

CITY OF TERRACE

BYLAW NO. 1952 – 2009

"A BYLAW OF THE CITY OF TERRACE TO ESTABLISH REGULATION OF WOOD BURNING APPLIANCE INSTALLATION AND OPERATION WITHIN THE MUNICIPALITY".

WHEREAS under Sections 8 and 64 of the Community Charter the Municipal Council of the City of Terrace may, by bylaw, regulate for the protection of individual health and community well being in relation to the release of smoke, ash, soot, fumes and other emissions that are liable to contaminate the atmosphere and impact air quality;

AND WHEREAS research indicates that wood smoke is a significant contributor to particulate levels, which pose significant health risks;

AND WHEREAS Council recognizes that the emission of smoke from wood burning stoves and related emissions at times results in degraded air quality and affects the health of its citizens and environment;

NOW THEREFORE the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

1.0 DEFINITIONS:

In this bylaw:

- 1.1 **"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.
- 1.2 **"Certified Wood Burning Appliance"** means a solid-fuel burning appliance that bears a certification mark certifying conformity with the Canadian (CSA) Standard or US (EPA) Standard.
- 1.3 **"Inspector"** means the City of Terrace Building Inspector.
- 1.4 **"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.
- 1.5 **"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.

- 1.6 **“Wood Burning Appliance”** A fireplace insert, woodstove or pellet stove, installed in or about any premises, in which wood is burned and which discharges combustion products to the air.
- 1.7 **“Pellet Stove”** means a stove designed and used exclusively for the combustion of wood pellets having maximum length of 2.5 cm in any dimension and meeting the particulate emission requirements of the Canadian (CSA) Standard or US (EPA) Standard.
- 1.8 **“Unseasoned Wood”** means wood that has a moisture content of greater than 20 percent. To properly season, wood should be split and stacked in the open for a minimum six month period during the spring and summer and covered during the fall and winter months.
- 1.9 **“US Standard”** means the New Source Performance Standards, Title 40, Part 60, Subpart AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency.
- 2.0 **WOOD BURNING APPLIANCE INSTALLATION AND INSPECTION:**
- (a) The installation of all new Wood Burning Appliances, from the date of adoption, must be a Certified Wood Burning Appliance that bears a certification mark certifying conformity with the Canadian (CSA) Standard or US (EPA) Standard, as identified by the Inspector.
- (b) For installations of a Wood Burning Appliance being installed to replace an existing Wood Burning Appliance, the new Wood Burning Appliance must meet the requirements stated in Section 2 (a).
- (c) The installation of such appliances shall also comply with the City of Terrace Building Regulation Bylaw No. 1810-2004, BC Building Code, Fire Code and the manufacturer’s installation instructions.
- 3.0 **NON-CERTIFIED APPLIANCE REMOVAL**
- (a) The City of Terrace is hereby authorized to order removal of newly installed non-certified Wood Burning Appliances.
- (b) Any non-certified Wood Burning Appliance removed under this section shall be rendered permanently inoperable.
- (c) Prior to the completion of sale or transfer of real property on or after July 1st 2011, all existing non-certified wood burning appliances on property shall be removed and rendered permanently inoperable and/or replaced with a Certified Wood Burning Appliance.

4.0 FUELS:

- (a) *Only Permitted Wood Burning Appliance Fuels shall be used. At no time may Prohibited Burning Materials be used in a Wood Burning Appliance. Unseasoned Wood is not a permitted fuel.*

5.0 INSPECTION AND ORDERS:

- (a) *A City of Terrace Building Inspector is authorized to inspect any premises on which burning in a wood burning appliance is being conducted in order to determine compliance with this Bylaw.*
- (b) *No person shall interfere with or obstruct an Inspector in carrying out his/her duties pursuant to this Bylaw and the Community Charter.*

6.0 OFFENCE AND PENALTIES:

- 6.1 *This Bylaw may be enforced by means of a ticket issued in accordance with City of Terrace Ticket Information Utilization Bylaw No. 1827-2005 as authorized by Section 264 of the Community Charter.*
- 6.2 *Each day a violation or contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.*

7.0 SEVERABILITY:

- 7.1 *The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.*

8.0 CITING CLAUSE:

- 8.1 *This bylaw may be cited, for all purposes, as “City of Terrace Wood Burning Appliance Installation and Operation Bylaw No. 1952 – 2009”.*

READ a first time this 13th day of October, 2009.

READ a second time this 13th day of October, 2009.

READ a third time this 26th day of October, 2009.

ADOPTED this 9th day of November, 2009.

Mayor

Deputy Clerk