

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BY-LAW NUMBER 34-16

A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC TO REGULATE THE INSTALLATION OF OUTDOOR SOLID FUEL COMBUSTION APPLIANCE

WHEREAS Section 129 (1) of *the Municipal Act 2001*, as amended, provides that municipal Councils may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS Section 128 (1) of *the Municipal Act 2001*, as amended, provides that a municipal council may prohibit and 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 smoke and smell from outdoor solid-fuel combustion appliances may create a nuisance to people living in close proximity to outdoor solid fuel combustion appliances;

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Strathroy-Caradoc hereby enacts as follows:

1. DEFINITIONS:

For the purposes of this by-law:

- (a) “**Outdoor solid-fuel combustion appliance**” means an outdoor wood-burning appliance or a solid fuel burning appliance, which is 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 or buildings which it serves;
- (b) “**Waste**” means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalt products, manure, or animal solids and semi-solid wastes and other discarded solid and semi-solid wastes and any material defined as waste in section 25 of the Environmental Protection Act, c. E 19, R.S.O 1990 as amended;
- (c) “**Person**” means an individual, business, a partnership or a corporation;
- (d) “**Town**” means the Municipal Corporation of the Municipality of Strathroy-Caradoc or the geographic area of the Municipality of Strathroy-Caradoc as the context requires.

2. APPLICATION:

- (a) This By-law shall apply to all lands within the geographic limits of the Corporation of the Municipality of Strathroy-Caradoc ;

3. PROHIBITIONS:

- (a) No outdoor solid fuel combustion appliances shall be installed at less than 30 meters (100 feet) from any property line and 60 meters (200 feet) from the nearest abutting residence, within the Municipality of Strathroy-Caradoc;

- (b) No outdoor solid fuel combustion appliances shall be installed with less than a 5 meter (16.4 foot) high chimney as measured from the base;
- (c) No outdoor solid fuel combustion appliances shall be used for the incineration of waste;
- (d) No person shall use the following material as fuel in a solid fuel burning appliance:
 - a. Garbage
 - b. Treated Wood
 - c. Plastic Products
 - d. Rubber Products
 - e. Waste Petroleum Products
 - f. Paints
 - g. Paint Solvents
 - h. Glossy or Colored Paper
 - i. Particle Board
 - j. Any material defined as waste in section 25 of the Environmental Protection Act, c. E 19, R.S.O 1990 as amended.

4. APPROVALS:

- (a) No person shall install or operate an outdoor solid fuel combustion appliance without first obtaining a permit issued by the Chief Building Official of the Municipality of Strathroy-Caradoc;
- (b) All outdoor solid fuel combustion appliances shall bear a CSA or UL approval rating and be installed in accordance to the manufacturer's instructions;
- (c) Prior to the use of and following the installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official.

5. OFFENCES AND PENALTIES:

- (a) 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;
- (b) 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 bylaw shall not be affected;


6. Conflict & Severability

- (a) Where a provision of this by-law conflicts with a provision of any applicable government regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- (b) Where a provision of this by-law conflicts with any other by-law, the by-law that carries the higher standard shall prevail.
- (c) In the event that any of the provisions of this by-law are deemed *ultra vires* by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect

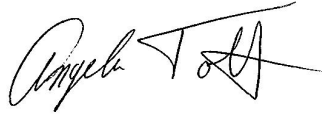
This By-law shall come into full force and effect upon the date of final passing thereof.

And that all By-laws and motions of Council found to be inconsistent with the Provisions found in this By-law shall be and are Hereby Repealed

By-law read a First, Second, and Third Time and Finally Passed this 16th day of May, 2016.



Mayor



Clerk