

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW 2002-111

BY-LAW TO PROHIBIT AND REGULATE THE DISCHARGE OF AN
ODOUR OR ODOURS INTO THE AIR

WHEREAS pursuant to section 210 paragraph 140 of the *Municipal Act, R.S.O. 1990 c. M45*, as amended, a municipal council may enact a by-law to prohibit and regulate a matter that in the opinion of council is or could become or cause a public nuisance;

AND WHEREAS in the circumstances set out in this by-law the discharge of an odour or odours into the air becomes, in the opinion of Council, a public nuisance;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. INTERPRETATION

In this by-law:

- (a) Adverse effect means one or more of
 - (i) harm or material discomfort to any person;
 - (ii) an adverse effect on the health of any person;
 - (iii) impairment of the safety of any person;
 - (iv) loss of enjoyment of normal use of property, and
 - (v) interference with the normal conduct of business.
- (b) Discharge: when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak.
- (c) Odour: means any odour which may be detected at a Point of Reception and has an adverse effect.
- (d) Point of Reception: means any point on the premises of any person where odour, originating from premises other than those premises, is detected.

2. GENERAL PROHIBITION

No person shall discharge or cause or permit the discharge into the air of an odour and no person responsible for a source of an odour shall permit the discharge into the air of any odour from the source of such odour, in an amount, concentration or level that is detectable by any person at a Point of Reception.

3. EXEMPTIONS

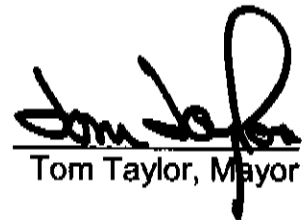
- (a) Odours confined to premises

Notwithstanding any other provisions of this by-law, it shall be lawful to discharge odours or permit the discharge of odours that are detectable only within or on the premises from which odours are being discharged.

4. OFFENCE

Any person who contravenes any of the provisions of this by-law, is guilty of an offence and upon conviction, is liable to a fine as provided for under the *Provincial Offences Act*.

ENACTED THIS 16TH DAY OF SEPTEMBER, 2002


Tom Taylor, Mayor


Anita Moore, Town Clerk