

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 12-09

A By-Law to Regulate Outdoor Solid Fuel Combustion Appliances

WHEREAS the *Municipal Act 2001*, as amended, authorizes Councils to pass by-laws on such matters;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

1. Definitions:
 - (a) “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.
 - (b) “Waste” shall mean any material defined as waste in the Ontario *Environmental Protection Act*.
2. This By-Law applies to all lands within the geographic limits of the Municipality of North Grenville.
3. Outdoor solid fuel combustion appliances shall be permitted on a lot which has a minimum area of 0.4 Ha (1 acre).
4. Outdoor solid fuel combustion appliances shall be located on a property in accordance with the following setbacks:
 - a) shall not be permitted in a front yard or exterior side yard as defined in the Zoning By-Law;
 - b) no closer to the side or rear lot line than the minimum setbacks for the principal structure as stated in the Zoning By-Law; and
 - c) no closer than 30.5 metres (100 feet) to a residential dwelling on a neighbouring property.
5. Any outdoor solid fuel combustion appliance located between 30.5 metres (100 feet) and 91.4 metres (300 feet) of a residential dwelling on a neighbouring property shall have a chimney installed that is a minimum of 0.6 metres (2 feet) above the roof peak of the neighbouring residential dwelling.
6. 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 or within a Hamlet or the Secondary Plan Area for the Kemptville urban area as identified in the Municipality’s Official Plan.
7. Where such installations are otherwise permitted in this By-Law, there shall not be more than one (1) permitted per property in the Municipality 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.
8. 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.

9. No outdoor solid fuel combustion appliance shall be used for the incineration of waste and shall only burn dry, seasoned wood or other similar solid fuel product in accordance with manufacturer's specifications.
10. Any outdoor solid fuel combustion appliance in existence on the date of passing of this By-Law, which was legally installed under authority of a valid building permit, shall be deemed to be in compliance with the provisions of this By-Law.
11. 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*.
12. Amendments to this By-Law may be considered by Council after circulation of the proposed amendment to abutting land owners within 120 meters of the subject site. There shall be an administrative fee of \$50.00 charged to the applicant for this process.
13. By-Law 3-01 is hereby repealed.
14. This By-Law shall come into force and effect on the day of passing.

ENACTED AND PASSED
THIS 9TH DAY OF FEBRUARY, 2009.

KEN FINNERTY
Deputy Mayor

CAHL POMINVILLE
Clerk