

The Corporation of the Town of The Blue Mountains

By-Law Number 2004 – 23

Being a By-law to prohibit and regulate public nuisances and to regulate matters related to the health and well-being of the inhabitants of the municipality.

Whereas Section 128 of the Municipal Act, S.O. 2001, Chapter 25, enables a local municipality to 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 Council of the Corporation of the Town of The Blue Mountains is of the opinion that smoke, odour, particulates, soot, ash, dust or any other material originating from and generated by open air burning could become or cause a public nuisance;

And Whereas Section 130 of the Municipal Act, S.O. 2001, Chapter 25, enables a municipality to regulate matters for purposes related to the health and well-being of the inhabitants of the municipality;

And Whereas Council of the Corporation of the Town of The Blue Mountains is of the opinion that smoke, odour, particulates, soot, ash, dust or any other material originating from and generated by open air burning could affect the health and well-being of the inhabitants of the municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Definitions
 - a. "normal farm practice" has the same meaning as found in the Farming and Food Production Act, 1998.
 - b. "open air burning" means a fire ignited out of doors and intended to dispose of material such as, but not limited to, wood, timber, brush, lumber, grass, leaves, waste and any other ignitable substance.
 - c. "public nuisance" means smoke, odour, particulates, soot, ash, dust or any other material originating from and generated by open air burning and that has blown, moved, drifted or in any way resulted in contact with a residence on a property other than that upon which the open air burning did occur.
2. No person shall create or cause to be created or allow to be created a public nuisance that is created or caused to be created or allowed to be created by open air burning.
3. This By-law shall not apply to any normal farm practice.
4. Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a penalty as provided in the Provincial Offences Act.

Read a first and second time this 19th day of April, 2004

Read a third time and passed this 19th day of April, 2004

Ellen Anderson, Mayor

Stephen Keast, Clerk