

The Corporation of the Township of North Frontenac

By-law #14-20

Being a By-law to Regulate the Location, Installation and Operation of Outdoor Solid-Fuel Combustion Appliances

Whereas Section 125 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides a local municipality may regulate the use and installation of heating and cooking appliances and the storage of fuel for use in heating and cooking appliances;

And Whereas Section 128 of the Municipal Act provides that Municipal Councils may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas Section 436 of the Municipal Act enables a municipality to enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of a By-law of the municipality are being complied with;

Now Therefore the Council of the Corporation of the Township of North Frontenac hereby enacts as follows:

1. Title and Application

- a) This By-law shall be sited as the “Outdoor Solid-Fuel Combustion Appliances” By-law.
- b) This By-law applies to all lands within the geographic limits of the Township of North Frontenac.

2. Definitions

- a) “**Dwelling**” means a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. For the purposes of this By-law, dwelling shall not include a tent, bus, boat, vessel, motor vehicle or recreational vehicle.
- b) “**Municipal By-law Enforcement Officer**” means the designated by-law enforcement officer(s) of the Township of North Frontenac.
- c) “**Outdoor Solid-Fuel Combustion Appliance**” means an outdoor wood-burning appliance or 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 a separate building or on the exterior of the building or buildings which it serves.

- d) **“Waste”** means any material defined as waste in the Ontario Environmental Protection Act, as amended.

3. Scope

- a) No Outdoor Solid-Fuel Combustion Appliance shall be used for the incineration of waste.
- b) No person shall install or operate an Outdoor Solid-Fuel Combustion Appliance without a Building Permit issued by the Building Department in advance in accordance with the Ontario Building Code.
- c) No person shall install or operate an Outdoor Solid-Fuel Combustion Appliance which is not certified by the Canadian Standards Association (CSA).
- d) No person shall install an Outdoor Solid-Fuel Combustion Appliance which is not in compliance with the Ontario Building Code, the Fire Prevention and Protection Act, the Ontario Fire Code, the manufacturer’s installation instructions and all other applicable law.
- e) No Outdoor Solid-Fuel Combustion Appliance shall be installed closer than:
 - i) 40 metres to a dwelling, excluding the dwelling on the same property;
 - ii) 15 metres from any front yard or exterior side yard as defined in the Township’s Zoning By-law;
 - iii) 7 metres from any interior side or rear lot line, as defined in the Township’s Zoning By-law;
 - iv) 10 metres from any structure on the same lot;
 - v) 2 metres from any combustible materials;
 - vi) 5 metres from any forest or woodland; and
 - vii) 3 metres from any overhanging vegetation.
- f) The perimeter of the ground area around the Outdoor Solid-Fuel Combustion Appliance to a distance of 3 metres (10 feet) minimum shall be of a non-combustible surface (i.e. gravel, sand, concrete pad).
- g) A maximum of one (1) Outdoor Solid-Fuel Combustion Appliance shall be permitted per property.
- h) The setback and installation requirements of this By-law does not apply to any Outdoor Solid-Fuel Combustion Appliance installed prior to the passing of this By-law and the replacement of an Outdoor Solid-Fuel Combustion Appliance provided it does not decrease any existing setbacks.
- i) No person shall cause or allow emissions of air contaminants from any Outdoor Solid-Fuel Combustion Appliance to the outdoor atmosphere that unreasonably

interferes with the normal enjoyment of human life and property, including causing a visible plume migrating from an outdoor wood burning appliance and contacting buildings, structures and persons on adjacent properties; and excessive smoke, odour, dust, airborne sparks, embers or impaired visibility on a public road.

4. Enforcement

- a) The By-law Enforcement Officer shall enforce this By-law.

5. Offences

- a) Any person who contravenes this By-law is guilty of an offence and upon conviction is liable to payment of a fine or other penalty as set out in the Provincial Offences Act.

6. Application

- a) Any section, subsection or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.
- b) This By-law shall come into force and take effect immediately upon the date of passing.

Read a first and second time this 28th day of February 2020.

Read a third time and passed this 28th day of February 2020.

Mayor

Clerk