VILLE DE MONTRÉAL
BY-LAW
15-069

BY-LAW CONCERNING SOLID-FUEL-BURNING DEVICES AND FIREPLACES

In view of sections 4, 19 and 85 of the Municipal Powers Act (CQLR, chapter C-47.1);

In view of sections 369 and 411 of the Cities and Towns Act (CQLR, chapter C-19);

In view of section 47 of schedule C to the Charter of Ville de Montréal (CQLR, chapter C-11.4);

At its meeting of August 17, 2015, city council enacts:

CHAPTER I
GENERAL PROVISIONS

1. This by-law applies to solid-fuel-burning devices and fireplaces with the exception of a device used for cooking food, for commercial purposes, installed in a building where commercial use is authorized.

2. In this by-law, the words "authority having jurisdiction" mean the director of the *Service de l'environnement* or the director's authorized representative.

CHAPTER II
DECLARATIONS

3. The owner of a solid-fuel-burning device or fireplace must declare it to the authority having jurisdiction, within 120 days following its installation or construction, by completing, in the prescribed manner, the form in schedule A to this by-law.

The owner of an existing solid-fuel-burning device or fireplace at the date of the coming into force of this by-law must declare it, in accordance with the first paragraph, within 120 days from that date.

4. The owner who replaces or removes a solid-fuel-burning device or fireplace must declare it to the authority having jurisdiction, within 120 days of its replacement or removal, by completing, in the prescribed manner, the form in schedule A to this by-law.

CHAPTER III
USE

5. No solid-fuel-burning device or fireplace may be used or left to be used, unless it is recognized by an organization identified in schedule B to this by-law, 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 an EPA or CAN/CSA-B415.1 certified pellet device installed before this article takes effect in accordance with the applicable municipal by-law at the time of its installation.

6. 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 Montréal, in whole or in part.

7. The prohibitions under articles 5 and 6 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.

CHAPTER IV
INSPECTION AND ORDINANCE POWERS

8. Upon presentation of identification, the authority having jurisdiction may, for the application of this by-law, visit, examine and take photographs of any movable or immovable property.

Every person must allow the authority having jurisdiction to enter a building without interfering with the performance of their duties.

9. The executive committee may, by ordinance:

(1) amend or replace the declaration form for solid-fuel-burning devices and fireplaces in schedule A to this by-law;

(2) amend or replace the list of organizations in schedule B to this by-law;

(3) amend the emission rate of fine particles under article 5.

CHAPTER V
OFFENCES AND PENALTIES

10. Any person who contravenes this by-law is guilty of an offence and is liable:

(1) in the case of an individual:

(a) for a first offence, to a fine of $100 to $500;

(b) for a second offence, to a fine of $500 to $1,000;

(c) for a subsequent offence, to a fine of $1,000 to $2,000;

(2) in the case of a corporation:

(a) for a first offence, to a fine of $200 to $1,000;

(b) for a second offence, to a fine of $1,000 to $2,000;

(c) for a subsequent offence, to a fine of $2,000 to $4,000.

CHAPTER VI
PENAL PROVISIONS

11. This by-law comes into force in accordance with the law.

However, article 5 takes effect on October 1, 2018.

12. The By-law concerning the construction and conversion of buildings (11-018) is amended by replacing article 12 by the following article:

"**12.** The installation, inside a building, of any solid-fuel-burning device or fireplace is prohibited unless the device or fireplace is recognized by an organization identified in schedule B to the By-law concerning solid-fuel-burning devices and fireplaces (15-069), 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.

This by-law does not apply to a device used for cooking food, for commercial purposes, installed in a building where commercial use is authorized.

For the purposes of this article, installation includes replacement.".

SCHEDULE A
DECLARATION FORM FOR SOLID-FUEL-BURNING DEVICES AND FIREPLACES

SCHEDULE B
LIST OF ORGANIZATIONS

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on August 24, 2015.

SCHEDULE A

Montréal

ANNEX A

Mandatory declaration form for solid-fuel-burning devices and fireplaces (wood, pellets) only

1. LOCATION OF THE DEVICE OR FIREPLACE

☐ Ms. ☐ Mr.

First name

Last name

Address (Street number and street name of the property)

Postal code

Borough

☐ Owner ☐ Tenant

Telephone

E-mail

2. TYPE OF SOLID-FUEL-BURNING DEVICE

Please complete the chart below for each of your devices.
Use an extra sheet of paper if there is not enough space.

Type of device	Year of installation (approximate)	Model	Certification	Emission rate [1] If known
☐ Fireplace ☐ Wood-burning stove ☐ Pellet-burning stove			☐ Yes ☐ No	
☐ Fireplace ☐ Wood-burning stove ☐ Pellet-burning stove			☐ Yes ☐ No	
☐ Fireplace ☐ Wood-burning stove ☐ Pellet-burning stove			☐ Yes ☐ No	

1. g/hr = gram/hour, according to the EPA (Environmental Protection Agency) ville.montreal.qc.ca/woodburning

3. REPLACING OR REMOVING A DEVICE THAT HAS ALREADY BEEN DECLARED

According to chapter II of the *By-law concerning solid-fuel-burning devices and fireplaces*, owners who replace or remove their device must make a declaration to the authority having jurisdiction within 120 days of the device being replaced or removed.

If you need to change your declaration over the next few months or years, you must complete the form again, including section 3.

I hereby confirm the applicable situation concerning the device or fireplace identified in section 2 at the address provided in section 1:

☐ My fireplace or stove was removed

	Date of removal

☐ My fireplace or stove was replaced by a device that emits less than 2.5 g/hr

Manufacturer Model	Date of replacement

☐ My fireplace or stove was replaced by a device that uses another type of fuel

Type of fuel	Date of replacement

4. CONSENT

☐ I agree to let the city send me information related to the *By-law concerning solid-fuel-burning devices and fireplaces*.

5. CONFIRMATION

I certify that all information provided is accurate.

Signature	Date

This information is collected by Montréal for the purpose of enforcing the By-law concerning solid-fuel-burning devices and fireplaces. Under this by-law, providing this information is compulsory. Non-compliance with this by-law may result in a fine. Only city employees responsible for enforcing the by-law may access this information. Under the Act respecting access to documents held by public bodies and the protection of personal information, you have the right to access and rectify the information provided.

6. RETURN THIS FORM

Online
ville.montreal.qc.ca/woodburning

By postal mail
Service de l'environnement
Chauffage au bois
827, boul. Crémazie Est, suite 302
Montréal (Québec) H2M 2T8

By FAX
514 280-4230

By e-mail
environnement@ville.montreal.qc.ca

10150_08/2015

SCHEDULE B

LIST OF ORGANIZATIONS

Environmental Protection Agency (**EPA**)