

THE CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NUMBER 49 OF 2006

**BEING A BY-LAW TO REGULATE
OUTDOOR SOLID FUEL COMBUSTION APPLIANCES**

WHEREAS Council of the Township of Warwick (‘Township’) is empowered under section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, (‘FPPA’) to pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the Council of the Township of Wawick may pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of the township, 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 Township of Warwick 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 Municipal Council of the Corporation of the Township of Warwick enacts as follows:

1. DEFINITIONS:

For the purposes of this by-law:

- a) **“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.
- b) **“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 included the persons in the building or property.
- c) **“Person”** means an individual, business, a partnership or a corporation.
- d) **“Township”** means the Municipal Corporation of the Township of Warwick or the geographic area of the Township of Warwick as the context requires.
- e) **“Waste”** means any material defined as waste in section 25 of the Environmental Protection Act, c.E19, R.S.O. 1990 as amended.

2. APPLICATION:

This By-law shall apply to all lands within the geographic limits of the Corporation of the Township of Warwick.

3. PROHIBITIONS:

- a) No outdoor solid fuel combustion appliances shall be installed at less than 30 m (100 ft) from any property line and 60 m (200 ft.) from the nearest abutting residence, within the Township of Warwick.
- b) No outdoor solid fuel combustion appliances shall be used for the incineration of waste.

4. APPROVALS:

- a) Prior to the installation of any outdoor solid fuel combustion appliance each appliance shall be approved by the Chief Building Official and permit fees shall be as set out in the Township Building By-law.
- b) 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.
- c) 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.

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, c.P.33 as amended
- 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 by-law shall not be affected.

6. SHORT TITLE:

This by-law shall be known as the "Outdoor Furnace By-law".

7. EFFECTIVE DATE:

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

READ A FIRST AND SECOND TIME THIS 26th DAY OF APRIL, 2006

READ A THIRD TIME AND PASSED THIS 26th DAY OF APRIL, 2006

"Todd Case"
Mayor – Todd Case

"Don Bruder"
Administrator/Treasurer – Don Bruder