

CITY OF PORT ALBERNI

BYLAW NO. 4802

A BYLAW TO REGULATE EMISSIONS FROM SOLID-FUEL BURNING APPLIANCES

WHEREAS the *Community Charter* gives Council the authority under section 8 (3) (h) [*spheres of authority -- nuisances disturbances and other objectionable situations*] and this authority may be exercised in section 64 (c) for the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

NOW THEREFORE the Council of the City of Port Alberni in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited as "**City of Port Alberni Solid-Fuel Burning Appliance Emissions Bylaw 2012, Bylaw No. 4802**".

2. PROHIBITION

No person shall install, or allow to be installed, either indoors or outdoors, a solid-fuel burning appliance, furnace or boiler which is used for the space heating of a building, the heating of water or other such purpose unless it meets the emissions standards of CAN/CSA-B415.1 standard "Performance Testing of Solid-Fuel-Burning Heating Appliances" published by the Canadian Standards Association as amended from time to time or the emissions standards of the "New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-02 Edition), published by the United States Environmental Protection Agency" as amended from time to time.

3. EXISTING NON-COMPLIANT DEVICES

Existing solid-fuel burning devices not in compliance with Section 2 above will be permitted to remain in service until May 31, 2017, providing that the appliance, its installation and use otherwise meet required safety standards. Thereafter, any such appliance must be permanently disconnected and removed from the structure.

Effective May 31st, 2013, prior to the completion or consummation of a sale or transfer of any real property containing an existing solid-fuel burning device not in compliance with Section 2 above, said device will be permanently disconnected and removed from the structure.

4. FUEL

Only wood pellets or untreated, non-contaminated, and seasoned wood with a moisture content of 20% or less shall be burned in a wood burning appliance or fireplace.

5. INSPECTION

An inspector may order the extinguishment of any fire that is in violation of this bylaw.

An inspector as specified in Section 6.3 below may enter and inspect any land or premises in which burning is being conducted, for the purpose of determining compliance with this bylaw.

6. OFFENSES AND PENALTIES

- 1) Any person who violates any provision of this Bylaw is guilty of an offence against this Bylaw and is subject to a minimum fine of \$200.00. Each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- 2) This Bylaw is designated pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26 as a bylaw that may be enforced by means of a ticket in the form prescribed.
- 3) The Fire Chief, Deputy Fire Chief, Chief Fire Prevention Officer, Building Inspectors and Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a ticket pursuant to section 264 of the *Community Charter*.
- 4) The words or expressions listed in Schedule "A" of this Bylaw in the "Description of Offence" column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the "Section" column.

7. SEVERABILITY

If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

8. REPEAL

“City of Port Alberni Solid-Fuel Burning Appliance Emissions Bylaw No. 4651, 2006”, is hereby repealed.

READ A FIRST TIME THIS 28TH DAY OF MAY, 2012.

READ A SECOND TIME THIS 28TH DAY OF MAY, 2012.

READ A THIRD TIME THIS 28TH DAY OF MAY, 2012.

FINALLY ADOPTED THIS 11TH DAY OF JUNE, 2012.

Mayor

Clerk

SCHEDULE "A"
FINE SCHEDULE

Description of Offence	Section #	Amount of Fine
Installation of uncertified device	2	\$200.00
Connected non-compliant device	3	\$200.00
Use of non-compliant fuel	4	\$200.00
Obstruction of inspector	5	\$200.00