

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

BY-LAW NO. 2011-021

Being a By-law to prohibit or regulate the use of outdoor furnaces by the inhabitants of The Village of Sundridge

WHEREAS Section 10 (2) items 6. and 8. of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that municipalities may pass by-laws respecting the health, safety and well-being of persons and for the protection of persons and property;

AND WHEREAS Section 125 of the Municipal Act, 2001 S. O. 2001, c. 25, as amended, provides that without limiting sections 9, 10 and 11, a local municipality may regulate the use and installation of heating and cooking devices;

AND WHEREAS Section 436, of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that a municipality has power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality passed under this Act is being complied with;

AND WHEREAS Section 429, of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that Councils of all Municipalities have the power to impose fines and enforce by-laws;

AND WHEREAS the Council of The Village of Sundridge deems it necessary to pass a by-law to prohibit or regulate the use of outdoor furnaces within the Village of Sundridge;

NOW THEREFORE the Council of the Corporation of The Village of Sundridge enacts the following:

1. Short title

This by-law shall be known as The Village of Sundridge Outdoor Furnace By-law.

2. Definitions

“Council” means the Council of the Corporation of The Village of Sundridge.

“Outdoor Furnace” means any outdoor wood burning furnace or other outdoor solid fuel combustion appliance designed and intended to supply heat to air or liquid 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 or liquid.

“Waste” means any material defined as “waste” in Section 25 of the Environmental Protection Act, R.S.O. 1990, Chapter E 19, as amended.

3. Application

(a) This by-law applies to all lands within the geographic limits of the Corporation of The Village of Sundridge.

- (b) No person shall install an "outdoor furnace" within The Village of Sundridge, after the date of the passing of this by-law.
- (c) This by-law shall not apply in respect of any lands upon which an "outdoor furnace" 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.
- (d) No person shall use an "outdoor furnace" for the incineration of waste.

7. Enforcement

- (a) This by-law shall be enforced by the Municipal Building Inspector or By-law Enforcement Officer appointed by the Council of The Village of Sundridge.
- (b) 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.
- (c) No person shall obstruct, hinder, delay or prevent a Municipal Building Inspector or By-law Enforcement Officer in the exercise of his or her Inspection powers pursuant to this by-law.

8. Penalties

Any person who is found in contravention of any section of this by-law and upon being found guilty of that contravention is liable to a fine of not more than the maximum permitted under the Provincial Offences Act, exclusive of costs and every such fine is recoverable under the provisions of the Provincial Offences Act.

#9. Effective Date

This by-law shall come into effect from the date of passage thereof.

**INTRODUCED AND READ A FIRST, SECOND AND THIRD TIME
THIS 17th DAY OF MAY, 2011.**



Mayor Elgin Schneider



C.A.O./Clerk Lillian S. Fowler