

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW # 2009-18**

BEING a By-Law to control and regulate the location, installation and operation of outdoor solid fuel combustion appliances.

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 11.(2) 6, as amended, enables the Council of a municipality to pass by-laws relating to the health, safety and well being of persons;

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 129, as amended, enables a municipality to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS, the Municipal Act, S.O. 2001, c.25, Section 125, as amended, enables a municipality to regulate the use and installation of heating and cooking appliances; and the storage for fuel for use in heating and cooking appliances;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 128 (1), as amended, enables a municipality to prohibit or 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, S.O. 2001, c25, Section 436, as amended, enables a municipality to enter on 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;

AND WHEREAS Council believes it is necessary to regulate and control the location, installation and operation of outdoor solid fuel combustion appliances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK ENACTS AS FOLLOWS:

1. DEFINITIONS:

For the purposes of this By-law, the following definitions shall apply:

- (a) "outdoor solid fuel combustion appliances" shall mean a 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 separate building or on the exterior of the building and/or structure for which it serves;
 - (b) "appliance" shall mean an outdoor solid fuel combustion appliance
 - (c) "building" shall mean any edifice, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals, or chattels other than a lawful boundary wall or fence;
 - (d) "structure" shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a swimming pool;
 - (e) "rear yard" shall mean an area extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot;
 - (f) "side yard" shall mean an area extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard;
 - (g) "non-combustible surface" shall mean a material that meets the acceptance criteria of CAN4-S114 Standard Method of Test for Determination of Non-Combustibility in Building Materials as per the Ontario Building Code.
2. This by-law applies to all lands within the geographic limits of the Township of East Zorra-Tavistock.
 3. When permitted under the provisions of this by-law, the installation of outdoor solid fuel combustion appliances shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufacturer's installation instructions and all applicable law.
 4. Outdoor solid fuel combustion appliances are not permitted on any lot, which is located within:
 - (a) a registered plan of subdivision;

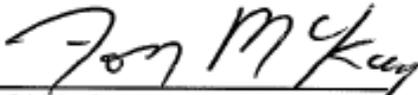
- (b) Settlement Areas and Rural Clusters as identified in the County of Oxford Official Plan;
 - (c) Any lot zoned as Recreation or Open Space, as defined in the Township Zoning By-law.
5. Notwithstanding Section 4, outdoor solid fuel combustion appliances shall be permitted, subject to compliance with all of the following provisions:
- (a) Located at least 304.8 metres (1,000 feet) from a Settlement Area or Rural Cluster as identified in the County of Oxford Official Plan;
 - (b) located at least 304.8 metres (1,000 feet) from an existing neighbouring residence;
 - (c) located at least 304.8 metres (1,000 feet) from a vacant residential lot;
 - (d) located at least 304.8 metres (1,000 feet) from a building in a commercial, industrial, institutional or agri-business zone, as set out in the Township Zoning By-law;
 - (e) located at least 304.8 metres (1,000 feet) from a REC or OS Zone, as set out in the Township Zoning By-law;
 - (f) located on a lot which has a minimum lot area of 0.8 Ha (2 acres);
 - (g) located a minimum of 45.72 metres (150 feet) from all property lines;
 - (h) located only in the rear or side yard;
 - (i) located a minimum of 15.24 metres (50 feet) away from any building, except for other outdoor solid fuel combustion appliances, on the property or as specified in the manufacturer's installation instructions, whichever is greater;
 - (j) the surface area around the appliance shall be composed of a non-combustible material for a distance of at least 3.05 metres (10 feet) in all directions or as specified in the manufacturer's installation instructions, whichever is greater;
 - (k) the units chimney cap shall be fitted/equipped with a rain cap/spark arrester;
 - (l) the appliance is equipped with a chimney conforming to the

standard for 650 degree Celsius factory built chimneys, CAN/ULC – S629OM87, and such chimney shall have a minimum height of 4.9 metres (16 feet) above the base of the appliance;

- (d) in accordance with a site location/installation as approved by the Chief Building Inspector or designate.
6. Where outdoor solid fuel combustion appliances are permitted in this by-law, there shall not be more than one (1) permitted per property in the Township except:
 - (a) 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. This would be limited to 3 such appliances as complied with the required setback.
 7. No appliance shall be erected or installed unless a Building Permit has been obtained from the Chief Building Official or designate.
 8. No appliance shall be erected or installed unless approval is granted from the Township Fire Chief or designate.
 9. In addition to completing the “Application for a Permit to Construct or Demolish” Form required under the Ontario Building Code, Schedule “A” attached hereto and forming part of this by-law shall be completed and accompany the “Application for a Permit to Construct or Demolish” Form.
 10. 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.
 11. 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.
 12. Fuel for the appliance shall be stored at least 3 metres (10 feet) away from the appliance or as specified in the manufacturer’s installation/operation instructions, whichever is greater.
 13. No outdoor solid fuel combustion appliances shall be used for the incineration of waste. Fuel used in the appliance shall be wood only.

14. If an application for a new lot severance, or an application for a building permit for construction on existing lots of record, within 304.8 meters (1,000 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 assumes no responsibility to inform applicants for severance or building permits that an installed appliance is located within 304.8 metres (1,000 feet) of the property subject to the application.
15. Should a property with an appliance on it, be the subject of a Consent or other planning application, if the required setbacks cannot be maintained, the appliance would have to be removed or relocated.
16. The provisions of this by-law shall be enforced by a Township By-law Enforcement Officer or other individual duly appointed for the purpose of enforcing this by-law.
17. A Township By-law Enforcement Officer is authorized to enter onto land to conduct an inspection to determine whether the provisions of this by-law are being complied with.
18. Any person who contravenes any of the provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P33.
19. This by-law does not apply to outdoor solid fuel combustion appliances installed at the time of passing this by-law; however, if an existing appliance is removed for whatever reason, any new installation must comply with this by-law.
20. Amendments to this by-law may be considered by Council after submission of the proposed amendment to Township staff and Township circulation to abutting landowners within 120 metres of the subject site. Circulated land owners would have a reasonable opportunity to present comments to Council. There shall be an administrative fee of \$200.00 charged to the applicant for this process.
21. Site specific amendments to this by-law shall be contained in Schedule "B" attached hereto and forming part of this by-law.
22. This by-law shall be called the "Outdoor Solid Fuel Combustion Appliance By-law".
23. 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 6th
DAY OF MAY, 2009.


DON MCKAY, MAYOR


JEFF CARSWELL, CLERK

seal

Schedule "A" to By-law #2009-18

APPLICATION TO PERMIT AN OUTDOOR SOLID FUEL COMBUSTION APPLIANCE

This form must be completed in addition to the "Application for a Permit to Construct or Demolish" Form. Attach this form and related information to the "Application for a Permit to Construct or Demolish" Form.

Appliance Contractor/Installer

Name: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Property/Planning Information

Settlement/Rural Cluster Area: _____

Official Plan Designation: _____

Zoning: _____

Lot Size (dimensions, area): _____

Proposed Appliance Installation Information

Dimensions of Proposed Appliance:

Length _____ Width _____ Height _____ Area _____

Number of Appliances to be Installed: _____

Use of Proposed Structure:

- Agricultural Commercial Industrial Residential Other

Setbacks From Proposed Appliance to Lot Lines (Viewed from Road)

Left Side Yard _____ Right Side Yard _____

Rear Yard _____ Front Yard _____

Distance From Proposed Appliance to Other Structures on the Property

Structure	Distance

Distance to nearest neighbouring property restriction(select applicable item):

Settlement Area: _____

Residence: _____

Vacant Residential Lot: _____

Commercial, Industrial, Institutional, Agri-Business Building: _____

REC or OS Zoned Property: _____

Manufacturer Information:

Make/Model: _____

CSA Certifications: _____

Attach a copy of the manufacturer’s installation instructions.

Ground Cover:

Describe the ground cover which will extend at least 3 m (10 ft) around the appliance:

***NOTE:** Applicants are required to submit a site sketch showing all applicable setbacks and distances to other buildings on the site. It is recommended that applicants determine the setback from the nearest neighbour, neighbouring properties and settlement areas. This information can be determined by using the County of Oxford – Online Interactive Maps available at:

<http://maps.county.oxford.on.ca/landplan/>

Office Use Only:

Planning information confirmed Y / N
On lot setbacks confirmed Y / N
Setback from nearest neighbour confirmed Y / N
Appliance information satisfactory Y / N
Appliance installation instructions attached Y / N

Chief Building Official Review

Approved: YES / NO

Conditions:

Date: _____

Signature: _____

Fire Chief Review

Approved: YES / NO

Conditions:

Date: _____

Signature: _____

Schedule "B" to By-law #2009-18

Site Specific Amendments

Notwithstanding the provisions contained in By-law #2009-18, the following site specific amendments to the by-law shall apply:

Location

Site Specific Amendment