

TOWN OF MIDLAND
BY-LAW 2002-30

A by-law to regulate the burning of waste
materials in heating and cooking appliances.

WHEREAS The Municipal Act, RSO 1990, c.M.45, Section 102, provides every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act; and

WHEREAS The Municipal Act, RSO 1990, c.M.45, Section 210(140) provides that Councils may pass by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances and the opinion of council, if arrived at in good faith, is not subject to review by any court; and

WHEREAS The Municipal Act, RSO 1990, c.M.45, Section 210(46) provides that Councils may appoint officers to enter at all reasonable times upon any property in order to ascertain whether the by-law is obeyed, and to enforce or carry into effect the by-law;

WHEREAS Council of The Corporation of the Town of deems the burning of household wastes, construction and demolition wastes, and yard wastes in a heating or cooking appliance to be a health hazard and potential nuisance to the inhabitants of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AS FOLLOWS:

1.0 Definitions

1.1 For the purpose of this by-law, “Waste” shall include the following:

- a) “Household Wastes” shall mean garbage, rubbish, discarded materials, paper products, plastic products, and other such articles as would normally accumulate at a serviceable unit.
- b) “Construction and Demolition Wastes” shall mean materials used in the construction of a serviceable unit such as drywall, wood, plywood, shingles, asphalt and plastic.
- c) “Yard Wastes” shall mean organic material from a household yard, such as leaves and grass cuttings and any organic materials characterized by their ability to compost.

1.2 “Heating and cooking appliance” shall mean solid fuel burning appliances and equipment intended to supply heat to air or water or for cooking and shall include but may not be limited to furnaces, boilers, service water heaters, stoves, ranges, space heaters, fireplaces, wood stoves, cook stoves, pellet stoves, barbeques and grills.

- 2.0 Materials used to fuel any heating or cooking appliance shall include seasoned wood, wood by-products, or such other fuels recommended by the appliance manufacturer, coal and biomass fuels such as cordwood, woodchips, sawdust, peat logs, wood and other biomass pellets, and kernel corn.
- 3.0 No person shall utilize a heating or cooking appliance for any purpose other than its intended purpose.
- 4.0 No person shall burn waste materials in any heating or cooking appliance so as to create a public nuisance through the release of smoke.
- 5.0 No person shall prohibit the entry of officers appointed by Council from entering at all reasonable times upon any property in order to ascertain whether the by-law is obeyed and to enforce or carry into effect the by-law.
- 6.0 This by-law shall be enforced by the Town of Midland Fire Department personnel, Police Officers and Municipal Law Enforcement Officers appointed for the purpose of enforcing the Municipality's by-laws.
- 7.0 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- 8.0 This by-law shall come into force and effect on the final passage thereof.

By-law read a first, second and third time and finally passed in Open Council on the Twenty-second day of April 2002.

G. J. MacDonald (Signed)

Mayor

F. G. Flood (Signed)

Clerk