

## **SOUTH FRONTENAC TOWNSHIP**

### **BY-LAW 2017-50**

#### **A BY-LAW TO REGULATE OUTDOOR SOLID FUEL BURNING APPLIANCES, IN ACCORDANCE WITH THE MUNICIPAL ACT, 2001.**

**WHEREAS** the Municipal Act 2001 authorizes Councils to pass by-laws on matters related to regulating public nuisances;

**AND WHEREAS** outdoor solid fuel burning appliances have the potential to be a public nuisance;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:**

**1. Definitions:**

- a. "PM Certified" when referring to an outdoor solid fuel burning appliance shall mean an appliance which has been proven to meet "particulate matter emissions standards" set by the US Environmental Protection Agency (EPA) (Title 40, Part 60, Subpart AAA Standards of Performance for New Residential Wood Heaters) or equivalent standards set by the Canadian Standards Association (CSA) (B415.1-10 Performance Testing of Solid-Fuel-Burning Heating Appliances). An outdoor solid fuel burning appliance shall be deemed certified and in compliance with these standards when the manufacturer or importer of the appliance has been issued a certification of compliance or approval by the US EPA or the CSA and the appliance bears the mark of conformity with the noted standards.
- b. "lot" shall mean a parcel of land or contiguous parcels of land which is described in a deed or other document legally capable of conveying an interest in land and which deed is on record in the Registry Office or Land Titles Office; or shall mean a parcel land shown as a lot or block on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-Law passed pursuant to Section 50.4 of The Planning Act, as amended from time to time.
- c. "outdoor solid fuel burning appliance" (OSFBA) means a solid fuel burning appliance, which is designed and intended for the space heating of buildings, through the heating of water or air and which is housed or situated in an out-building or otherwise physically separated from the building to which it serves. All such appliances shall be certified by CSA but not necessarily "PM certified".
- d. "solid fuel" means biomass fuels such as dry seasoned wood, wood chips, peat logs, wood and paper pellets, and kernel corn. The term "solid fuel" does not include coal.
- e. "waste" shall mean any material defined as waste in the Ontario Environmental Protection Act, as amended, examples of which would include garbage, plastics, treated or painted wood, demolition debris, rubber or unseasoned wood products.

2. This By-law applies to all lands within the geographic limits of the Township of South Frontenac.
3. An OSFBA shall be located on a lot in accordance with the following setbacks:
  - a. Shall not be permitted in a front yard or exterior side yard as defined in the Township of South Frontenac Comprehensive Zoning By-law;
  - b. Shall meet the minimum side and rear yard setback provisions for the principal building of the zone in which the property is located as defined in the Township of South Frontenac Comprehensive Zoning By-law;
  - c. A PM Certified OSFBA shall not be closer than 40 m (150 feet) to a residential dwelling on a neighbouring property;
  - d. A non-PM Certified OSFBA shall not be closer than 80 m (250 feet) to a residential dwelling on a neighbouring property.
4. Notwithstanding the provisions of Clause 3 an OSFBA shall not be permitted within the boundaries of a "Settlement Area" (i.e. hamlet or village) as identified in the South Frontenac Official Plan or on a lot which is located within a registered plan of subdivision or condominium.
5. Where OSFBA installations are otherwise permitted in this By-law, there shall not be more than one (1) permitted per lot, except where additional OSFBA serves a permitted accessory dwelling or agricultural building on lands which are used primarily for agricultural purposes.
6. The installation of OSFBA shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufacturer's installation instructions and all other applicable law. This shall include the base and surrounding area on which the OSFBA is located and the chimney servicing the OSFBA.
7. No OSFBA shall be used for the incineration of waste and shall only burn dry seasoned wood or other similar solid fuel in accordance with manufacture's specifications.
8. This By-law shall not apply to any OSFBA which was in existence on the date of the passing of this By-law. When replacing an existing OSFBA the new unit shall meet the setback requirements of Clause 3, above. The replacement of an existing OSFBA within a settlement area or registered plan or subdivision or condominium may be permitted provided the setback requirements of Clause 3 are met.
9. No OFSBA shall unreasonably interfere with another individual's reasonable use and enjoyment of their property. If an OFSBA is deemed by Council to be a public nuisance, it shall take the necessary actions to rectify the situation, including but not limited to seeking injunctions restraining offending individuals from operating OFSBA.
10. Generally, OFSBA should not be operated between May 1<sup>st</sup> and October 1<sup>st</sup> except where there is unseasonably cold weather which requires space heating.
11. All new OSFBA shall require a building permit issued by the Municipality prior to installation. For the purpose of this By-law an OSFBA shall be deemed to be a "wood stove" in Table 1 of the Building By-law #2014-26.

12. Any person or persons who installs, uses or maintains an OSFBA in contravention of the provisions of this By-law are, upon conviction, guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act.
13. All other by-laws, resolutions or action of Council that are not consistent with or which are contrary to the provisions of this by-law are hereby repealed.
14. This by-law shall come into force and take effect on September 5, 2017.

**Dated at Sydenham this 5<sup>th</sup> day of September, 2017**

**Read a first and second time this 5<sup>th</sup> day of September, 2017.**

**Read a third time and finally passed this 5<sup>th</sup> day of September, 2017.**

**The Corporation of the  
Township of South Frontenac**



**Mayor Ron Vandewal**



**Wayne Orr  
Chief Administrative Officer**