

**The Corporation of the Township of
Smith-Ennismore-Lakefield**

By-law Number 2012-086

Being a By-law to Regulate Outdoor Solid Fuel Combustion Appliances

Whereas the Council of the Corporation the Township of Smith-Ennismore-Lakefield is empowered by Subsection 125 of the Municipal Act 2001, S.O., c.25, to regulate the uses and installation of heating and cooking appliances;

Now Therefore the Council of the Corporation of the Township of Smith-Ennismore-Lakefield enacts as follows:

1. Definitions
 - a) **“Lot”** shall mean a parcel of land described in deed or other document legally capable of conveying an interest in land or designated by an original survey or by a registered plan.
 - b) **“Outdoor Solid Fuel Combustion Appliance”** shall mean an outdoor wood-burning furnace or other solid fuel burning appliance which is used for the space heating of buildings, the heating of water or other such purpose, and which is otherwise physically separated from the building to which it serves.
 - c) **“Waste”** shall mean any material defined as “waste” in Section 25 of the Environmental Protection Act, R.S.O. 1990, Chapter E19, as amended.
2. Subject to Section 3 hereof, this By-law applies to all lands within the geographic limits of the Corporation of the Township of Smith-Ennismore-Lakefield.
3. The provisions of this By-law (save and except those that regulate use and maintenance) shall not apply in respect of any lands upon which an Outdoor Solid Fuel Combustion Appliance has been installed prior to the passage date of this By-law provided that it complied with all regulations in place at the time and the physical location of such appliance, or any replacement thereof, remains unchanged.
4. No person shall use or install an Outdoor Solid Fuel Combustion Appliance on a Lot unless:
 - a) The lot is situated in an area which is zoned in the Township’s Comprehensive Zoning By-law as Agricultural, Rural, or Rural Residential.
 - b) On all Lots the following is required:
 - i) A minimum lot area of (1.2) hectares (three (3) acres);
 - ii) Outdoor Solid Fuel Combustion Appliances shall be located not less than 30 metres (100 feet) from all lot lines;
 - iii) Outdoor Solid Fuel Combustion Appliances shall be located not less than 15 metres (50 feet) from any building or structure on the same lot, except a solid fuel storage structure;
 - iv) Outdoor Solid Fuel Combustion Appliances shall be no closer than 150 metres (492 feet) to a residential dwelling on a adjacent lot; and
 - v) A maximum of one (1) Outdoor Solid Fuel Combustion Appliance is permitted on one (1) lot; except in the case where it

serves a permitted agricultural building on lands which are used primarily for agricultural purposes;

- c) The Outdoor Solid Fuel Burning Combustion Appliance has a chimney which projects a minimum of 3.66 metres (12 feet) above adjacent grade and is fitted with a rain cap equipped with a spark arrestor to manufacturer's specifications;
 - d) The installation and maintenance of the Outdoor Solid Fuel Combustion Appliance is in compliance with:
 - i) The Ontario Building Code;
 - ii) The Fire Code;
 - iii) The manufacturers installation instructions and specification, including any recommended separation distances; and
 - iv) All other applicable law; and
 - e) A Building Permit has been issued for the installation of the Outdoor Solid Fuel Combustion Appliance by the Township of Smith-Ennismore-Lakefield.
5. No person shall use an Outdoor Solid Fuel Combustion Appliance unless the area around it and under it:
- a) Is comprised of gravel, sand or some other non-combustible material not less than 10 cm (4 inches) in depth;
 - b) Extends radially a minimum of one (1) metre (three (3) feet) from all exterior sides of the Outdoor Solid Fuel Combustion Appliance; and
6. No person shall use an Outdoor Solid Fuel Combustion Appliance for the incineration of Waste and shall only burn dry, seasoned wood or other similar solid fuel product in accordance with the manufacturer's specifications.
7. No Outdoor Solid Fuel Combustion Appliance shall be installed or maintained except in compliance with the requirements of this By-law, including all minimum lot area, separation distance and regulatory requirements under Section 4 thereof.
8. A Township By-law Enforcement Officer may, during daylight hours and upon producing identification, enter upon and inspect any land in order to ensure compliance with this By-law.
9. No person shall obstruct, hinder, delay or prevent a municipal By-law Enforcement Officer in the exercise of his or her inspection powers pursuant to this By-law.
10. Any person or persons, who install(s), use(s) or maintain(s) an Outdoor Solid Fuel Combustion Appliance in contravention of the provision of this By-law, are upon conviction, guilty of an offence and subject to a penalty pursuant to the Provincial Offices Act, as amended.
11. This By-law will come into effect on the day of its passing hereof.
12. By-law No. 2011-052, being a By-law to regulate Outdoor Solid Fuel Combustion Appliances is hereby repealed.

Read a first, second, and third time and finally passed this 13th day of November A.D., 2012.

Mary Smith, Mayor

Angela Chittick, Clerk

Corporate Seal