

**THE CORPORATION OF THE
TOWNSHIP OF OTONABEE-SOUTH MONAGHAN**

By-Law No. 2001-60

**BEING A BY-LAW TO REGULATE THE LOCATION AND INSTALLATION
OF OUTDOOR SOLID-FUEL BURNING APPLICANCES.**

WHEREAS Section 210 ss 49 of the Municipal Act R.S.O. 1990, as amended, provides that councils of local municipalities may pass bylaws for making such other regulations for preventing fires and the spread of fires as the councils consider necessary; and

WHEREAS Section 210 ss156 of the Municipal Act R.S.O. 1990, as amended, provides for regulating, controlling and inspecting heating appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection thereof; and

WHEREAS Section 210 ss 140 of the Municipal Act R.S.O. 1990, as amended, provides for prohibiting and abating public nuisances; and

WHEREAS the Council of the Corporation of the Township of Otonabee-South Monaghan deems it appropriate and in the public interest to regulate the location and installation of Outdoor Solid-Fuel Burning Appliances for reasons of fire safety, and to control and abate the effect of smoke from these appliances;

NOW THEREFORE the Council of the Corporation of the Township of Otonabee-South Monaghan enacts as follows:

1. **Definitions:**
 - a) "Chief Building Official" means the Chief Building Official for the Township of Otonabee-South Monaghan appointed pursuant to the provisions of the Building Code Act.
 - b) "appliance" means an outdoor solid-fuel burning device situated outside the main building which it is intended to heat, using solid fuels for combustion.
2. No appliance shall be erected or installed unless a Building Permit has been obtained from the Chief Building Official.
3. No appliance shall be permitted unless such appliance has been certified by Canadian Standards Association (CSA), or other accredited test laboratory recognized by the Ontario Building Code 1997, as amended June, 1999.
4. An appliance, as defined in Section 1(b), shall only be permitted in accordance with the provisions of Section 4 of this by-law:
 - a) A new installation shall be permitted if it is located at least 1000 feet from an existing neighbouring residence.
 - b) A new installation shall be permitted if it is located at least 1000 feet from a commercial, industrial or institutional "building", as defined in the Ontario Building Code Act.
 - c) This by-law does not apply to existing appliances.
 - d) This by-law does not take precedence over the Planning Act, R.S.O. 1990 as amended. If an application for a new lot

severance, or an application for a building permit for construction on existing lots of record, within 1000 feet of an existing installed appliance is received by the Township, it will be assumed that the applicant has full knowledge of, and accepts the fact that an appliance exists. The Township of Otonabee-South Monaghan assumes no responsibility to inform applicants for severance or building permits that an installed appliance is located within 1000 feet of the property subject to the application.

5. Every appliance shall be supported by a base constructed of concrete or other non-combustible material, and shall be constructed to adequately support the weight of the appliance while in operation
6. The dimensions of the base of the appliance shall be in accordance with the manufacturers installation instructions or where such instructions or dimensions are not provided, the base shall extend a minimum of 0.3m (12 inches) beyond the side and back of the unit and 0.6m (24 inches) beyond the front of the unit.
7. The chimney of the appliance shall be equipped with a spark arrester and rain cap.
8. An appliance shall be installed and located:
 - a) not less than 7.6m (25 feet) from any property line;
 - b) not less than 15.2m (50 feet) from the principal building or dwelling on the applicants property;
 - c) not less than 3m (10 feet) from any accessory building on the applicants property;
 - d) only in the rear or side yard.
9. The piping for the appliance to the principal building shall be located in a trench covered with non-combustible material. Underground pipe shall be of an approved material in order to guard against failure and subsequently environmental damage.
10. Fuel for the appliance shall be stored not closer that 3m (10 feet) from the appliance.
11. Fuel used in the appliance shall be wood or wood by-products only.
12. Nothing in this by-law alleviates the responsibility of the owner of the appliance from any adverse affects or decrease in visibility on Highways or Roadways that may be caused by the operation of the appliance. The owner shall be deemed responsible for all operations of the appliance.
13. Any person who contravenes any provision of this by-law, shall forfeit and pay a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offenses Act.
14. That this by-law shall come into force and take effect on the final passage thereof.

Read a first and second time this 1st day of October, 2001.

Read a third time and finally passed this 1st day of October, 2001.


Reeve


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