

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #606 (1980)

Being a by-law to amend Restricted Area By-law  
#279 (1974), as amended, of the Town of Pelham.

WHEREAS problems have arisen from time to time in regulating the location of operating machinery;

AND WHEREAS the Town's existing Zoning By-law #279 (1974), as amended, does not explicitly regulate the location of operating machinery such as air conditioners;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it expedient to correct the situation and to pass this by-law;

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

THAT By-law #279 (1974) is hereby amended by adding the following definition to the aforementioned by-law in the following manner:

Section 3: Definitions -

"3.100 - Operating Machinery - shall mean any apparatus (including air conditioners, electric motor and compressors) used for mechanical power having one or more moving parts which are driven by other than muscular power and meeting the following criteria:

(i) incidental to the main use or accessory use of the property and connected to the main building by way of brackets, electrical power lines, air ducts or similar connectors, but excluding portable type air conditioning units of 6500 KJ or less."

THAT Section 7 of By-law #279 (1974) is hereby by adding the following section to be known as:

"Section 7.35 - Notwithstanding the permitted yard encroachment provisions of this by-law to the contrary, operating machinery shall:

(i) be permitted to encroach into any sideyard adjacent to a street or rear yard of any lot used for residential purposes.

(ii) not be permitted in any other sideyard or front yard of a lot used for residential purposes except that an air conditioning unit may encroach into a front yard to the maximum permitted distance of 2 metres from the main wall of the main building.

(iii) where permitted on any lot under (i) or (ii) above, the exhaust or intake shall not be directed towards any sideyard if such sideyard abuts another parcel of land used for residential purposes.

(iv) where permitted under (i) or (ii) above, shall not be located less than 5 metres from an existing residential use under separate ownerships.

READ A FIRST TIME BY COUNCIL  
THIS 8th. DAY OF APRIL, 1980 A.D.

MAYOR

*E.S. Bergerstein*

CLERK

*Murray Harkett*

READ A SECOND AND THIRD TIME AND  
FINALLY PASSED BY COUNCIL THIS  
21st. DAY OF APRIL, 1980 A.D.

MAYOR

CLERK

*E.S. Bergenstern*

*Mary Hackett*