



DISTRICT OF HOUSTON
BYLAW NO. 947, 2006

**A Bylaw to regulate open burning and enhance air quality within the
District of Houston.**

WHEREAS Council of the District of Houston 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 a copy of this Bylaw has been deposited with the Minister of Environment;

NOW THEREFORE, in open meeting assembled, Council of the District of Houston, **ENACTS AS FOLLOWS:**

Part 1 - DEFINITIONS

In this Bylaw:

Air Quality Advisory - means a public health warning issued by the Minister of Environment on the basis of its monitoring of air quality parameters in the District of Houston.

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.

Certified wood burning appliance – means a solid fuel burning appliance that bears a certification mark certifying conformity with the *Canadian Standard* or the *US Standard*.

Demolition and Construction Wastes - includes but is not limited to waste materials resulting from the demolition 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.

Fire Chief – means the chief officer, or his/her designate appointed by Council, as head of the Fire Department.

Garbage - means any household and commercial waste or refuse.

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.

Noxious Material - includes tires, plastics, rubber products, Demolition and Construction Wastes, special 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, chemically-treated paper and cardboard or any Prohibited Material as identified in Schedule A of the *Open burning Smoke Control Regulation*.

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 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.

Person - means and include any individual, corporation, partnership or party and the heirs, executors, administrators, property owner or other legal representative of the same, to whom the context can apply according to Law. The singular shall also include the plural and the masculine shall also include the feminine.

Recreational Fire - means the burning of wood for recreational purposes in a permanent outdoor fireplace, barbecue or fire pit not larger than 90 centimetres 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.

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.

Wood burning appliance - means a fireplace, woodstove, outdoor boiler or similar device other than a Pellet Stove, installed in or about any premises, in which wood is burned and which discharges combustion products to the air.

Yard and Garden Waste - means grass, foliage, prunings, weeds, crops, stumps, and stubble.

Part 2 - WOOD BURNING APPLIANCES

2.1 Wood burning Restrictions

2.1.1 No *person* shall use a *wood burning appliance* at any time when an *air quality advisory* is in effect, except to heat premises that are equipped with no heating appliance or facilities other than the *wood burning appliance*.

2.1.2 No *person* shall operate a *wood burning appliance* in such a manner as to discharge air contaminants that are likely 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.

2.2 Requirements for Installation of Wood burning Appliances

2.2.1 No *person* shall install or replace an existing *wood burning appliance* in or about any premises unless the appliance meets the particulate emission requirements of the *Canadian Standard* or the *US Standard*.

2.3 Prohibited Fuel Type

2.3.1 No *person* shall cause or allow any substance to be burned in any *wood burning appliance* other than wood fuel for the combustion of which the appliance was designed, and in particular any *garbage* or *noxious material*.

2.4 Non-certified Wood burning Appliance Removal

- 2.41 The District of Houston is hereby authorized to establish a removal program for non-certified wood burning appliances that may incorporate incentives for energy conservation and air quality improvement including, but not limited to, household insulation, insulating products, non-certified wood stove replacement and substitution of heating methods and appliances, including certified wood burning appliances.
- 2.42 Any non-certified wood burning appliance removed under this section shall be rendered permanently inoperable.
- 2.43 All non-certified wood burning appliances within the District of Houston shall be removed from all properties by Dec. 31, 2010 or rendered permanently inoperable by Dec. 31, 2010.
- 2.4.4 It shall be a violation of this section for any person on or after Dec. 31, 2010 to possess or operate a wood burning appliance within the District of Houston unless it is certified or it has been rendered permanently inoperable.
- 2.45 Prior to the completion or consummation of a sale or transfer of any real property on or after Dec. 31, 2010 all existing non-certified wood burning appliances shall be replaced, removed, or rendered permanently inoperable.

Part 3 - OPEN BURNING

- 3.0 Nothing in this bylaw exempts any *person* from conditions of any provincial legislation such as but not limited to the *Environmental Management Act, Open Burning Smoke Control Regulation, Wildfire Act, or Wildfire Regulation*.
- 3.1 No *person* shall conduct *open burning* on any lot less than 1 hectare in area within the boundaries of the District of Houston.
- 3.2 No *person* shall conduct *open burning* or 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 conducting *open burning* or maintaining a *recreational fire*, that *person* shall take all reasonable steps to cease the *open burning* or extinguish the *recreational fire* as soon as possible.
- 3.4 No *person* shall conduct any *open burning* or maintain any *recreational fire* in such a manner as to discharge air contaminants that are likely 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.
- 3.5 No *person* shall cause or allow any *garbage* or *noxious material* to be burned by *open burning* or by a *recreational fire*.
- 3.6 The operation of a domestic outdoor or back yard incinerator or any structure serving as a domestic incinerator is expressly prohibited.

- 3.7** Except in accordance with permission in section 3.8 hereunder, no *person* shall start or permit a fire of any kind whatsoever in the open air within the District of Houston, without first having obtained a written permit to do so from the *Fire Chief*.
- 3.8** The *Fire Chief* may, by special permit, allow *open burning* on lots greater than one hectare in area, provided that a minimum separation of thirty (30) metres can be maintained between the fire location and any building or forested area, and provided that all materials to be burned originate from the property on which the special burning permit is issued. Materials to be burned under the special burning permit are restricted to prunings, dry piled *land clearing debris*, dry piled weeds, needles, and leaves. Stumps or other material in excess of 8 (eight) inches in diameter, shall not be burned unless they have been allowed to dry for at least two (2) years or to the satisfaction of the *Fire Chief*. The *Fire Chief* may issue a special permit to allow burning of woody debris for the purpose of fuel reduction or hazard abatement on private or public property. No pile of burning material shall exceed 5 meters in diameter or 3 meters in height. Despite the issuance of a special burning permit, no burning shall take place unless the venting index is fifty-five (55) or greater when the fire is started. In addition fires are prohibited during fair or poor air quality conditions, when the air quality index is below twenty-five (25), as defined by the Minister of Environment based on information provided by Environment Canada and the Minister of Environment.
- 3.9** No *person* shall start a fire upon the land of another without permission of the owner thereof or his agent.
- 3.10** All burning shall be conducted and concluded between 7:00 a.m. (0700 hours) and sunset of the same day except for fires for large permitted burning materials such as stumps and other materials over 8 inches (200 mm) in diameter that have been dried in accordance with this bylaw, may be maintained for a maximum of seventy-two (72) hours if the fire is substantially smokeless. However no further permitted burning materials shall be added to a fire after 5:00 p.m. (1700 hours) of each day of the fire.
- 3.11** A *person* to whom a permit has been so issued under Section 3.8 shall ensure a competent *person* at all times is in charge of the fire and shall provide that *person* with efficient equipment in order to prevent the fire from getting out of control.
- 3.12** In addition to any other remedy or offence imposed by this bylaw, a *person* who starts a fire without a valid permit pursuant to this Part shall be responsible for the costs of providing the additional personnel and equipment that the *Fire Chief* may deem necessary to extinguish the fire or to suppress any escape or threatened escape of the fire.
- 3.13** Where the *Fire Chief* considers that hazardous conditions or adverse weather conditions exist, he may suspend, cancel, restrict or improve conditions upon, for such periods as he considers necessary all burning permits issued pursuant to this bylaw.
- 3.14** Notwithstanding any other provisions of this Bylaw, the District of Houston Fire Department may burn buildings, structures or other materials for the purpose of training its personnel or for the purpose of eliminating hazards.

Part 4 - OFFENCES AND PENALTIES

- 4.1** Any *person* who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw, commits an offence and is liable, upon summary conviction, to a fine of not less than \$50.00 and not more than \$500.00 for each offence.

Part 5 – BYLAW TITLE

- 5.1** This Bylaw may be cited for all purposes as “District of Houston Open Burning & Air Quality Bylaw No. 947, 2006”.

READ A FIRST TIME THIS 20th DAY OF June, 2006

READ A SECOND TIME THIS 20th DAY OF June, 2006

READ A THIRD TIME THIS 20th DAY OF June, 2006

THIRD READING RESCINDED THIS 4th DAY OF July 4, 2006

BYLAW AMENDED AND READ A THIRD TIME THIS 4th DAY OF July 4, 2006

ADOPTED THIS 18th DAY OF July, 2006

MAYOR SHARON SMITH

PAUL GIPPS,
CHIEF ADMINISTRATIVE OFFICER