

**THE CORPORATION OF THE TOWNSHIP OF
GALWAY-CAVENDISH AND HARVEY**

BY-LAW B2008 - 103

**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 Township of Galway-Cavendish & Harvey hereby 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 a 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 Galway-Cavendish & Harvey.
3. Outdoor solid fuel combustion appliances shall be permitted on a lot which had a minimum lot area of 1.2 ha (3 acres) and the unit shall be located/installed as follows:
 - a. at a minimum of 30 meters (100 feet) from all property lines;
 - b. 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 the manufacturer's installation instructions.
 - c. 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. sand, gravel, concrete pad);
 - d. The unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester;
 - e. In accordance with a site location/installation as approved by the Township of Galway-Cavendish & Harvey.

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 designation as identified in the Township's Official Plan document: Hamlet Area.
5. Where such installations are otherwise 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.
6. 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 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 this By-law, are upon conviction, guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act, as amended.
9. Amendments to this By-law may be considered by Council after circulation of the proposed amendment to Township staff and to abutting land owners within 120 meters of the subject site. Circulated landowners would have a reasonable opportunity to present written or oral comments to Council. There shall be an administrative fee of \$200.00 charged to the applicant for this process.
10. Amendments authorized by Council shall be attached to this By-law as "Appendix A".
11. The installation of an outdoor solid fuel combustion appliance shall require a permit to be issued by the Township to ensure compliance with this By-law. The permit fee shall be \$100.00.
12. That by-law B2001-62 be repealed in its entirety.
13. This by-law shall come into force and effect on the day of passing.

READ A FIRST TIME THIS 21ST DAY OF OCTOBER, 2008.

READ A SECOND TIME THIS 21ST DAY OF OCTOBER, 2008.

READ A THIRD TIME AND FINALLY PASSED THIS 21ST DAY OF OCTOBER, 2008.

Tom Flynn, Reeve

Natalie Garnett, Clerk

Appendix "A"

Amendments under Section 9