

BY-LAW NO. 1456 CONCERNING SOLID-FUEL HEATING AND COOKING DEVICES AND FIREPLACES

ADOPTION PROCEDURE SUMMARY	
NOTICE OF MOTION AND FILING:	MAY 13, 2019
ADOPTION OF BY-LAW:	JUNE 17, 2019
COMING INTO EFFECT:	JUNE 19, 2019

WHEREAS notice of motion was given on May 13, 2019 and the draft by-law was filed at the same council meeting;

ON JUNE 17, 2019, COUNCIL ENACTED THE FOLLOWING:

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

2. No solid-fuel-burning device or fireplace may be used or left to be used, unless it is recognized by the *United States Environmental Protection Agency* (EPA) or by the organization “Services POLYTESTS”, as part of a certification process, establishing that it has an emission rate equal to or less than 2.5 g/hr of fine particles into the atmosphere.

The prohibition under the first paragraph does not apply to a device used for cooking food, for commercial purposes, installed in a building where commercial use is authorized and installed before October 26, 2011 in accordance with the applicable municipal by-law at the time of its installation.

The prohibition under the first paragraph does not apply to an EPA or CAN/CSA-B415.1 certified pellet device installed before January 25, 2017 in accordance with the applicable municipal by-law at the time of its installation.

3. No solid-fuel-burning device 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 Mount Royal, in whole or in part.

4. The prohibitions under articles 2 and 3 do not apply when an electrical failure affecting the building in which the solid-fuel-burning device or fireplace is located lasts more than 3 hours.

5. The installation, inside a building, of any solid-fuel-burning device or fireplace is prohibited unless the device or fireplace is recognized by the *United States Environmental Protection Agency* (EPA) or by the organization “Services POLYTESTS”, as part of a certification process, establishing that it has an emission rate equal to or less than 2.5 g/hr of fine particles into the atmosphere.

For the purposes of this article, installation includes replacement.

6. Upon presentation of identification, an representative of the Town of Mount Royal Urban Planning Department or Public Security Department 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.

7. Application of this by-law shall be the responsibility of the Town of Mount Royal Urban Planning Department and Public Security Department.

8. Any person who contravenes any of the provisions of this by-law shall be liable to:
 - (1) if the offender is a natural 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;
 - (2) if the offender is a moral person:
 - a) in the case of a first offence, a fine of \$1,000 to \$2,000;
 - b) in the case of a subsequent offence, a fine of \$2,000 to \$4,000;
9. By-Law No. 1424 concerning heating and cooking appliances using solid fuel is repealed.
10. This by-law shall come into effect according to law.

However, Section 2 takes effect on September 1, 2020.

Philippe Roy
Mayor

Alexandre Verdy
Town Clerk