

BY-LAW NUMBER 2009-039

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO REGULATE THE LOCATION,
INSTALLATION AND OPERATION OF OUTDOOR
SOLID FUEL COMBUSTION APPLIANCES, IN THE
TOWNSHIP OF UXBRIDGE, REGIONAL
MUNICIPALITY OF DURHAM**

WHEREAS pursuant to the provisions of Sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 (the "Act"), as amended, the Council of a Municipality may pass by-laws relating to the safety and well-being of the inhabitants of the municipality;

AND WHEREAS pursuant to Section 125 of the Act, as amended, the Council of a Municipality may pass by-laws relating to the use and installation of heating and cooking appliances;

AND WHEREAS pursuant to Section 128 of the Act, as amended, a 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 pursuant to Section 436 of the Act, as amended, a municipality is permitted to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether a by-law of the municipality under the Act is being complied with;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY - LAW AS FOLLOWS:**

1. Title:

This By-law shall be cited as the "Outdoor Solid Fuel Combustion Appliance By-law".

2. Definitions:

- i. **"Chief Building Official or Designate"** means that individual appointed by the Township from time to time as the chief building official pursuant to the *Ontario Building Code Act*, or their lawfully appointed designate;
- ii. **"Outdoor Solid Fuel Combustion Appliance"** means a solid fuel burning appliance which is used for the space heating of buildings, 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.
- iii. **"Person"** means an individual, business, a partnership or a corporation.
- iv. **"Unacceptable Fuel"** includes, but is not limited to, wet or unseasoned wood, garbage, animal waste or by-products, treated wood, plastic products, rubber products, waste oil, paints, paint solvents, coal, glossy or coloured papers, or particle board.
- v. **"Waste"** means any material defined as waste in section 25 of the Environmental Protection Act, R.S.O. 1990, c.E19, as amended.

3. This by-law applies to all lands located within the geographic limits of the Township of Uxbridge.

4. No Person shall:
 - i. install an Outdoor Solid Fuel Combustion Appliance within the Township of Uxbridge which is:
 - a) not certified by the Canadian Standards Association or any other accredited test laboratory;
 - b) less than 50 metres from any property line;
 - c) on any lot or property less than 2 hectares in area; and
 - d) on any property other than in the Rural (RU) Zone.
 - ii. burn Waste or any other Unacceptable Fuel in a Outdoor Solid Fuel Combustion Appliance;
 - iii. use any fuel in an Outdoor Solid Fuel Combustion Appliance other than that which is approved in the manufacturers' operating instructions;
 - iv. use an Outdoor Solid Fuel Combustion Appliance located upon one lot or property to heat a building upon another lot or property; and,
 - v. install an Outdoor Solid Fuel Combustion Appliance within the Township of Uxbridge otherwise than in accordance with the provisions of this by-law.

5. The installation of an Outdoor Solid Fuel Combustion Appliance must be in compliance with the *Ontario Building Code*, the *Ontario Fire Code*, *The Fire Prevention and Protection Act*, the manufacturer's installation instructions and all applicable law.

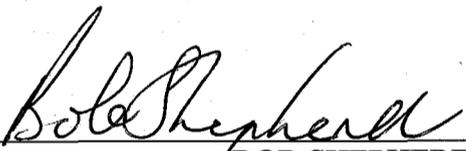
6. An Outdoor Solid Fuel Combustion Appliance shall be located/installed as follows:
 - i. only in the rear or side yards;
 - ii. at a minimum of 15 metres distance from any building on the property or other distance certified by an approved testing agency as detailed in the manufacturer's instructions;
 - iii. such that the perimeter ground area around the unit to a distance of 3 metres minimum from the unit shall be of a non-combustible surface;
 - iv. the unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester;
 - v. the height of the chimney must meet the manufacturer's specifications and the Ontario Building Code;
 - vi. in accordance with a site location/installation plan as approved by the Chief Building Official or designate.

7.
 - i. Where such installations are otherwise permitted in this by-law, there shall not be more than one (1) Outdoor Solid Fuel Combustion Appliance permitted per property;
 - ii. Notwithstanding 7(i) above, more than one 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.
 - iii. Where such installations are otherwise permitted in the by-law, an Outdoor Solid Fuel Combustion Appliance shall not service more than one property.

8. Sub section 4(i) and Section 6 of this by-law do not apply to an existing Outdoor Solid Fuel Combustion Appliance in operation as of the date of the passage of this by-law.

9. If any Person chooses to replace any existing Outdoor Solid Fuel Combustion Appliance, then any new such installation must comply with this by-law.
10. If an application for a new lot severance, or an application for a building permit for construction on existing lots of record, within 50 metres of an existing Outdoor Solid Fuel Combustion Appliance is received by the Township of Uxbridge, it will be assumed by the Township that the applicant has full knowledge of, and accepts the fact that an appliance exists in the existing location. The Township of Uxbridge assumes no responsibility to inform applicants for severance or building permits of the existence of an installed Outdoor Solid Fuel Combustion Appliance located within 50 metres of the property subject to the application.
11. The fees for the issuance of a permit by the Chief Building Official, or designate, pursuant to this by-law shall be prescribed by the Township in its Fees by-law, as amended from time to time.
12. If any clause or part of this by-law is found to be illegal or beyond the power of the Council of the Township of Uxbridge to enact, such clause or part shall be deemed to be severable from all other clauses and parts of this by-law.
13. This by-law shall come in force and effect on the date of passing.
14. Every person who contravenes any provisions of this by-law or causes or permits any such contravention is guilty of an offence and, upon conviction, is liable to a fine pursuant to the provisions of the Provincial offences Act, R.S.O. 1990, c.P.33, as amended.

READ a FIRST, SECOND and THIRD time and finally passed this 27th day of April, 2009.



BOB SHEPHERD
MAYOR



DEBBIE LEROUX
CLERK