

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 118-2004

**A BY-LAW TO REGULATE THE LOCATION AND INSTALLATION OF
OUTDOOR WOOD BURNING APPLIANCES IN THE CITY OF KENORA**

WHEREAS Section 125 of the Municipal Act 2001, provides for the regulation of location and installation of outdoor wood burning appliances; and

WHEREAS Council of the City of Kenora deems it necessary to regulate the location and installation of these heating appliances;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Kenora enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) **“Chief Building Official”** shall mean the Chief Building Official for the City of Kenora appointed by By-Law pursuant to the Building Code Act.
 - (b) **“Appliance”** means an outdoor wood-burning appliance situated outside of the main building, which it is intended to heat, using solid fuel for combustion.
2. No appliance shall be erected or installed or replaced unless a building permit for such purpose has been obtained from the Chief Building Official.
3. No appliance shall be permitted unless the Canadian Standards Association or other accredited test authority or laboratory has certified such appliance; and further that such accredited test authority or laboratory has certified any electrical component for use. The absence of a certification label shall be evidence that the components have not been certified.
4. Appliances shall not be permitted in the following Zones as in accordance with the City of Kenora’s existing Comprehensive Zoning By-Law or as amended from time to time:
- i) R1
 - ii) R2
 - iii) R3
 - iv) RM

5. No appliance shall be permitted to be installed in any other Zone unless the property wherein the appliance is installed is .8 hectares or greater in size.
6. An appliance using solid fuel and installed or erected outdoors shall be supported by a non-combustible base or foundation constructed so as to adequately support the weight of the appliance.
7. The dimensions of the base or foundation for an appliance using solid fuel and installed or erected outdoors shall be in accordance with the manufactures instructions; notwithstanding such instructions, such base or foundation shall extend a minimum of 300mm beyond the appliance on all sides.
8. The top of the chimney for an appliance using solid fuel and installed and erected outdoors shall be a minimum of 5 metres above the adjacent ground and shall be equipped with a spark arrestor and a rain cap.
9. The appliance installed or erected outdoors shall be located no less than 15 metres from any property line.
10. The appliance installed or erected outdoors shall be located no less than 15 meters from an habitable structure including habitable structure on adjacent properties.
11. The appliance installed or erected outdoors shall be located no less than 3 meters form any trees or non-habitable structures.
12. The appliance installed or erected outdoors shall be located no less than 15 meters in perpendicular distance from any Provincial Highway right of way.
13. No appliance requiring electrical connection shall be used until such appliance has be inspected by an Electrical Safety Authority or designated Electrical Contractor and further that such appliance is in compliance with the provisions as set out in the Electrical Code.

FUEL STORAGE

1. Storage facilities for fuel for an appliance installed or erected outdoors shall be located no less than 3 meters form the appliance

and the area around the storage facility and the appliance shall be kept free of combustible matter at all times.

EXEMPTIONS

1. The provisions of this By-Law shall not apply to the continued use of any appliance that does not conform to this By-Law provided that it was lawfully installed or erected pursuant to By-Law L52/93, By-Law 69-A-93 or By-Law 93-020. Such appliance shall not be replaced unless the installation of such appliance conforms to the provisions as set out within this By-Law.

VALIDITY

1. Where a provision of this By-Law conflicts with the provision of another By-Law in force within the municipality, the provision that establishes the higher standard to protect the safety of the general public shall prevail.

SEVERABILITY

1. Should any section, subsection, clause or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

ADMINISTRATION AND ENFORCEMENT

1. This By-Law shall apply to all property within the limits of the municipality.
2. Any Peace Officer or Officer of the Corporation or Officer of the Crown may enforce the provisions of this By-Law.
3. Any person who contravenes any provisions of the By-law is guilty of an offense and is liable upon conviction, to a fine of not more than Two Thousand Dollars (\$2000.00) exclusive of recoverable costs under the Provincial Offences Act.
4. This By-Law shall come into effect upon final reading thereof.

REPEAL

1. By-Laws L52/93, 69-A-93 and 93-020 are hereby repealed.

**BY-LAW READ A FIRST AND SECOND TIME THIS 27TH DAY OF
SEPTEMBER, 2004.**

**BY-LAW READ A THIRD AND FINAL TIME THIS 27TH DAY OF
SEPTEMBER, 2004.**

THE CORPORATION OF THE CITY OF KENORA

MAYOR

David Canfield

CLERK

Joanne McMillin