

THE CORPORATION OF THE TOWN OF ADJALA-TOSORONTIO

By-Law NO. 21-54

A By-Law to Regulate Outdoor Wood Burning Appliances

WHEREAS the Municipal Act, 2001, c. 25, as amended, pursuant to section 128 provides that a local municipality may prohibit and regulate with respect to the public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS the Municipal Act, 2001, c. 25, as amended, pursuant to section 11(2) provides that lower-tier municipality may pass by-laws with respect to the economic, social and environmental well-being of the municipality, and the health, safety and well-being of persons;

AND WHEREAS the Municipal Act, 2001, c. 25, as amended, pursuant to section 125 provides that a local municipality may regulate the use and installation of heating appliances; and the storage of fuel for use in heating appliances;

AND WHEREAS the Municipal Act, 2001, c. 25, as amended, pursuant to sections 425 and 429 provides that a municipality may pass by-laws providing that a person, or a director or officer of a corporation who contravenes a by-law of the municipality under this Act is guilty of an offence, and a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS the Council of The Corporation of the Township of Adjala-Tosorontio deems it appropriate and desirable to enact a by-law to regulate outdoor wood burning appliances in the Township;

NOW THEREFORE the Council of The Corporation of the Township of Adjala-Tosorontio enacts as follows:

1. DEFINITIONS

In this By-law:

- 1.1 **“Biomass”** means peat, clean dry wood, sawdust, oat hulls, crop residues, or any other organic matter that is grown or harvested for the purpose of being burned to generate heat.
- 1.2 **“Certified Appliance”** means an advance technology outdoor wood burning appliance that bears a certification mark certifying conformity to low emissions criteria with CAN/CSA Standard B415.1 “Performance Testing of Solid-Fuel Burning Heating Appliances” (Canadian Standards Association) or 40CFR60 subpart AAA “Standards of Performance for New Residential Wood Heaters” (United States Environmental Protection Agency).
- 1.3 **“Chief Building Official”** means the Chief Building Official as appointed by the Township of Adjala-Tosorontio.
- 1.4 **“Clean Dry Wood”** means firewood or woodwaste that has been allowed to dry.

1.5 “Outdoor Wood Burning Appliance” means a fuel burning device that is:

- a. Designed to burn clean dry wood or other fuels;
- b. Is specified by the manufacturer for outdoor installation or installation in a structure not occupied for human habitation; and
- c. Is used to heat building space and/or water through the distribution of a gas or liquid heated in the device.

1.6 “Uncertified Appliance” means a conventional outdoor wood burning appliance that is not a Certified Appliance.

1.7 “Waste” includes garbage or refuse materials from residential, commercial, industrial, agricultural or institutional establishments.

1.8 “Woodwaste” means tree trunks, tree branches, brush or wood products that have not been painted, stained or treated with any other coatings, glues or preservatives.

2. GENERAL PROVISIONS

2.1 No person shall install, operate or maintain any outdoor wood burning appliance that does not meet the provisions set out in this By-law.

2.2 No person shall cause or allow emissions of air contaminants from any outdoor wood burning appliance to the outdoor atmosphere that unreasonably interferes with the normal enjoyment of human life and property, including causing a visible plume migrating from an outdoor wood burning appliance and contacting buildings, structures and persons on adjacent properties; and excessive smoke, odour, dust, airborne sparks, embers or impaired visibility on a public road.

2.3 A person who operates any outdoor wood burning appliance shall only burn clean dry wood, biomass and woodwaste.

2.4 No person shall burn wood that does not meet the definition of clean dry wood, and shall not burn waste.

2.5 Where applicable, the installation of an outdoor wood burning appliance shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufacturer’s installation instructions, and all other applicable law.

2.6 Fuel used for burning in the outdoor wood burning appliance shall be stored on the lot served by the appliance in accordance with the Property Standards by-law of the Township of Adjala-Tosorontio.

3. APPLICATION OF BY-LAW

3.1 The general provisions of this by-law shall apply to all outdoor wood burning appliances, whether certified or uncertified, installed, operated or maintained prior to, on, or after the coming into force of this by-law.

- 3.2** No person shall install, operate or maintain an outdoor wood burning appliance on a lot in “Estate Residential (ER)”, “Rural Residential (RR)”, “Hamlet Residential One (HR1), and Hamlet Residential Two (HR2) Zones as defined in the Township of Adjala-Tosorontio By-law 03-57, as amended, after the coming into force of this by-law.
- 3.3** A person may install an outdoor wood burning appliance, that is a certified appliance, only on a lot in other than Zones specified in Section 3.2 of this By-law.
- 3.4** An outdoor wood burning appliance that is a certified appliance that is installed on a lot, according to Section 3 of this By-law, after the coming into force, shall be located, installed and maintained as follows:
- a. Outdoors or in a structure on the lot served by the outdoor wood burning appliance;
 - b. Installed on a non-combustible surface that complies with the manufacturer’s instructions, and shall remain free from any combustible material;
 - c. Equipped with a permanent chimney extending a minimum of 3.05 metres (10 feet) above the average elevation of the ground level at the perimeter of the outdoor wood burning appliance or the structure enclosing the appliance;
 - d. The permanent chimney is located a minimum distance of sixty (60) metres (200 feet) from the nearest residential dwelling served or not served by an outdoor wood burning appliance on another separate lot.
- 3.5** Only one outdoor wood burning appliance is permitted on a lot except where more than one appliance is required to serve a legal accessory residential dwelling or an agricultural building or structure used for agricultural purposes on the lot.
- 3.6** An outdoor wood burning appliance that is a certified appliance that is installed on a lot, according to Section 3 of this by-law, after the coming into force of this by-law, may also serve a residential dwelling or an agricultural building or structure that is located on another separate lot.

4. PERMITS

- 4.1** The installation of an outdoor wood burning appliance shall be undertaken in accordance with a permit issued by the Chief Building Official or designate to ensure that there is compliance with this by-law.
- 4.2** A fee set by the Township of Adjala-Tosorontio shall be paid for such permit in accordance with the Township’s Fee’s & Charges By-law, as amended.
- 4.3** A permit issued under this by-law shall require compliance with all applicable provisions of this by-law.

5. INSPECTIONS, ENFORCEMENT & PENALTY

- 5.1** The Chief Building Official, By-law Enforcement Officer, Fire Prevention Officer and any designate may enter the premises at any reasonable time, with prior notice, for the purpose of carrying out an inspection to determine whether any provisions of this by-law, or an Order to Discontinue Activity under the Municipal Act, 2001, or an Order to Extinguish under the Fire Protection and Prevention Act, 1997, or an applicable Order under the Municipal Act, 21001 is being complied with.
- 5.2** A By-law Enforcement Officer, Fire Prevention Officer or designate may order the Owner to extinguish any fire at any time and the Owner shall extinguish the fire, or the Officer may take necessary steps to do so and to recover the costs of extinguishing the fire and sealing the appliance from the Owner.
- 5.3** A person is liable for and shall pay all costs incurred by the Township of Adjala-Tosorontio Fire Department necessary to extinguish any fires contrary to the provisions of this by-law.
- 5.4** A Person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided by the Provincial Offences Act.
- 5.5** Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as listed in "Schedule A" attached to and forming part of this by-law.
- 5.6** Where a conviction is entered under Section 5 of this by-law, in addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence of the person convicted.
- 5.7** Where a conviction has been paid and the fine has not been paid within three months of the date of issuance, the set fine will be added to the Owners municipal tax bill.

6. AMENDMENTS

- 6.1** The Council of the Township of Adjala-Tosorontio may amend this by-law.

7. SEVERABILITY

- 7.1** If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, the provision or part deemed severable from this by-law and each and every other remaining provision of this by-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

8. SHORT TITLE

8.1 The short title of this by-law is "Outdoor Wood Burning Appliance By-Law".

That the provisions of this By-law shall take full force and effect with the passing hereof;

That notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 17th day of September, 2021.



Floyd Pinto, Mayor



Dianne Gould-Brown, Clerk

SCHEDULE "A" TO BY-LAW 21-54

BY-LAW PROVISIONS

The Corporation of the Township of Adjala-Tosorontio
PART 1 - PROVINCIAL OFFENCES ACT
By-Law Number 21-54: OUTDOOR WOOD BURNING APPLIANCES

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ITEM	SHORT-FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Failure to operate an Outdoor Wood Burning Appliance (OWBA) in accordance with the By-law	Section 2.1	\$100.00
2	Failure to maintain an OWBA	Section 2.1	\$100.00
3	Emissions interfere with the normal enjoyment of human life and property	Section 2.2	\$250.00
4	Failure to burn clean dry wood in OWBA	Section 2.3	\$100.00
5	Burning waste in OWBA	Section 2.4	\$250.00
6	Failure to properly store wood fuel	Section 2.6	\$100.00
7	Operate an OWBA where prohibited	Section 3.2	\$250.00
8	Failure to obtain a permit for an OWBA	Section 4.1	\$100.00

Note: The penalty provision for the offences indicated above are Section 5.4 of By-Law Number 21-54, a certified copy of which has been filed.