

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BY-LAW NO. 2005-03

**BEING A BY-LAW REGULATING
OUTDOOR SOLID FUEL COMBUSTION APPLIANCES**

WHEREAS Section 128(1) of the Municipal Act, 2001 authorizes that Councils 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 Section 3(2) of the Building Code Act, 1992 authorizes Councils to appoint inspectors as necessary;

AND WHEREAS outdoor solid fuel combustion appliances are becoming or have the potential to become a nuisance to abutting land owners;

NOW THEREFORE the Council of the Corporation of the Township of Sables-Spanish Rivers enacts as follows:

1. **DEFINITIONS:**
 - (a) “outdoor solid fuel combustion appliance” hereinafter called “appliance” means a solid fuel burning appliance/furnace located to the exterior of the building it serves and is used for the space heating of building and/or domestic water heating.
 - (b) “waste” means any material defined as waste in Section 25 of the Environmental Protection Act, R.S.O. 1990 as amended.
2. This By-law applies to all lands zoned as to permit residential and commercial uses, including mobile homes and trailer parks, as designated under the Township’s Zoning By-Law.
3. Appliances shall be installed:
 - (i) not less than 50 feet from any property line.
 - (ii) not less than 50 feet from any principal building or dwelling.
 - (iii) not closer than 250 feet from any neighbouring residence.
4. Fuel for an appliance shall not be stored closer than 10 feet from any appliance.
5. No appliance shall be used for the incineration of waste.
6. 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.
7. The dimensions of the base of the appliance shall be in accordance with the manufacturer’s installation instructions or where such instructions or dimensions are not provided, the base shall extend a minimum of 12 inches beyond the side and back of the unit and 24 inches beyond the front of the unit.
8. The chimney of the appliance shall be equipped with a spark arrester and rain cap.
9. Prior to installation, a completed building permit application shall be submitted to the Township Office and the appropriate fee paid pursuant to the Township’s User Fee Bylaw and each appliance shall be inspected and approved by the Township’s Fire Chief.
10. Nothing in this By-law alleviates the responsibility of the owner of the appliance from any adverse affects or decrease in visibility on highways or roadways that

may be caused by the operation of the appliance. The owner shall be deemed responsible for all operations of the appliance.

11. All appliances installed prior to the passing of this By-law shall be deemed to be in compliance with this By-law but shall be required to adhere to Section 4, Section 5 and Section 10.

12. **ENFORCEMENT:**

The Fire Chief of the Township is hereby appointed as Inspector for the purposes of inspection and enforcement of this By-law.

13. **PENALTIES:**

Any person violating the provisions of this By-law is subject to a penalty exclusive of costs and such penalty shall be recoverable under the Provincial Offences Act.

READ A FIRST AND SECOND TIME THIS 12th DAY OF January, 2005 .

READ A THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL THIS 12th DAY OF January, 2005 .

MAYOR – Leslie GAMBLE

CLERK – Ellen JORDAN