bylaw, to ascertain whether the regulations in this bylaw or orders made under this bylaw are being observed.

PENALTIES

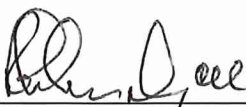
- 5.1 A person who violates any provision of this bylaw will:
- (a) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "A" of this bylaw; or
 - (b) upon summary conviction, be liable to pay a penalty of not more than \$5,000.00.
- 5.2 Where an offence against any provision of this bylaw is of a continuing nature, a separate offence shall be deemed to occur on each day the offence occurs or continues.

SEVERABILITY

- 6.1 If any part of this bylaw is held to be invalid by a decision of any court of competent jurisdiction, the invalid portion shall be severed, without affecting the remainder of this bylaw.

READ A FIRST SECOND AND THIRD TIME THIS 13th DAY OF NOVEMBER, 2008.

ADOPTED THIS 26th DAY OF NOVEMBER, 2008.



Rob MacDougall, Mayor



Nigel Black, Chief Administrative Officer

Certified a True Copy of "Solid Fuel Burning Appliance and Emissions Regulation Bylaw No. 864, 2008".



Nigel Black, Chief Administrative Officer

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SCHEDULE "A" FINES

The following fines may be imposed by means of a ticket information, at the discretion of the Bylaw Enforcement Officer or Fire Chief:

Section	Violation	Fine
3.1	Discharge air contaminants damaging to health, property or enjoyment	\$100.00
3.2	Install appliance not meeting standards	\$100.00
3.3	Fail to meet manufacturer's or building code standards	\$100.00
3.4	Install appliance in a zone where prohibited	\$200.00
3.5	Fail to follow manufacturer's operating specifications	\$100.00
3.6	Fail to clean chimney	\$100.00
3.7	Burn other than cured wood	\$100.00
4.1	Fail to comply with order	\$200.00