

Outdoor Wood Burning Appliances By-Law

General

1. This By-Law is entitled the “Outdoor Wood Burning Appliances By-Law.”
2. In this By-Law:
 - a. “building intended for occupation” means any building intended to be occupied by people, and includes houses, cottages, seasonal residences, apartments, condominiums, institutions and any place of business;
 - b. “institution” means a place of religious congregation, hospital, home for special care, fire hall, community center, government building, school or similar establishment;
 - c. “Municipality” means the Municipality of the County of Cumberland;
 - d. “outdoor wood burning appliance” means a furnace or appliance which is located outside a building intended to receive heat or hot water from such furnace or appliance, whether or not the appliance is enclosed within a structure; and
 - e. “owner” has the same meaning as in the *Municipal Government Act*.
3. This By-Law does not apply to outdoor wood burning appliances installed before the coming into force of this By-Law.

Outdoor Wood Burning Appliances

4. Where a person wishes to replace an outdoor wood burning appliance that was installed before the coming into force of this By-Law, the subsequent outdoor wood burning appliance must be installed and used in accordance with section 5 of this By-Law, except that subsections 5(a) and (b) shall not apply.
5. An outdoor wood burning appliance may not be installed or operated in the Municipality unless:
 - a. its installation is not prohibited by the Municipality’s Land Use By-Law;
 - b. it is located at least 100 meters from any building intended for occupation located on other property or the owners of any such buildings have signed a written consent to the installation;
 - c. clearance of 5 meters is observed in all directions from any building intended for occupation;
 - d. clearance of 5 meters is maintained between any building intended for occupation and any wood pile or combustible materials within 5 meters of the wood burning appliance;
 - e. the Manufacturer’s installation instructions are followed;

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- f. the furnace or appliance, its chimney, and any support structure for the Chimney, complies with any applicable requirements pursuant to the *Building Code Act*, *Fire Safety Act* and the Building Code By-Law;
- g. the furnace or appliance is not placed on a wooden deck or other combustible platform; and
- h. the furnace or appliance is of sufficient construction to withstand the effects of heating, cooling and precipitation and is constructed of non-combustible materials.

Offences

- 6. Any owner of land where an outdoor wood burning appliances has been installed on contravention of sections 4 or 5 of this By-Law is guilty of an offence punishable on summary conviction.
- 7. Any person who contravenes sections 6 of this By-Law and who causes or allows the outdoor wood burning appliance to remain improperly installed is liable to be convicted of a separate offence for each day the outdoor wood burning appliance remains improperly installed.

Penalties

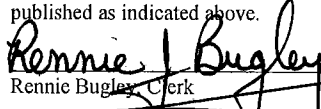
- 8. Any person who contravenes sections 4 or 5 of this By-Law, and is therefore guilty of an offence pursuant to sections 6 or 7, is liable for a fine of not less than \$200 and not more than \$5000 for each offence.
- 9. Any person who contravenes sections 4 or 5 of this By-Law and is therefore guilty of an offence pursuant to sections 6 or 7, and who is given a Notice of the By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy may pay to the Municipality, at the place specified in the Notice, the sum of \$100 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.

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Clerk's Annotation For Official By-Law Book

Date of first reading: Sept 20, 2006
Date of advertisement of Notice of Intent to Consider: Nov 22, 2006
Date of final reading: Nov 22, 2006
*Date of advertisement of Passage of By-Law: _____
Date of mailing to Minister a certified copy of By-Law: _____

I certify that this OUTDOOR WOOD BURNING APPLIANCES BY-LAW was adopted by Council and published as indicated above.


Rennie Bugley, Clerk

November 27, 2006
Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law