

# The Corporation of the Township of Springwater

## By- Law 2007 - 098

**Being a By-law to regulate and control installation and use of Outdoor Solid Fuel Combustion Appliances.**

### **(Outdoor Furnace By-law)**

**Whereas** Section 125 Municipal Act, 2001, S.O. 2001, as amended authorizes the Council of the Corporation of the Township of Springwater to 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 Municipal Act, 2001, S.O. 2001, as amended authorizes the Council of the Corporation of the Township of Springwater to regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. Being a by-law to prohibit or regulate Outdoor Solid Fuel Combustion Appliances;

**Now Therefore** the Council of the Corporation of the Township of Springwater enacts as follows:

#### **1 Definitions**

For the purpose of this By-law:

- 1.1 **Chief Building Official:** shall mean the Chief Building Official appointed under Section 3 of the Building Code Act S.O. 1992, as amended having jurisdiction for the enforcement of the Building Code Act, the Building Code and this By-law within the Corporation of the Township of Springwater;
- 1.2 **Municipality:** shall mean the Corporation of the Township of Springwater
- 1.3 **Outdoor Solid Fuel Combustion Appliance:** shall mean an appliance, portable or fixed in place, constructed of non-combustible material, that contains a chamber located within the firebox of the appliance used to contain a combustible flame, a stack to control the flow of air or combustion gases from the appliance, a spark arrestor located at the end of the stack to control disbursement of sparks, and is enclosed on all sides;
- 1.4 **Person(s):** shall mean an individual human being, association, firm, partnership, private club, incorporated company, corporation, agent or

trustee and theirs, executor or other legal representatives of a person to whom to context may apply according to law;

1.5 **Fire Chief:** means a person appointed by Council under the Fire Protection and Prevention Act or designate;

1.6 **Waste:** shall include but is not limited to used vehicle bodies, tires, oil, grease, paint, cloth, rags, plastics, kitchen waste, food scraps, leaves, brush, grass and vegetation clippings, pine needles, peat moss or other material which contents include the aforementioned.

## 2 **Permit Requirements & Fees**

2.1 The installation of an Outdoor Solid Fuel Combustion Appliance shall require a permit to be issued by the Chief Building Official to ensure compliance with this By-law.

2.2 The permit fee shall be in accordance with the Township of Springwater Building Services Manual.

2.3 Outdoor solid fuel combustion appliances shall be permitted on a lot in the Township of Springwater which has a minimum lot area of 2 Ha (4.9 Acres) and the unit shall be located/installed as follows:

- a) a minimum of 20 metres of any lot line;
- b) a minimum of 50 metres of any other existing dwelling
- c) a minimum of 30 metres of any land in Residential Zoning category as defined in the Zoning By-law No. 5000 as amended, being the comprehensive Zoning By-law for the Township of Springwater;
- d) the unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester;
- e) the perimeter ground around the unit be a minimum 3m (10 feet) and shall be a non-combustible surface (such as concrete pad, gravel, patio stones or sand)
- f) in approval of a site location and installation by the Chief Building Official or any other designate appointed for the enforcement of this By-Law;
- g) shall be in compliance with the Ontario Building Code, Fire Code, Environmental Protection Act, the manufacturer installation instructions and all other applicable legislation.

### 3 Prohibitions

- 3.1 Notwithstanding the provisions in Section 2, Outdoor Solid Fuel Combustion Appliances are not permitted on any lot, which is located within:
- a) a registered plan of subdivision;
  - b) an area within all residential zoning categories under Springwater Zoning By-Law 5000, as amended.
- 3.2 Where such installations are otherwise permitted, there shall be no more than one (1) unit permitted per property within the municipality except where;
- a) the additional unit on the property is a minimum distance of 60 metres (197 feet) from the primary unit.
- 3.3 No person shall use an Outdoor Solid Fuel Combustion appliance for the incineration of waste.

### 4 Offences

- 4.1 Any person(s) who install, use or maintain an Outdoor Solid Fuel Combustion Appliance in contravention of the provisions of this By-Law, are upon conviction guilty of an offence and are subject to a penalty pursuant to the Provincial Offences Act R.S.O 1990, Chapter P.33, as amended.

### 5 Enactment

- 5.1 This By-Law shall come into force and effect on the day of passing.

**Read a first, second and third time and finally passed this 1<sup>st</sup> day of October, 2007.**

**The Corporation of the Township of Springwater**

(Original Signed By)

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**Mayor Tony Guergis**

(Original Signed By)

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**Clerk Carey deGorter**