

MUNICIPALITY OF CHATHAM-KENT

BY-LAW NUMBER 268-2006

Being a By-Law to Regulate Outdoor Solid Fuel Combustion Appliances

WHEREAS the Council of the Corporation of the Municipality of Chatham-Kent deems it necessary in the public interest to regulate outdoor solid fuel combustion appliances.

AND WHEREAS the Council of the Corporation of the Municipality of Chatham-Kent may pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of the Municipality, are, or could become or cause public nuisances under Section 128 of the Municipal Act 2001, S.O. 2001,c.25 as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Chatham-Kent considers excessive smoke, smell, airborne sparks and embers to be or could become or cause public nuisances by creating negative health effects on neighbouring residents, including fire exposure hazards, infringing on the enjoyment of the use of the neighbouring properties and generating false fire alarms;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT enacts as follows:

1.0 SHORT TITLE

- (1) This By-law may be cited as the "Outdoor Furnace By-law."

2.0 DEFINITIONS AND INTERPRETATION

2.1 In this By-law,

- (1) "Outdoor solid fuel combustion appliance" means a solid fuel burning appliance/furnace used for the space heating of buildings, the heating of water or other such purpose; and which is located in a separate building or on the exterior of the building, which it serves.

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- (2) "Owner" means the registered owner or any person, firm or corporation having control over, or possession, of any portion of the building or property under consideration and includes the persons in the building or property.

- (3) "Person" means an individual, business, a partnership or a corporation.

- (4) "Municipality" means either The Corporation of the Municipality of Chatham-Kent or the Municipality of Chatham-Kent, whatever the context requires.

- (5) "Waste" means any material defined as waste in section 25 of the Environmental Protection Act, c.E19, R.S.O. 1990 as amended.

3.0 APPLICATION

This By-law shall apply to all lands within the geographic limits of the Municipality of Chatham-Kent.

4.0 GENERAL PROHIBITIONS

4.1 No person shall:

- (1) install outdoor solid fuel combustion appliances within the Municipality of Chatham-Kent:
 - i) not certified by Canadian Standards Association or any other accredited test laboratory
 - ii) in locations other than rear yards
 - iii) less than 30 m from any property line
 - iv) less than 15 m from the principal residence and principal residence on an adjacent property
 - v) unless the chimney for the appliances are equipped with spark arrestors and rain caps
- (2) Use outdoor solid fuel combustion appliances for the incineration of waste.
- (3) Store fuel for the appliances closer than 3 m from the appliances
- (4) Use fuel other than that approved in the manufacturer's operating instructions

5.0 APPROVALS

- (1) Prior to the installation of any outdoor solid fuel combustion appliance each appliance shall be approved by the Chief Building Official or designate and permit fees shall be as set out in the Municipal Building By-law
- (2) All outdoor solid fuel combustion appliances shall bear a C.S.A. or U.L. approval rating and be installed in accordance with the manufacturer's instructions.
- (3) Prior to the use of and following installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official or his/her designate.

6.0 OFFENCES AND PENALTIES

- (1) Any person who is in violation of any provisions of this by-law, upon conviction is guilty of an offence, and shall be liable to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended
- (2) Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this by-law shall not be affected.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this _18th_ day of December, 2006.

Original Signed by

Mayor – Randy R. Hope

Original Signed by

Clerk – Elinor Mifflin