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CONSOLIDATION UPDATE: NOVEMBER 9, 2022

THE CITY OF WINNIPEG

THE INCINERATOR CONTROL BY-LAW
NO. 1979/78

**A By-law of THE CITY OF WINNIPEG to control
Incinerators.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This By-law shall be referred to as the "**Incinerator Control By-law**".

DEFINITIONS:

2. In this By-law:
 - (a) "**Designated Employee**" means the Director of Water and Waste for the City of Winnipeg or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.
added 8162/2002
 - (b) "**Domestic Incinerator**" means an incinerator used for a single-family residence or for a two-family residence, either in duplex or double house form, or for multiple-dwelling units in which such incinerator served fewer than three apartments.
 - (c) "**Flue-fed Incinerator**" means an incinerator provided with a flue which serves as a charging chute in addition to conducting the products of combustion to the atmosphere.
 - (d) "**Garbage**" means all rejected, abandoned or discarded solid, semi-solid, liquid or gaseous waste, animal, vegetable or mineral, and all refuse capable of consumption by fire.

- (e) **"Incinerator"** means any article, machine, equipment, contrivance, structure, or part of any structure used for or in connection with the destruction of garbage by burning or any engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semi-solid, liquid or gaseous wastes at specified rates, and from which the residues contain little or no combustible material.
 - (f) **"Multiple Chamber Incinerator"** means an incinerator consisting of two or more refractory lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts, and employing adequate designed parameters necessary for complete combustion of the material to be burned and built to current "Incinerator Institute of America" design criteria. Alternate designs employing adequate parameters necessary for complete combustion of the material to be burned may be permitted subject to the approval of the Commissioner of Environment or his designate.
 - (g) **"Opacity"** means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
 - (h) **"Particulates"** means any material, except uncombined water, which exists in a finely divided form as liquid, or solid at standard conditions.
 - (i) **"Smoke"** means small gas-borne particles resulting from combustion, consisting predominantly but not exclusively of carbon and ash, which form a visible plume under draft.
 - (j) **"Standard Conditions"** means a temperature of 25° Celcius and a pressure of 760 mm Hg.
 - (k) **"Standard Cubic Metre"** means the volume of one cubic metre of gas at standard conditions.
- 3. No person shall construct, install or use any domestic incinerator.
 - 4. No person shall construct, install or use any flue-fed incinerator.
 - 5. No person shall use any incinerator out-of-doors.
 - 6. (1) Subject to Section 6 (2) open ground fires are prohibited.

- (2) Persons with lots zoned "R1-9" and greater and lots zoned "Agricultural" shall be allowed to maintain ground fires for the purpose of burning stubble or debris other than garbage, upon obtaining a permit from the Fire and Paramedic Chief.
amended 8162/2002
7. No person shall operate any incinerator which emits more than 0.23 grams of particulates per standard cubic metre of dry flue gas corrected to 12 per cent carbon dioxide by volume, without the contribution of carbon dioxide from auxiliary fuel.
8. No person shall operate an incinerator which emits smoke the opacity of which is equal to or greater than (i) 40 per cent at any time; or (ii) 20 per cent for a period exceeding 4 minutes in any one hour.
9. No Person shall burn any garbage except in an incinerator as provided for in this By-law.
10. (1) The rated capacity and the type of waste material for which the incinerator is designed shall be displayed in a conspicuous location near the incinerator.
- (2) Detailed instructions for the operation of the incinerator shall be posted in a conspicuous location near the incinerator.
- (3) Where sampling for particulate matter and gaseous emissions is required sampling ports shall be suitably located in the stack or breaching of the incinerator.
11. The method of measurement of particulates and opacity of smoke from incinerators shall be as approved from time to time by the Province of Manitoba.
amended 8162/2002
12. (1) Subject to Section 12 (2) all incinerators built or installed before the passing of this By-law, shall be made to meet "Incinerator Institute of America" design criteria regarding the multiple chamber incinerators no later than the 1st day of July, 1979.
amended 2025/78
- (2) All incinerators built or installed in the former City of Winnipeg prior to the passage of City of Winnipeg By-law No. 19793 and all incinerators built or installed in the former City of St. James-Assiniboia prior to the passage of City of St. James By-law No. 577/71, shall be made to comply with the current "Incinerator Institute of America" design criteria forthwith.
13. *repealed 8162/2002*

14. The designated employee and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a “designated employee” under *The City of Winnipeg Charter*.¹

added 8162/2002

15. Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²

added 8162/2002

16. Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
- (b) if the person to be served is the occupant of real property, the street address for that property; and
- (c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied, the address provided by the person in the application.³

added 8162/2002

17. An appeal from an order to remedy a contravention of this By-law or a decision that is subject to an appeal under *The City of Winnipeg Charter* may be made in accordance with *The City of Winnipeg Charter* to the Standing Policy Committee on Public Works.⁴

added 8162/2002; amended 172/2005; 106/2015; 137/2022

DONE AND PASSED in Council assembled, this 17th day of May, 1978.

1 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)

2 [See sections 180 to 184 and sections 116 and 117 of *The City of Winnipeg Charter* for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

3 [See sections 116 and 117 of The City of Winnipeg Charter for information about how to serve orders, decisions and other documents.](#)

4 [See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)