

**THE CORPORATION OF THE TOWN OF GORE BAY**

**BY-LAW NO. 2016-04**

**BEING A BY-LAW TO Regulate Outdoor Solid Fuel Combustion Appliances**

WHEREAS Section 125(2) of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes the Corporation of The Town of Gore Bay to enter upon land and into structures at any reasonable time for inspection purposes in order to determine compliance with any bylaw passed under subsection 125(1);

AND WHEREAS the Council of The Corporation of Town of Gore Bay is empowered by subsection 125(1) of the Municipal Act, 2001, S.O. 2001, chap. 25, to regulate the use and installation of heating and cooking appliances;

NOW THEREFORE the Council of The Corporation of The Town of Gore Bay enacts as follows:

**1. DEFINITIONS**

- a) "Lot" means a parcel of land described in deed or other document legally capable of conveying an interest in land or designated by an original survey or by a registered plan;
- b) "Outdoor Solid Fuel Combustion Appliances" hereafter referred to as OSFCA means an outdoor wood-burning furnace or other solid fuel burning appliance designed and intended to supply heat to air or water and that is housed or situated in an out-building or otherwise physically separated from the building to which it is to provide heated air and/or liquid; and
- c) "Waste" means any material defined as "waste" in Section 25 of the Environmental Protection Act, R.S.O. 1990, Chapter E19, as amended.
- d) "Gasification" means the process that converts organic or fossil fuel based carbonaceous materials into carbon monoxide, hydrogen and carbon dioxide.

2. Subject to section 3 hereof, this by-law applies to all lands within the geographic limits of The Corporation of The Town of Gore Bay;

3. This by-law shall not apply in respect of any lands upon which an OSFCA has been installed prior to the effective date of this by-law provided that the physical location of such appliance or any replacement thereof, remains unchanged;

4. No person shall use an OSFCA on a lot unless:

- (a) If it is housed within a building, the building must have a minimum of 120 square feet located in the rear yard of a lot;

(b) Subject to compliance with the zoning By-law of the Town of Gore Bay;

(c) On all lots the following is required:

- (i) A minimum lot area of one (1) hectare (2.471 acres);
- (ii) Outdoor Solid Fuel Combustion Appliances shall be located not less than 30.5 metres (100 feet) from all lot lines; and
- (iii) Outdoor Solid Fuel Combustion Appliances shall be located not less than 9 metres (30 feet) from any building or structure on the same lot; except a solid fuel storage structure.

(d) The OSFCA has a chimney fitted with a rain cap equipped to manufacturer’s specifications;

(e) The installation and maintenance of the OSFCA is in Compliance with;

- (i) The Ontario Building Code;
- (ii) The manufacturers installation instructions and specifications, including any recommended separation distances; and
- (iii) All other applicable laws;

(f) The OSFCA must be a gasification unit;

(g) A Building Permit has been issued for the installation of the OSFCA by the Chief Building Official of the Town of Gore Bay; and

5. No person shall use an OSFCA for the incineration of Waste;

6. No person shall use an OSFCA except in compliance with the requirements of this By-Law;

7. A Municipal building inspector or by-law enforcement officer may, upon producing identification, enter upon and inspect any land in order to ensure compliance with this by-law;

8. No person shall obstruct, hinder, delay or prevent a municipal by-law enforcement officer in the exercise of his or her inspection powers pursuant to this by-law;

9. Any person who contravenes this by-law is guilty of an offence;

10. That this by-law shall come into force and take effect on the final date of passing hereof.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS ..... DAY OF....., 2016.

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Mayor

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Clerk