

# THE CORPORATION OF THE TOWN OF LAURENTIAN HILLS

## BY-LAW No. 16 - 04

**BEING** a By-Law prohibiting and regulating public nuisances.

**WHEREAS** section 128(1) of the Municipal Act c.25 S.O. 2001 as amended 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 128(2) allows that the opinion of council under this section, if arrived at in good faith, is not subject to review by any court.

**AND WHEREAS** outdoor solid fuel combustion appliances are becoming and have the potential to become a nuisance to abutting land owners.

**NOW THEREFOR** the Council of the Corporation of the Town of Laurentian Hills does enact as follows that:

### **1 DEFINITIONS**

- a) “outdoor solid fuel combustion 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 buildings and/or domestic water heating
- b) “waste” shall mean any material defined as waste in section 25 of the Environmental Protection Act, .c E19, R.S.O. 1990 as amended

### **2 APPLICATION**

- a) this By-Law applies to all lands zoned as to permit residential uses, including mobile homes and trailer parks, as designated under the Town of Laurentian Hills Zoning By-Law being Village of Chalk River By-Law No. 5 - 88 and Township of Rolph, Buchanan, Wylie and McKay By-Law No. 35 - 92 and any successor By-Law(s)
- b) outdoor solid fuel combustion appliances are deemed a public nuisance when installed in any Residential First Density (R.1) Zone, including mobile homes and trailer parks, as designed under the former Village and former Township Zoning By-Laws

### **4 PROHIBITION**

- a) outdoor solid fuel combustion appliances are prohibited from all Residential First Density (R.1) Zones, including mobile home and trailer parks, within the geographic limits of the Town of Laurentian Hills
- b) no outdoor solid fuel combustion appliances shall be installed in any other zone within the geographic limits of the Town of Laurentian Hills unless it is located not less than 30 m (100 ft) from any property line
- c) no outdoor solid fuel combustion appliance shall be used for the incineration of waste

### **5 APPROVALS**

- a) prior to the installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official and permit fees shall be as set out in the Town’s Building By-Law and all outdoor solid fuel combustion appliances shall bear a C.S.A. or U.L. approval rating and be installed in accordance with the manufacturer’s instructions
- b) prior to the use of and following the installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official

**6 PENALTIES**

- a) any person who installs, uses or maintains an outdoor solid fuel combustion appliance in contravention of the provision of this By-Law shall be upon conviction, guilty of an offence and subject to a fine not exceeding \$2,000.00 plus costs, pursuant to the Provincial Offences Act c. P33 R.S.O. 1990 as amended

**8 EFFECTIVE DATE**

- a) this By-Law shall come into force and effect immediately upon passage thereof

**9 SHORT TITLE**

- a) the short title of this By-Law is the Outdoor Furnace By-Law

**READ** a first and second time this 12<sup>th</sup> day of May, 2004

**READ** a third and final time and passed this 12<sup>th</sup> day of May, 2004

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**MAYOR**

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**CLERK**