

The Corporation of the Municipality of Bluewater

By-law No. 18-2012

Being a By-law to Control and Regulate the Location, Installation and Operation of Outdoor Solid Fuel Combustion Appliances.

WHEREAS the Municipal Act, S O. 2001, Chapter 25, Section 11(2)6, as amended, enables Council of a municipality to pass by-laws relating to the health, safety and well-being of persons;

AND WHEREAS the Municipal Act, S O. 2001, Chapter 25, Section 129, as amended, enables a municipality to prohibit and regulate with respect to noise, vibration, odor, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS the Municipal Act, S O. 2001, Chapter 25, Section 125, as amended, enables a municipality to regulate the use and installation of heating and cooking appliances; and the storage of fuel for use in heating and cooking appliances;

AND WHEREAS the Municipal Act, S O. 2001, Chapter 25, Section 128(1), as amended, enables a municipality to prohibit or regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS the Municipal Act, S O. 2001, Chapter 25, Section 436, as amended, enables a municipality to enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of a by-law of the municipality are being complied with;

AND WHEREAS Council believes it is necessary to regulate and control the location, installation and operation of outdoor solid fuel combustion appliances;

NOW THEREFORE the Council of the Corporation of Municipality of Bluewater enacts as follows:

1. TITLE

This By-law shall be known as the ‘Outdoor Solid Fuel Combustion Appliance By-law’.

2. DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

- (a) “outdoor solid fuel combustion appliances” shall mean a solid fuel burning appliance, which is used for the space heating of a building, the heating of water or other such

purpose; and which is located in a separate building or on the exterior of the building and/or structure for which it serves;

- (b) “appliance” shall mean an outdoor solid fuel combustion appliance;
- (c) “building” shall mean any edifice, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals, or chattels other than a lawful boundary wall or fence;
- (d) “structure” shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a swimming pool;

3. PROHIBITION

- (a) Outdoor solid fuel combustion appliances are prohibited from all Settlement Areas designated as Village/Hamlet and Lakeshore Residential as established in the current Municipality of Bluewater Official Plan.
- (b) No outdoor solid fuel combustion appliances shall be used for the incineration of waste. Fuel used in the appliance shall be dry, seasoned wood or other similar solid fuel product in accordance with the manufacturer’s specifications.

4. ENFORCEMENT

- (a) The provisions of this by-law shall be enforced by a Municipal By-law Enforcement Officer or other individual duly appointed for the purpose of enforcing this by-law.
- (b) A Municipal By-law Enforcement Officer may, at any reasonable time upon producing identification, enter onto land to conduct an inspection in order to ensure compliance with this by-law.
- (c) No person shall obstruct, hinder, delay or prevent a Municipal By-law Enforcement Officer in the exercise of his/her inspection powers pursuant to this by-law.
- (d) Any person who installs, uses or maintains an outdoor solid fuel combustion appliance in contravention of the provision of this by-law, are upon conviction, guilty of an offence and subject to a fine or penalty pursuant to the Provincial Offences Act, R.S.O. 1990, c. P33.

5. EXCEPTIONS

- (a) This by-law does not apply to outdoor solid fuel combustion appliances installed prior to the passing of this by-law; however, if an existing appliance is removed for whatever reason, any new installation must comply with this by-law.

6. EFFECTIVE DATE

This by-law shall come into force and effect on the day of passing.

Read a first and second time this 4th day of June, 2012.

Read a third time and adopted this 4th day of June, 2012.

B. Dowson
Mayor

S. McAuley
CAO/Clerk