

CORPORATION  
OF THE  
TOWNSHIP OF WHITEWATER REGION  
**BY-LAW 14-05-704**  
**BEING A BY-LAW TO PROHIBIT OUTDOOR FURNACES**

Part of Lots 9 & 10, Concession 4 (E.M.L.)  
Part of Lots 5, 6, 7 & 8, Concession 5 (E.M.L.)  
Geographic Township of Westmeath  
Former Village of Beachburg

PREPARED FOR:

THE CORPORATION OF THE  
TOWNSHIP OF WHITEWATER  
REGION

PREPARED BY:

COUNTY OF RENFREW  
DEVELOPMENT & PROPERTY  
DEPARTMENT, PLANNING  
DIVISION

MARCH 2014

**THE CORPORATION OF THE  
TOWNSHIP OF WHITEWATER REGION**

BY-LAW NO. 14-05-704

*Being a By-law to regulate the use of lands, the character, location and use of outdoor furnaces within a certain portion of the Township of Whitewater Region (former Village of Beachburg) as described in the attached Schedule A, pursuant to Section 34 of the Planning Act.*

WHEREAS Section 34 of the Planning Act provides that the Council of a local municipality may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Township of Whitewater Region has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts as follows:

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## **SECTION 1 – AUTHORIZATION AND USAGE**

### **1.1 TITLE**

This by-law shall be known and may be cited as “By-law No. 14-05-704, A By-law to Prohibit Outdoor Furnaces” for the former Village of Beachburg, of the Corporation of the Township of Whitewater Region.

### **1.2 SCOPE**

#### **(a) Application of By-law**

The provisions of this by-law shall apply only to those lands within the boundaries of the former Village of Beachburg, in the Township of Whitewater Region described in Schedule “A” attached hereto.

#### **(b) Conformity with By-law**

No building or structures shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

#### **(c) Other Restrictions**

This By-law shall not be used or have the effect to reduce or mitigate any other restrictions by an authority having lawful jurisdiction to make such restrictions.

### **1.3 ADMINISTRATION**

#### **(a) Administrator**

This By-law shall be administered by the Chief Building Official or by a Zoning Administrator appointed by Council, or by such person as Council may designate from time to time for such purpose.

(b) Inspection

The Zoning Administrator, Chief Building Official or any officer or employee of the Corporation assigned the responsibility for enforcing this By-law may at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes a contravention is occurring. However, such officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, except under the authority of a search warrant, as set out in Section 49.1 of the Planning Act.

(c) Violations and Penalties

Every person who contravenes any provision of this By-law on conviction is liable to a penalty imposed under Section 67 of the Planning Act, as amended.

(d) Remedies

Where a building or structure is or is proposed to be erected, altered or enlarged, or a building, structure or lot is or is proposed to be used in contravention of any provision of this By-law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation.

**1.4 VALIDATION**(a) Effective Date

This By-law shall come into effect from the date of its passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

(b) Validity

A decision of a competent court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or part of provisions of this By-law.

**1.5 INTERPRETATION AND SCHEDULES**(a) Interpretation

For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "used" shall also mean "designed to be used"; and the word "occupied" shall also mean "designed to be occupied".

(b) Schedule to By-law

The boundary of the lands affected by this By-law is set out in the map that is attached hereto and marked as Schedule "A". Schedule "A" is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

**SECTION 2 – DEFINITIONS**

For the purpose of this By-law, the definitions and interpretations of this section shall apply.

- 2.1 BUILDING means any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 2.2 CORPORATION means the Corporation of the Township of Whitewater Region.
- 2.3 ERECT means build, construct, reconstruct, alter, enlarge or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operations such as cutting, grading, excavating, berming, piling, cribbing, filling or enlargement, extension or other structural change.
- 2.4 EXISTING shall mean existing as of the date of final passage of the By-law.
- 2.5 OUTDOOR FURNACE means a solid fuel burning appliance located outside of the building it serves and is used for the space heating of buildings and/or domestic water heating and does not include the incineration of waste as defined in Section 25 of the Environmental Protection Act, c.E.19., R.S.O. 1990.
- 2.6 PERSON includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.
- 2.7 REQUIRED means required by this By-law.
- 2.8 STRUCTURE means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.
- 2.9 TOWNSHIP means the Corporation of the Township of Whitewater Region, or land included within the Township of Whitewater Region.
- 2.10 ZONING ADMINISTRATOR means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

## **SECTION 3 – GENERAL PROVISIONS**

### **3.1 APPLICATION**

The requirements contained in the General Provisions shall apply to those lands described in Schedule “A” attached hereto.

### **3.2 OUTDOOR FURNACES**

i) Outdoor furnaces are prohibited.

ii) Exceptions

Notwithstanding any other provision of this By-law to the contrary, any outdoor furnace that existed as of May 21, 2014 shall continue to be permitted, so long as it continues to be used for that purpose.

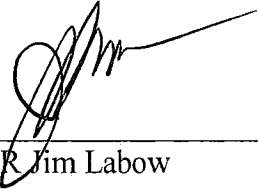
The existing outdoor furnace may be repaired to a safe condition or replaced, provided the height, size or volume of the repaired or replaced outdoor furnace is not increased and it is located on the same footprint. Any existing non-conforming outdoor furnace, when replaced with a new outdoor furnace, shall be in compliance with all other applicable law.”



**ENACTMENT**

This by-law shall become effective on the date of passing by Council.

Passed this 21<sup>st</sup> day of May, 2014.



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MAYOR Jim Labow



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CAO/CLERK Christine FitzSimons



**CORPORATION OF THE  
TOWNSHIP OF WHITEWATER REGION**

This is Schedule "A" to By-law Number 14-05-704  
 Passed the 21st day of MAY, 2014.

