

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 941

Being a by-law to control and regulate the installation and use of outdoor solid fuel burning heating appliances within The Corporation of the Town of Marathon.

WHEREAS Section 210 (156) of The Municipal Act, R.S.O. 1990, Chapter M45, provides that by-laws may be passed by the Councils of local municipalities for regulating, controlling and inspecting heating and cooking appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection therewith;

AND WHEREAS Council deems it necessary and expedient to regulate and control outdoor solid fuel burning heating appliances within the Town of Marathon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

1. Definitions:

In this by-law:

- a) "Accessory" when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a main use building or structure and that is located on the same lot therewith and includes a private garage.
- b) "Appliance" shall mean a device to convert the energy in fuel to useful heat and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard.
- c) "Building" shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy.
- d) "Chief Building Official" shall mean the Chief Building Official for the Town of Marathon, appointed pursuant to the provisions of the Building Code Act.
- e) "Outdoor Solid Fuel Burning Appliance" shall mean an appliance situated outside of the building which it is intended to heat, using solid fuel for combustion.
- f) "Main Building" shall mean the building or structure in which is conducted the principal use for which the lot is used.
- g) "Rear Yard" shall mean a yard extending across the full width of a lot between the rear lot line and the main building or structure on the lot.

2. No person shall erect or install an outdoor solid fuel burning appliance unless a permit has been obtained from the Chief Building Official.

3. An application to erect or install an outdoor solid fuel burning appliance shall be in the form of an application for building permit, and the fees applicable to building permits within the Town of Marathon from time to time, shall apply equally to permits under this by-law.
4. No person shall erect or install an outdoor solid fuel burning appliance within the Town of Marathon unless it is certified for such use by an accredited Canadian test laboratory.
5. Outdoor solid fuel burning appliances shall only be permitted in areas zoned:
 - a) C3 (highway commercial)
 - b) RU (rural)
6. Every outdoor solid fuel burning appliance shall be supported on and secured to a level base constructed of concrete or other non-combustible material, and shall be designed and constructed to support the full weight of the appliance while it is in operation.
7. The dimensions of the appliance base shall be in accordance with the manufacturer's installation instructions, and where such dimensions are not provided, the base shall extend at least 18 inches beyond the appliance on any side equipped with a door, and 8 inches beyond the appliance on all other sides.
8. An outdoor solid fuel burning appliance shall be located:
 - a) Not less than 25 feet from any property line;
 - b) Not less than 25 feet from any main building;
 - c) Not less than 10 feet from any accessory building;
 - d) Only in a rear yard.
9. No person shall burn any material other than wood or wood by-products in an outdoor solid fuel burning appliance.
10. No person shall store fuel for the outdoor solid fuel burning appliance less than 10 feet from the appliance.
11. The piping connecting an outdoor solid fuel burning appliance to the building shall be installed as per the appliance manufacturers installation instructions and where such instructions are not provided shall be buried not less than 12 inches below grade and covered by non-combustible material, and the piping shall be of a type approved for use with ethylene glycol and for installation underground.
12. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than two thousand dollars (\$2,000.00), exclusive of costs, and every such fine is recoverable under the Provincial Offences Act.

13. That this by-law shall come into force and take effect on the final day of its passing.

READ A FIRST AND SECOND TIME ON THIS 25TH DAY OF July A.D. 1994.


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Mayor

(SEAL)


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Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF September A.D., 1994.


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Mayor

(SEAL)


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Clerk