

**THE CORPORATION OF THE TOWNSHIP OF
DRUMMOND/NORTHELMSEY**

SOLID FUEL BY-LAW #2012-068

**A BY-LAW TO REGULATE OUTDOOR SOLID FUEL COMBUSTION
APPLIANCES AND TO RESCIND BY-LAW 2003-42**

WHEREAS pursuant to Section 128(1) of the Municipal Act 2001 S.O. 2001 c.25, a Municipal Council is authorized to pass by-laws for prohibiting and abating public nuisances;

AND WHEREAS Section 125(1) & (2) of the Municipal Act 2001 S.O. 2001 c.25, authorizes Councils to pass by-laws 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;

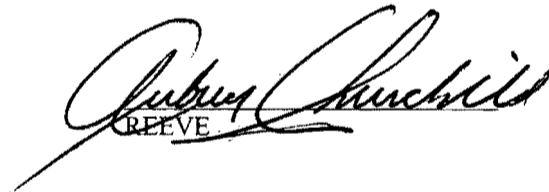
NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

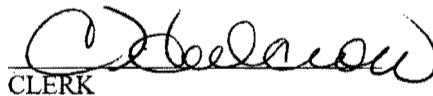
1. Definitions:
 - (a) "Outdoor" solid fuel combustion appliance (i.e. outdoor wood burning furnace), means a solid fuel burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose; and which is located in separate building or on the exterior of the building which it serves.
 - (b) "Waste" shall mean any material defined as waste in Section 25 of the Ontario *Environmental Protection Act*, R.S.O. 1990, Chapter E 19, as amended.
2. This by-law applies to all lands within the geographic limits of the Township of Drummond/North Elmsley.
3. No person shall install an outdoor solid fuel combustion appliance except in conformity to this by-law.
4. Outdoor solid fuel combustion appliances shall be permitted on a lot which has a minimum lot area of 1.2 Ha (3 acres) and the unit shall be located/installed as follows:
 - (i) at a minimum of 46 m (150ft) from all property lines;
 - (ii) at a minimum of 9 m (30ft) to any building on the property;
 - (iii) such that the perimeter ground area around the unit to a distance of 3 m (10ft.) minimum from the unit shall be of a non-combustible surface (i.e. gravel, sand, concrete pad);
 - (iv) the unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester;
 - (v) in accordance with a site location/installation as approved by the Chief Building Inspector or designate.
 - (vi) fuel shall be stored a minimum of 3 m from the appliance.
5. Notwithstanding the provisions of Clause 3, outdoor solid fuel combustion appliances are not permitted on any lot, which is located within:
 - a registered plan of subdivision;
 - within the Limited Services Residential Zone.
 - areas designated "Hamlet" in the Township's Official Plan

A By-law to Regulate Outdoor Solid Fuel Combustion Appliances

6. Where such installations are otherwise permitted in this by-law, there shall not be more than one (1) permitted per property in the Township except:
 - (a) More than one (1) outdoor solid fuel combustion appliance is permitted on a lot where it serves a permitted accessory dwelling or an agricultural building on lands which are used primarily for agricultural purposes.
7. The installation of outdoor solid fuel combustion appliances shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufacturer's installation instructions and all other applicable law.
8. No outdoor solid fuel combustion appliances shall be used for the incineration of waste.
9. Any person or persons who install, use or maintain an outdoor solid fuel combustion appliance in contravention of the provisions of this by-laws, are upon conviction, guilty of an offence and subject to a penalty pursuant to the *Provincial Offences Act* R.S.O. 1990, Chapter P.33, as amended.
10. Amendments to this by-law may be considered by Council after circulation of the proposed amendment to Township staff (including the Fire Chief) and to abutting landowners within 120 meters of the subject site. Circulated landowners would have a reasonable opportunity to present comments to Council.
11. The installation of such unit shall require a permit to be issued by the Chief Building Official to ensure compliance with this By-law. The permit fee is as set out in the Tariff of Fees Schedule.
12. That By-law 2003-042 is and shall be repealed.
13. This by-law shall come into force and effect on the day of passing.

By-law read a first, second and third time and finally passed this 27th day of November 2012.


REEVE


CLERK