



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : GEN-2021-53

**BY-LAW RELATING TO SOLID FUEL BURNING
APPLIANCES AND FIREPLACES**

DRAFT

ADOPTION PROCEDURE

Notice of motion :	May 3, 2021
Adoption - draft :	May 3, 2021
Publication:	May 7, 2021
Written public consultation:	Until May 25, 2021
Adoption of by-law :	June 7, 2021
Publication :	June 11, 2021
Coming into effect :	June 11, 2021

WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19) and section 124 of the *Act respecting land use planning and development* (CQLR, c. A-19.1), notice of motion of this by-law was given and a draft of this by-law was adopted at the regular sitting of the Municipal Council held on May 3, 2021;

WHEREAS copy of this by-law was made available to the public;

WHEREAS the Preamble forms an integral part of this by-law;

MUNICIPAL COUNCIL DECREES THE FOLLOWING:

CHAPTER I – APPLICATION

1. This by-law applies to solid fuel burning appliances and fireplaces.

CHAPTER II – RESTRICTIONS

2. For any new installation or replacement of a solid fuel burning appliance or fireplace, the appliance or fireplace must be EPA (United States Environmental Protection Agency) or CAN/CSA B415.1 (Performance Testing of Solid-Fuel-Burning Heating Appliances) certified and its emission rate must be equal to or less than 2.5 g/hr of fine particles into the atmosphere.

The obligation provided for in the first paragraph does not apply in the case of an appliance or fireplace used for cooking food, for commercial purposes, installed in a building where commercial use is authorized under the applicable municipal by-law at the time of its installation.

3. A solid fuel burning appliance or fireplace that is not EPA or CAN/CSA B415.1 certified may not be used more than once every 48 hours for a maximum period of six (6) hours.

An EPA or CAN/CSA B415.1 certified appliance or fireplace is not subject to this prohibition of use. It is the responsibility of the person who owns such solid fuel burning appliance or fireplace to prove it is certified EPA or CAN/CSA B415.1.

The prohibition of use provided for in the first paragraph does not apply in the case of an appliance or fireplace used for cooking food, for commercial purposes, installed in a building where commercial use is authorized under the applicable municipal by-law at the time of its installation.

4. No solid fuel burning appliance or fireplace may be used or left to be used when a smog warning issued by Environment Canada is in effect for a region that includes the Town of Kirkland, in whole or in part.
5. The prohibitions under sections 3 and 4 do not apply when an electrical failure affecting the building in which the solid fuel burning appliance or fireplace is located lasts more than three (3) hours.

CHAPTER III – PERMIT

6. For properties located in the Town's residential zones, a permit shall be issued free of charge for the replacement of a solid fuel burning appliance or fireplace that is not EPA or CAN/CSA B415.1 certified by an EPA or CAN/CSA B415.1 certified appliance or fireplace which has an emission rate of 2.5 g/hr or less of fine particles into the atmosphere or by a propane or natural gas powered appliance or fireplace.

However, if such replacement is done as part of other construction work, the fees specified in the Town's *By-law Establishing Tariffs for certain municipal services* shall apply.

CHAPTER IV – APPLICATION OF BY-LAW

7. Application of this by-law shall be the responsibility of the Town of Kirkland Urban Planning and Environment Department and Public Works Department.
8. Upon presentation of identification, any authorized representative of the Town of Kirkland may, for the application of this by-law, visit, examine and take photographs of any movable or immovable property.

Every person must allow this representative to enter a building without interfering with the performance of its duties.

CHAPTER V – PENAL PROVISION

9. Any person who contravenes any of the provisions of this by-law shall be liable to:
 - (1) if the offender is a physical person:
 - a) in the case of a first offence, a fine of \$250 to \$500;
 - b) in the case of a subsequent offence, a fine of \$500 to \$1,000;
 - (2) if the offender is a moral person:
 - a) in the case of a first offence, a fine of \$500 to \$1,000;
 - b) in the case of a subsequent offence, a fine of \$1,000 to \$2,000;

CHAPTER VI – FINAL PROVISION

10. Section 3.4 of the Construction by-law 90-60 is amended by repealing subsection a.1).
11. The present by-law comes into effect in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk