

**OUTDOOR APPLIANCE  
BY-LAW NUMBER # 04-2010**

**BEING** a By-law to regulate outdoor solid fuel combustion appliances

WHEREAS the Municipal Act, 2001, Section 128 states that a local municipality 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 the Municipal Act, 2001, Section 129 states that a local municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS the Municipal Act, 2001, Section 125 stated that a local municipality may regulate the use and installation of heating and cooking appliances;

NOW THEREFORE the Council of the Corporation of the Township of North Glengarry enacts as follows:

1. Definitions:

(a) "Outdoor solid fuel combustion appliance" (i.e. outdoor wood burning furnace) means only a certified solid fuel burning appliance, which is used for the space heating of building, the heating of water or other such purpose; and which is located in a separate building or on the exterior of the building which it serves.

(b) "Certified", means an appliance, its components and accessories which has been investigated, tested and suitably marked with a label by a recognized testing agency as conforming to recognized standards, requirements or accepted test reports. Certified equipment shall be installed in accordance with the manufacturer's installation instructions.

(c) "Waste" shall mean any material defined as waste in the Ontario Environmental Protection Act, as amended.

2. This by-law applies to all lands within the geographic limits of the Township of North Glengarry.

3. Outdoor solid fuel combustions 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 meters (150 feet) from all property lines;

(ii) at a minimum of 9 meters (30 feet) from any building on the property, or other distance by an approved testing agency, as detailed in manufacturer's installation instructions.

(iii) Such that the perimeter ground area around the unit to a distance of 3 meters (10 feet) minimum from the unit shall be of 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 Township.

4. 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

- the following land use designations as identified in the Township's Official Plan document: SETTLEMENT AREA; RESIDENTIAL.

5. Where such installations are otherwise permitted in this By-law, the following exemptions may apply

(a) Outdoor wood burning appliances installed prior to the passage of this by law, March 22 2010 shall be exempt from the set back requirements of section 3. Outdoor wood burning appliances installed prior to the passage of this by law March 22, 2010 shall be exempt from the requirement of section 4 of by law #04-2010.

Outdoor wood burring appliance installed prior to the passage of by law #04-2010 shall conform to all other sections of by law # 04-2010.

(b) Where as one (1) Outdoor solid fuel combustion appliance shall be permitted on a lot, 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.

6. The installation of outdoor solid fuel combustion appliance shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufactures installation instructions and all other applicable law.

7. No outdoor solid fuel combustion appliances shall be used for the incineration of waste.

8. Any person or persons, who install, use or maintain an outdoor solid fuel combustion appliance in contravention of the provisions of the By-law, are upon conviction, guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act, as amended.

9. This by-law will come into effect on the day of its passing hereof.

**READ** a first, second and third time and adopted this 22<sup>nd</sup> day of March, 2010.

\_\_\_\_\_  
Terry Hart - Clerk Administrator.

\_\_\_\_\_  
Mayor

I hereby certify that the foregoing is a true copy of By-law No. 04-2010 which was duly passed by Council, of the Corporation of the Township of North Glengarry on 22<sup>nd</sup> day of March, 2010.

\_\_\_\_\_  
Date Certified

\_\_\_\_\_  
Clerk/Acting Deputy Clerk