

The Corporation of the City of Pembroke

By-law Number 2004-71

A By-law to govern and regulate the use of permanently installed generators in the City of Pembroke

Whereas Section 128 of the *Municipal Act*, S.O. 2001, c.25, permits 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 Section 129 of the *Municipal Act*, S.O. 2001, c.25, permits a local municipality to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

And Whereas the Council of the Corporation of the City of Pembroke deems it expedient to pass a by-law under *The Municipal Act*, S.O. 2001, c.25, to regulate permanently installed generators on private property within the City of Pembroke subject to certain conditions;

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. In this by-law:
 - a. Permanently Installed Generator – shall mean a machine for changing mechanical energy into electrical energy that has been installed on a permanent basis.
 - b. Buildable Area – shall mean the portion of the lot remaining after required yards have been provided;
2. Prior to installation, the owner of the property shall obtain the following approvals:
 - a. location of generator shall be illustrated on a site plan, including elevations and surrounding land usage.

The location shall be approved by the City using the following criteria; size of generator, adjacent land uses and the buildable area of adjacent properties and subject property;
 - b. a visible barrier or enclosure must surround the generator and must contain soundproofing material. This enclosure and the type and amount of soundproofing material shall be shown on the site plan; and
 - c. an approved Certificate of Approval (C or A) from the Ministry of the Environment ensuring the permanently installed generator meets all provincial requirements;
3. Any permanently installed generator shall be registered with the City. A registry will be kept on file which indicates the location, size and type of generator in use on the property.
4. The testing of the permanently installed generators shall be limited to a 1/2 – hour per week during acceptable times as stated in the City of Pembroke's Noise By-law.
5. This by-law shall come into force and take effect upon the date of the final passing thereof.

Read a first and second time this 21st day of December 2004

Mayor

Chief Administrative Officer/Clerk

Read a third time and passed this 21st day of December 2004

Mayor

Chief Administrative Officer/Clerk