



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

REGULAR MEETING OF COUNCIL AGENDA

TUESDAY, FEBRUARY 18, 2020 AT 7:00 P.M.

COUNCIL CHAMBERS

C03/20

1. **Call to Order**
2. **National Anthem**
3. **Land Acknowledgement Statement**
4. **Disclosure of Pecuniary Interest and the General Nature Thereof**
5. **Presentations**
None.
6. **Mayor's Announcements & Remarks**
7. **Councillor's Announcements & Remarks**
8. **Adoption of Previous Council Minutes**
 - a) Minutes of the regular meeting of Council held January 28, 2020
9. **Public Meeting**
 - a) Proposed Zoning By-law Amendment Application Z06/2019W – 61953 Regional Road 27
10. **Delegations**
None.
11. **Staff Reports & Recommendations**
 - a) Administrative Staff Reports
 - i. ASR-003/2020 Re: Niagara Central Dorothy Rungeling Airport – Possible Capital Funding Opportunity

b) By-law Enforcement Staff Reports

- i. BESR-002/2020 Re: Review of Fence By-law No. 2005-2019
- ii. BESR-003/2020 Re: Update to Non-Parking AMPS By-law

c) Fire Staff Reports

- i. FSR-002/2020 Re: Joint Emergency Services Facility Project Update – Existing Structures (Deferred from January 28, 2020)
- ii. FSR-003/2020 Re: Review of Open Air Burning By-law

d) Planning Staff Reports

- i. PSR-002/2020 Re: Zoning By-law Amendment – File No. Z01/2020W Vilnis Strazdins & Triple G. Farms Inc., Christopher E.H. Wilson (Agent)
- ii. PSR-003/2020 Re: Update on Interim Control By-law Regarding Cannabis Production Facilities

12. Review of Correspondence

- a) C-056-2020 Re: Request from the Welland River Flood Plain Association that the rental fees be waived for the use of the Wainfleet Fire Hall for their upcoming AGM meeting scheduled for March 24, 2020
- b) C-057-2020 Re: Request from the Royal Canadian Legion Ontario Command for support through advertisement in the 7th Annual Military Service Recognition Book

13. By-laws

- a) By-law No. 003-2020 being a by-law to adopt Amendment No. 02 to the Official Plan for the Township of Wainfleet respecting land use designations.
- b) By-law No. 004-2020 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 16 & 17, Concession 3 in the Township of Wainfleet, known municipally as 21646 Garringer Road.
- c) By-law No. 005-2020 being a bylaw to amend By-law No. 027-2019 being a by-law to establish an Administrative Monetary Penalty System of Non-Parking Related Offences in the Township of Wainfleet.

14. **Notices of Motion**

15. **Closed Meeting**

- a) Item under Section 239(2)(e)(f) of the *Municipal Act, 2001*, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (a matter pertaining to potential litigation)
- b) Item under Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board – 2 items (matters pertaining to disposition of land)
- c) Item under Section 239 (2)(d) of the *Municipal Act, 2001*, labour relations or employee negotiations – 1 matter (a matter pertaining to employee negotiations)
- d) Item under Section 239 (2)(k) of the *Municipal Act, 2001*, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board 2 items – (a matter pertaining to negotiations affecting the municipality)
- e) Minutes from the closed meeting of Council held January 7 & 28, 2020

16. **Rise & Report**

17. **By-law to Confirm the Proceedings of Council**

- a) By-law No. 006-2020 being a by-law to adopt, ratify and confirm the actions of the Council held February 18, 2020

18. **Adjournment of Meeting**



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET REGULAR MEETING OF COUNCIL MINUTES

C02/2020
January 28, 2020
7:00 p.m.
Council Chambers

MEMBERS PRESENT: K. Gibson Mayor
D. Cridland Councillor
T. Gilmore Councillor
J. MacLellan Councillor
S. Van Vliet Councillor

STAFF PRESENT: W.Kolasa Chief Administrative Officer
M. Alcock Fire Chief
M. Ciuffetelli Deputy Clerk
A. Dashwood Administrative Assistant
L. Gudgeon Manager of HR/Protective Services
S. Ivins Planner
M. Luey Treasurer/Manager of Corporate Services

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1. **Call to Order**
Mayor Gibson called the meeting to order at 7:00 p.m. and advised that there is a last minute addition to the agenda – a closed session item under Section 239(2)(b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board employees – 1 item (a matter pertaining to an identifiable employee).
 2. **National Anthem**
 3. **Land Acknowledgement Statement**
Mayor Gibson acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.
 4. **Disclosures of Pecuniary Interest and the General Nature Thereof**
None.
 5. **Mayor's Announcements and Remarks**
Mayor Gibson reported the following:
 - Met with Crime Stoppers Niagara and taped an episode of YourTV Niagara that will air in March

- Regional Chair's Address is January 30, 2020 at the Americana in Niagara Falls
- Pancake breakfast in support of ending homelessness is February 4, 2020 from 9:00 a.m. – 10:30 a.m. at the Port Cares Reach Out Centre

**A brief presentation was provided respecting the Ontario Community Infrastructure Fund. Presentation materials can be found on the Township's Website.*

6. Councillor's Announcements and Remarks

Councillor Cridland attended the Rural Ontario Municipal Association conference and noted topics of interest (fire halls, septic inspection programs, modernization grant application process). Councillor Cridland emphasized the need for continued collaboration between our government partners.

Councillor Van Vliet attended the following:

- Rural Ontario Municipal Association conference
- Court of Revision for Skelton Drain as appointed Wainfleet representative
- Drainage Advisory Committee meeting
- Age-Friendly Advisory Committee meeting
- Greater Niagara Circle Route Committee (scheduled for February 5, 2020)

7. Adoption of Previous Council Minutes

With no objection, the minutes from January 7, 2020 were adopted as circulated.

8. Public Meeting

a) Application for Zoning By-law Amendment Z01-2020W – 21646 Garringer Road

Planner, S. Ivins outlined the requirements of the Planning Act regarding the Notice of Public Meeting and provided a description of the proposal.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

The meeting was closed at approximately 7:20 p.m.

9. Delegations

None.

10. **Staff Reports & Recommendations**

By general consent of all members of Council, PSR-001/2020 was considered first.

a) Administration Staff Reports

i. MEMO Re: Appointment of Deputy Mayor for 2020

Resolution No. C-2020-09

Moved by Councillor Cridland
Seconded by Councillor MacLellan

“THAT Councillor Van Vliet be appointed as Deputy Mayor for the year 2020.”

CARRIED

b) By-law Enforcement Staff Reports

i. BESR-001/2020 Re: 2019 Fourth Quarter Statistical Report

Resolution No. C-2020-10

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

“THAT By-law Enforcement Staff Report BESR-001/2020 respecting 2019 Fourth Quarter Statistical Report be received.”

CARRIED

c) Fire Staff Reports

i. FSR-001/2020 Re: 2019 Fourth Quarter Fire & Emergency Services Review

Resolution No. C-2020-11

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

“THAT Fire Staff Report FSR-001/2020 respecting 2019 Fourth Quarter Fire & Emergency Services Review be received for information.”

CARRIED

- ii. FSR-002/2020 Re: Fire Station Project Update – Existing Structures

Resolution No. C-2020-12

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

“THAT Fire Staff Report FSR-002/2020 respecting Joint Emergency Services Facility Project Update – Existing Structures be received; and

THAT Council **DEFER** the decision to dispose of the existing dwelling located on the Township owned property located at 42143 Highway 3 to the February 18, 2020 meeting of Council; and

THAT staff be directed to repurpose and renovate the existing barn located at 42143 Highway 3 to repurpose part of the building for municipal storage and fire services training.”

CARRIED

- iii. FSR-003/2020 Re: Fire Station Project Update – Spatial Needs Assessment

Resolution No. C-2020-13

Moved by Councillor Van Vliet
Seconded by Councillor Cridland

“THAT Fire Staff Report FSR-003/2020 respecting Joint Emergency Services Facility Project Update – Spatial Needs Assessment be received for information.”

CARRIED

d) Planning Staff Reports

- i. PSR-001/2020 Re: Official Plan Amendment 02 – Deferral of Chambers Corners

*After amendment, the following motion was **CARRIED**:*

Resolution No. C-2020-14

Moved by Councillor Cridland
Seconded by Councillor Van Vliet

“THAT Planning Staff Report PSR-001/2020 be received; and

THAT a **VILLAGE COMMERCIAL** designation be approved for the following properties adjacent to the Hamlet of Chambers Corners:

- a) Part of 52015 Regional Road 24, CON 5 PT LOT 19;
- b) Part 52017 Regional Road 24, CON 5 PT LOT 19; and

THAT the by-law to adopt the land use designations for lands adjacent to the Hamlets of Wellandport, Chambers Corners and Ostryhon Corners and the property known municipally as 51250 Tunnacliffe Road be considered at the February 18, 2020 Council meeting."

CARRIED

11. **Review of Correspondence**

- a) C-025-2020 Re: Correspondence dated January 14, 2020 from Antima Kumar, Director of Esso Gas Bar Station & LCBO Convenience Outlet requesting Municipal Authority to remain open on holidays as per the LCBO Agency Store manual

Resolution No. C-2020-15

Moved by Councillor Cridland
Seconded by Councillor MacLellan

"THAT Correspondence item C-025-2020 respecting request for Municipal Authority to remain open on holidays as per the LCBO Agency Store Manual; and

THAT Council hereby approves Esso Gas Station & LCBO Convenience Outlet located at 11609 Highway 3, Wainfleet, to sell alcohol on the following holidays on Victoria Day, Canada Day, Labour Day, Thanksgiving and Family Day."

CARRIED

12. **By-laws**
None.

13. **Notices of Motion**
None.

14. **Closed Meeting**

Resolution No. C-2020-16

Moved by Councillor Cridland
Seconded by Councillor Gilmore

“THAT Council now move into closed session under section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees – 1 item (a matter pertaining to an identifiable employee).”

CARRIED

Time: 8:55 p.m.

15. **Rise & Report**

Council resumed in open session at 9:25 p.m. and reported that information was received respecting a matter pertaining to an identifiable employee.

16. **By-law to Confirm the Proceedings of Council**

Resolution No. C-2020-17

Moved by Councillor Cridland
Seconded by Councillor Gilmore

“THAT By-law No. 002-2020 being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 28th day of January, 2020 be read and passed this 28th day of January, 2020.”

CARRIED

17. **Adjournment of Meeting**

There being no further business, the meeting was adjourned at 9:28 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



TOWNSHIP OF WAINFLEET

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PLANNING DEPARTMENT

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PUBLIC MEETING INFORMATION REPORT

Public Meeting: Tuesday February 18th, 2020 at 7:00 p.m. in Council Chambers
File No.: Z06/2019W
Applicant: 1184505 Ontario Ltd.
Joyce Sonneveld & Samantha Sonneveld Visser – Agents
Subject Property: 61953 Regional Road 27 (Part Lot 18/19, Concession 6)

Purpose of a Public Meeting

The purpose of the meeting is to provide more information about the applications and an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decision at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

Any person may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment.

As a member of the public, you are welcome to request to be notified of any future public or Council meetings regarding this matter. Please provide your contact information on the 'Sign-In' sheet located at the back of Council Chambers. Please be advised that the sign-in information will form part of the public record for this application.

Property Information

The subject lands are located on the south side of Regional Road 27 between Regional Road 24 and Hewitt Road and are known municipally as 61953 Regional Road 27. The subject lands are shown in Schedule "A". The property is 50.99 hectares in size and is currently being used for residential and agricultural purposes. The surrounding land uses include residential, commercial and agricultural – an aerial photograph is attached as Schedule "B".

The property was the subject of a severance application (File B14/2019W), which was conditionally approved by the Committee of Adjustment on December 18th, 2019. Application was made for the consent to sever Part 1 (1.01 hectares) as a surplus farm dwelling and to retain Part 2 (49.98 hectares) for continued agricultural use. The severance sketch is attached as Schedule "C".

The subject lands are designated as Good General Agriculture Area in the Regional Official Plan, designated as Agricultural Area, Environmental Protection Area and Fish Habitat in the Township Official Plan and zoned Agricultural Transition – A1 and Agricultural – A2 with a Fish Habitat and Environmental Protection Overlay under Zoning By-law 034-2014.

Application Details

The zoning by-law amendment proposes to rezone:

- Part 1 of the subject lands from the current Agricultural Transition – A1 zone to an Agricultural Transition – A1-27 zone to recognize a reduced lot frontage of 10.77m where 46m is required, while maintaining the Fish Habitat Overlay; and
- Part 2 of the subject lands from the current Agricultural Transition – A1 and Agricultural – A2 zone

to an Agricultural Transition – A1-1 and Agricultural A2-1 zone for “Agricultural Purposes Only” to prohibit dwellings, while maintaining the Fish Habitat and Environmental Protection Overlays.

Consultation

In accordance with the *Planning Act*, a Notice of Public Meeting was mailed to all landowners within 120m of the subject property on January 20th, 2020 and a public notice sign was posted on the subject property. The notice was also posted on the Township’s website at <http://wainfleet.ca/planning-public-notices/public-meetings>.

Public Comments

Agnes & Anthony Wellenreiter, 61830 Regional Road 27 – noted no objection to the proposed amendment and requested a copy of the decision.

Agency Comments

The applications were circulated to external agencies and internal departments for review and comments on January 20th, 2020. The following comments have been received as of writing:

Region of Niagara Planning & Development Services – noted no objection as the zoning amendment is required to satisfy the conditions of provisional approval for severance B14/2019W.

Comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

Next Steps

A planning report regarding a complete review of the proposed amendments will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body is not entitled to appeal the decisions of the Township of Wainfleet to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed applications, you must make a written request to the Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

Contact

For further information regarding the proposed amendment please contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or sivins@wainfleet.ca.

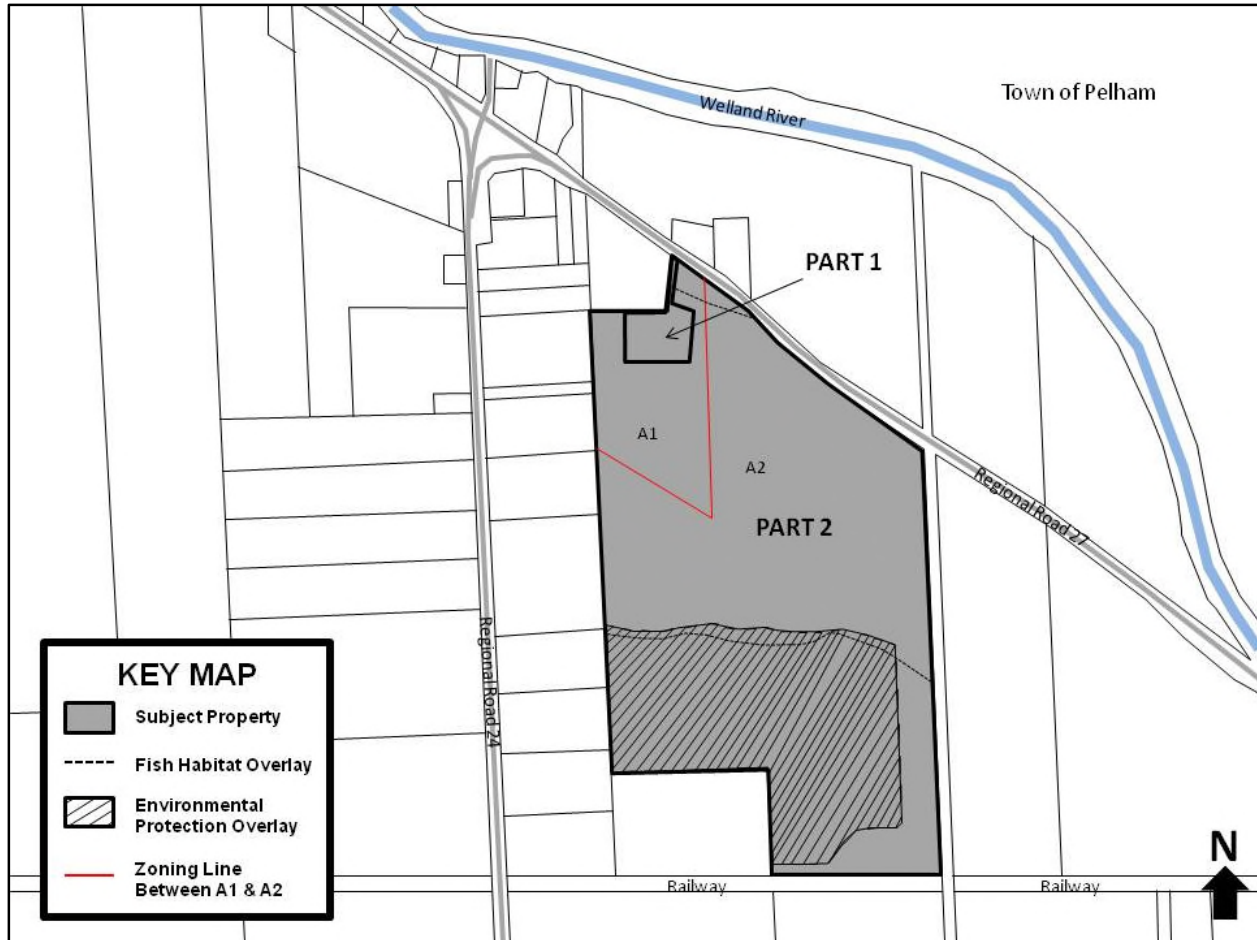
Attachments

Schedule "A" – Location Map

Schedule "B" – Aerial Photograph

Schedule "C" – Severance Sketch

Schedule "A" – Location Map



Proposed Zoning By-law Amendment Application

Z06/2019W

1184505 Ontario Ltd.

Joyce Sonneveld & Samantha Visser (Agents)

61953 Regional Road 27
Part Lot 18/19, Concession 6
2714 000 01017000

LOCATION MAP

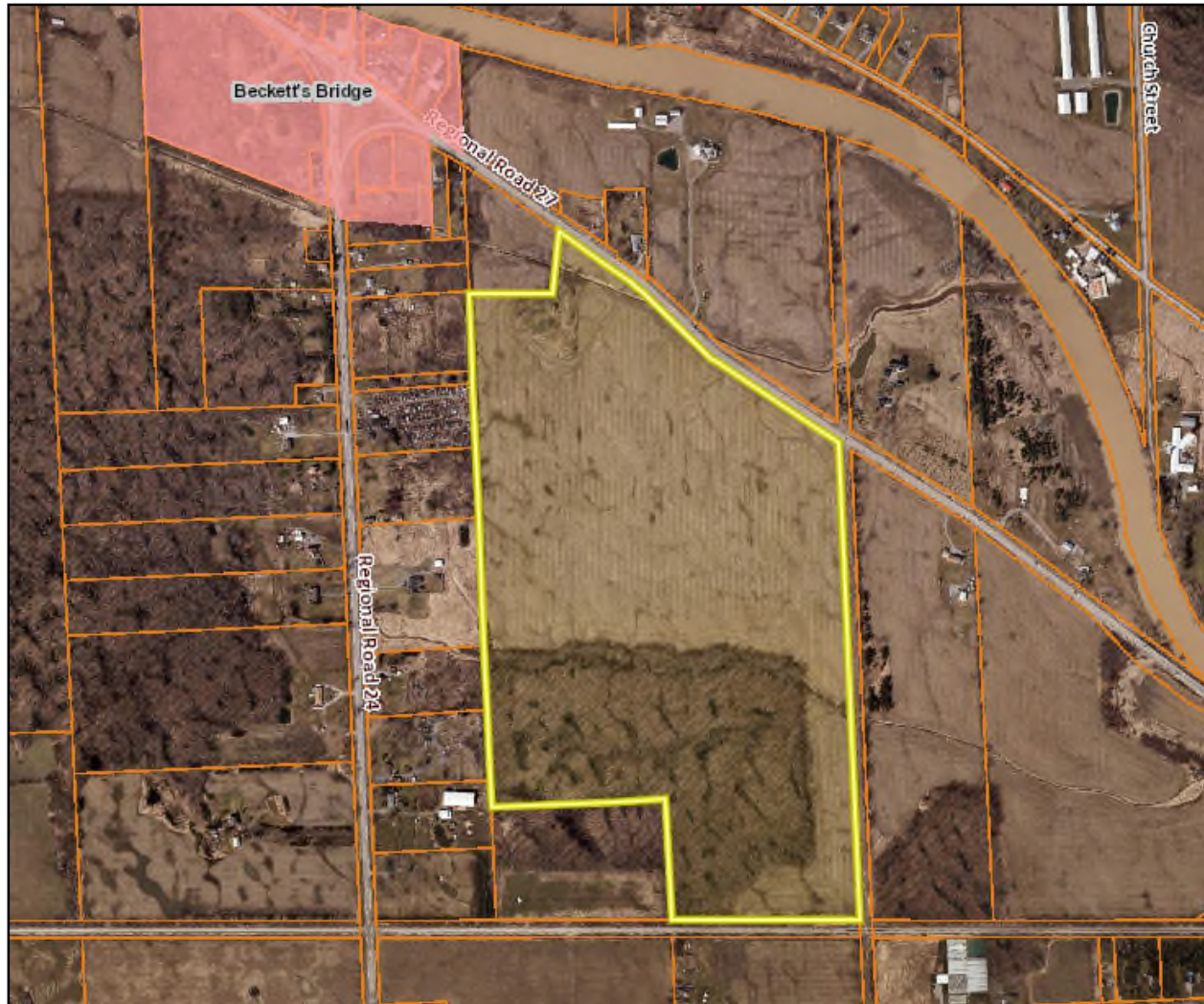
**TOWNSHIP OF
WAINFLEET**

Wainfleet - Find your countryside!

Date: February 2020

File No.: Z06/2019W

Schedule "B" – Aerial Photograph



Proposed Zoning By-law Amendment Application

Z06/2019W

1184505 Ontario Ltd.

Joyce Sonneveld & Samantha Visser (Agents)

61953 Regional Road 27
Part Lot 18/19, Concession 6
2714 000 01017000

LOCATION MAP

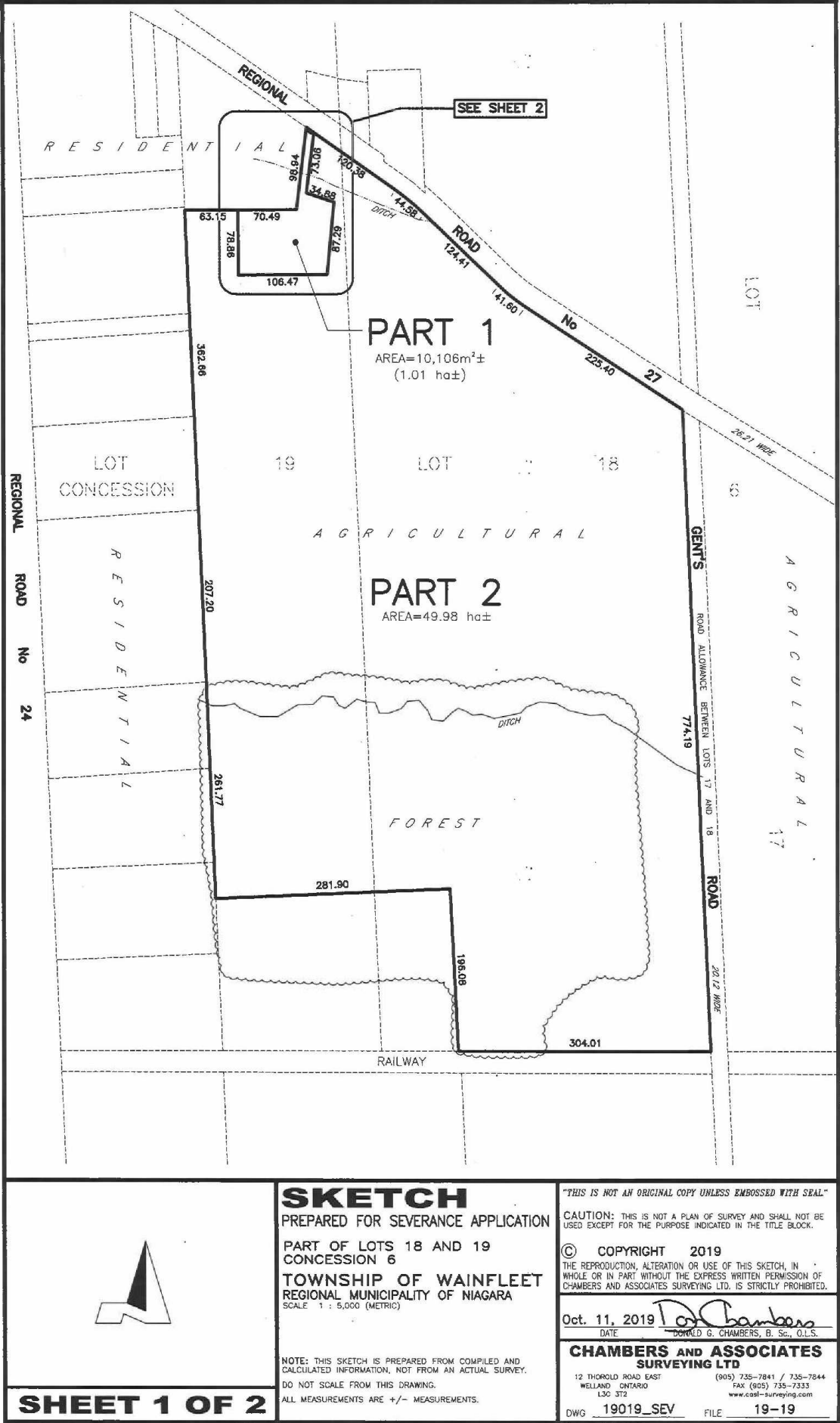
**TOWNSHIP OF
WAINFLEET**

Wainfleet - Find your countryside!

Date: February 2020

File No.: Z06/2019W

Schedule "C" – Severance Sketch



Proposed Zoning By-law Amendment Application

Z06/2019W

1184505 Ontario Ltd.

Joyce Sonneveld & Samantha Visser (Agents)

61953 Regional Road 27

Part Lot 18/19, Concession 6

2714 000 01017000

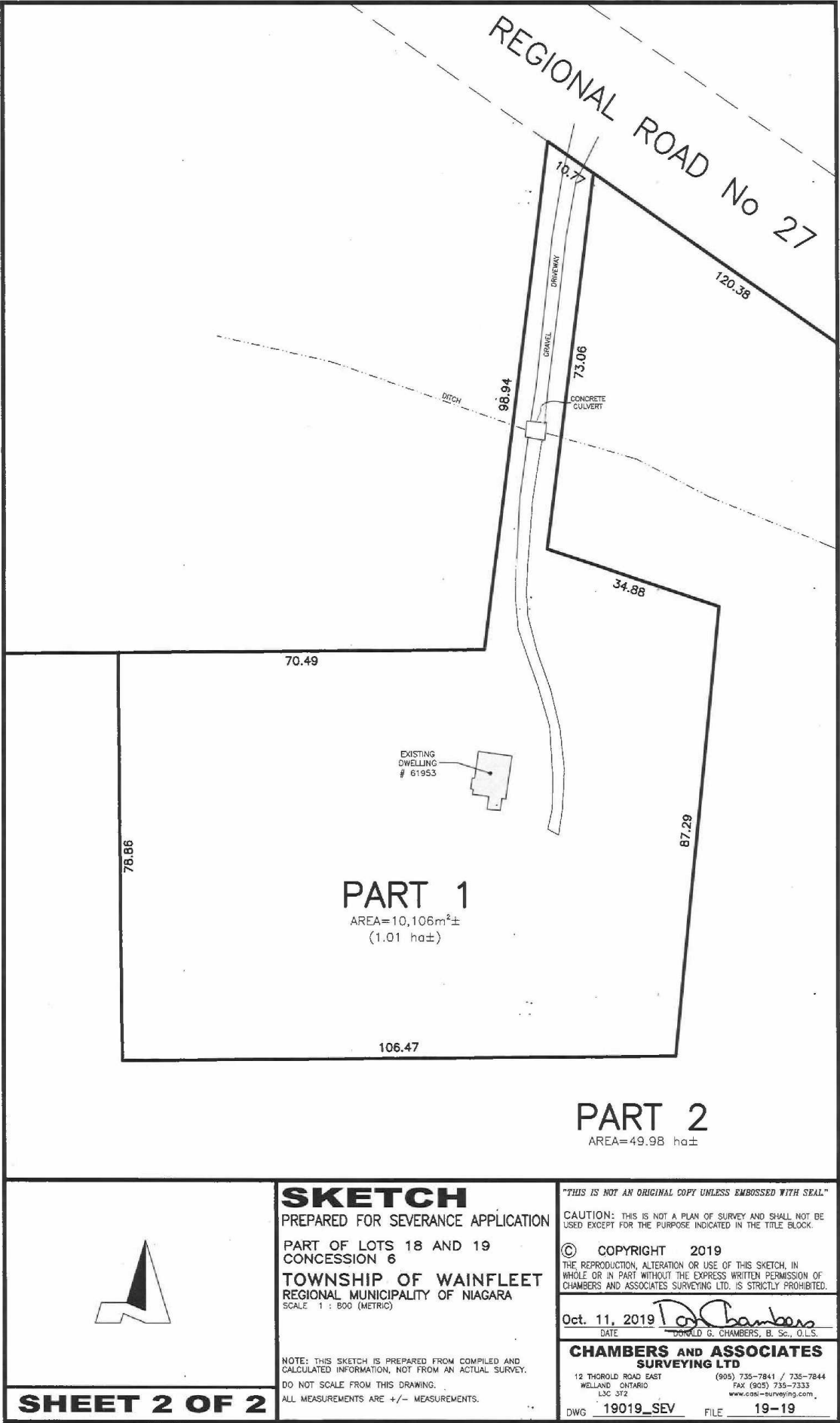
LOCATION MAP

TOWNSHIP OF WAINFLEET

Wainfleet - Find your countryside!

Date: February 2020

File No.: Z06/2019W



Proposed Zoning By-law Amendment Application

Z06/2019W

1184505 Ontario Ltd.

Joyce Sonneveld & Samantha Visser (Agents)

61953 Regional Road 27
Part Lot 18/19, Concession 6
2714 000 01017000

LOCATION MAP

TOWNSHIP OF WAINFLEET

Wainfleet - Find your countryside!

Date: February 2020

File No.: Z06/2019W



**THE TOWNSHIP OF
WAINFLEET**

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Public Meeting

Section 34 of the Planning Act

Z06-2019W

1184505 Ontario Ltd.

Joyce Sonneveld & Samantha Visser (Agents)

61953 Regional Road 27

Z06/2019W – 1184505 Ontario Ltd.

CURRENT ZONING:

Agricultural Transition –A1
with a Fish Habitat Overlay

Agricultural – A2 with a
Fish Habitat Overlay and
Environmental Protection
Overlay

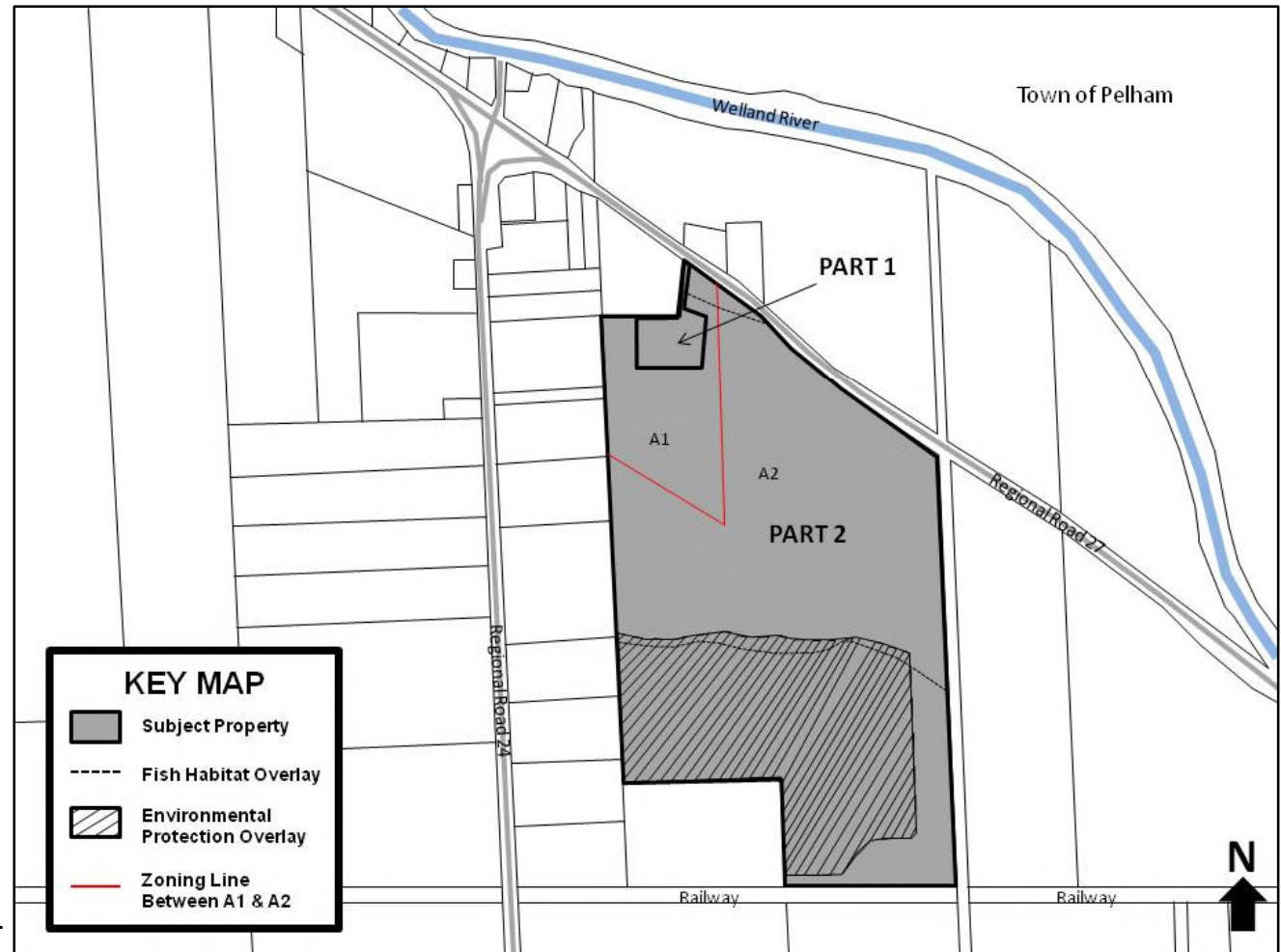
PROPOSED ZONING:

Part 1

Agricultural Transition –
A1-27 to recognize a
reduced lot frontage of
10.77m

Part 2

Agricultural Transition A1-1
and Agricultural A2-1 for
agricultural purposes only



TO: Mayor Gibson & Members of Council

FROM: William Kolasa, Chief Administrative Officer

DATE OF MEETING: February 18, 2020

SUBJECT: **Niagara Central Dorothy Rungeling Airport – Possible Capital Funding Opportunity**

RECOMMENDATION(S):

THAT Administrative Staff Report ASR-003/2020 respecting a possible capital funding opportunity for the Niagara Central Dorothy Rungeling Airport be received; and

THAT the Council of the Township of Wainfleet hereby endorses an application under the Rural Economic Development (“RED”) grant program in cooperation with our partner municipalities in the Niagara Central Dorothy Rungeling Airport, the Town of Pelham and the Cities of Welland and Port Colborne, for funding assistance for a new, self-serve fuel dispensing system at the airport; and

THAT an appropriate allocation be included for consideration in the Township’s 2020 Budget deliberations, if required.

EXECUTIVE SUMMARY:

This report seeks Council support for a joint application under the Province of Ontario’s Rural Economic Development grant program for a new, self-serve card lock fuel dispensing system at Niagara Central Dorothy Rungeling Airport.

BACKGROUND:

The Province of Ontario has announced a new iteration of the Rural Economic Development (“RED”) grant program. The program is intended to support the Province’s priorities to remove barriers to investment, open doors to rural economic development and create good jobs across the Province. The 2020 RED program includes two project categories:

- A Strategic Economic Infrastructure stream that provides up to 30 per cent in cost-shared funding for minor capital projects that advance economic development and investment opportunities.
- An Economic Diversification and Competitiveness stream that provides up to 50 per cent in cost-shared funding for projects that remove barriers to business and job growth, attract investment, attract or retain a skilled

workforce, strengthen sector and regional partnerships and diversify regional economies.

Staff is working to identify possible Township projects that could address the Province's identified priorities associated with this program.

OPTIONS/DISCUSSION:

The Niagara Central Dorothy Rungeling Airport (NCDRA) Commission has been exploring opportunities to reduce operating expenses, increase revenues and improve services for airport users. In doing so, an opportunity has been identified whereby, through a relatively small capital investment, the airport fuel dispensing system can be upgraded to a self-serve model. Such an upgrade would offer new convenience and flexibility to airport users who would be able to refuel their planes and "pay at the pump" using a credit/debit card (similar to self-serve automobile gas station pumps). Currently, fuel can only be sold if there is an airport staff person in attendance, creating a potential for lost sales when staff are not available to dispense fuel and potentially limiting airport utility for customers. The estimated cost to upgrade the refueling system is approximately \$40,000.

The Town of Pelham's Chief Administrative Officer has proposed that the four partner municipalities endorse an application to the RED grant program seeking funding assistance for this project which represents an economic development opportunity for the airport and which has the potential of increasing sales and reducing the airport's annual operating deficit (and, accordingly, reducing the associated reliance of the NCDRA on the municipal property tax base to support airport operations).

FINANCIAL CONSIDERATIONS:

The cost of installing a new, self-serve card lock fuel dispensing system at NCDRA is estimated to be approximately \$40,000. If the application to the RED Grant Program is successful, the Province will provide a grant of 30%, or approximately \$12,000, of the total project cost, leaving a balance of \$28,000 to be funded locally. It is anticipated that this balance would be funded by the NCDRA Commission from within its 2020 Budget, and if required, split on a proportional basis amongst the partner municipalities in accordance with the prevailing airport funding model (based on population).

| Partner | Population* | Ratio | Share |
|---------------|-------------|---------|-------------|
| Pelham | 17,110 | 18.19% | \$5,092.21 |
| Port Colborne | 18,306 | 19.46% | \$5,448.16 |
| Wainfleet | 6,372 | 6.77% | \$1,896.41 |
| Welland | 52,293 | 55.58% | \$15,563.23 |
| Total | 94,081 | 100.00% | \$28,000.00 |

*Source: Statistics Canada 2016 Census Data

OTHERS CONSULTED:

- a) Chief Administrative Officers of NCDRA Partner Municipalities
- b) Strategic Leadership Team

ATTACHMENTS:

- a) None.

Respectfully submitted by,

William J. Kolasa
Chief Administrative Officer/Clerk

TO: Mayor Gibson & Members of Council

FROM: Mark Tardif, By-law Enforcement Officer

DATE OF MEETING: February 18, 2020

SUBJECT: **Review of Fence By-law No. 019-2005**

RECOMMENDATION(S):

THAT By-law Enforcement Staff Report BESR-002/2020 respecting the Review of Fence By-law No. 019-2005 be received; and

THAT Council direct staff to bring forward the revised Fence By-law attached to BESR-002/2020 as Appendix "A" to the next regular meeting for consideration

EXECUTIVE SUMMARY:

On November 12, 2019, Council directed staff to amend Fence By-law No. 019-2005 in accordance with option 2 of By-law Enforcement Staff Report BESR-019/2019.

This report introduces the directed amendments and also identifies a number of housekeeping changes to modernize and implement municipal best practices with respect to the 2005 by-law.

BACKGROUND:

On November 12, 2019, Council approved a compromise to allow fences in the rear yards of lakeside properties in response to public input. Council's decision allowed such fences, providing that a privacy fence with a maximum height of 6 feet (1.8 metres) could be constructed from the rear wall of a dwelling to a maximum distance of 12 feet (3.6 metres), at which point, the fence can continue providing it does not exceed 6 feet (1.8 metres) in height and is of open construction.

This provides a natural opportunity to review Fence By-law No. 019-2005.

OPTIONS/DISCUSSION:

In reviewing the entirety of the Fence By-law, staff recommend the removal of the requirement that the finished side of a fence face towards the neighboring property. The other recommended change is in section 8, regulating required fencing around swimming pools.

After researching all of the fence by-laws in Niagara Region, staff found that current municipal by-laws do not regulate the placement of finished sides of fences facing

toward adjacent neighbours. Accordingly, staff recommend the removal of this requirement from our by-law as it appears to be an outdated practice best resolved by collaboration of neighbours.

| Municipality | Pool Depth |
|---------------------|-------------------------|
| Fort Erie | 24 inches |
| Grimsby | 24 inches |
| Lincoln | 24 inches |
| Niagara Falls | 12 inches |
| Niagara on the Lake | 24 inches |
| Pelham | 24 inches |
| Port Colborne | 24 inches |
| St. Catharines | 24 inches |
| Thorold | 18 inches |
| Wainfleet | Currently not regulated |
| Welland | 24 inches |
| West Lincoln | 24 inches |

If no changes are made, then any pool, including the round plastic pools locally available will require a fence and gate around them or the yard.

Staff also recommends that a pool wall of 4 feet in height or greater be considered a 'fence' for purposes of the by-law, providing adherence with regulations concerning the security of pool stairs.

Council should note that the schedule of Designated By-laws under Non-Parking AMPS By-law No. 027-2019 will be amended to reflect the updated Fence By-law.

FINANCIAL CONSIDERATIONS:

There are no financial implications associated the proposed changes to the Fence By-law.

OTHERS CONSULTED:

- 1) Local Area Municipalities
- 2) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" – Draft Fence By-law with proposed changes
- 2) Appendix "B" – Current Fence By-law No. 019-2005

Respectfully submitted by,

Reviewed by,

Mark Tardif
By-law Enforcement Officer
Approved by,

Lee Gudgeon
Manager of Protective Services

William Kolasa
Chief Administrative Officer/Clerk

APPENDIX "A" TO BESR-002/2020

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. XX-2020

Being a by-law to regulate Fences in the Township of Wainfleet and to repeal By-law No. 019-2005.

WHEREAS the Municipal Act 2001, S.O. s.8, as amended, provides that the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act; and

WHEREAS the Municipal Act 2001, S.O. s.11, as amended, provides that a municipality may pass by-laws respecting matters within a list of identified spheres of jurisdiction that includes Fences; and

WHEREAS the Municipal Act, 2001, S.O. s.446, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

WHEREAS the Municipal Act, 2001, S.O. s.434(1), as amended, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act.

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **SHORT TITLE**

- 1.1. This By-law may be referred to as the "Fence By-law" or the "Wainfleet Fence By-law."

2. **DEFINITIONS**

- 2.1. **Cannabis Production Facility** - means any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis. A Cannabis Production Facility does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis products under a retail operator license issued under the Cannabis License Act, 2018.

- 2.2. **Closed-Style Fence** – means a Fence constructed so that at least two thirds of its vertical surface is closed space and that provides a visual barrier to shield any part of a yard from view from any adjacent property.
- 2.3. **Fence** – means a barrier, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining lands, and includes any hedge or shrub that has the same effect.
- 2.4. **Front Yard** – means the space, extended to the full width of the lot, including any side Lot Lines, between the main front wall of a dwelling and the Lot Line abutting a public highway, but on a corner lot means the space, extended to the full width of the lot, including any side Lot Line, between the shorter Lot Line abutting a public highway, other than a public lane, and the nearest wall of the main dwelling on the lot. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Front Yard.
- 2.5. **Height** – means the dimension from the established finished grade of the property installing the Fence to the top of the finished Fence.
- 2.6. **Lot Line** – means a Lot Line is the boundary line on all sides of a lot that marks the division of properties.
- 2.7. **Open-Style Fence** - means a Fence constructed so that at least two thirds of its vertical surface is open space.
- 2.8. **Rear Yard** – means a yard extending across the full width of the lot between the rear Lot Line and a line drawn parallel or concentric thereto and through the point of the main wall of the main dwelling closest to the rear Lot Line. Where there is no rear Lot Line, the Rear Yard shall be measured from the intersection of the side Lot Lines to the closest point of the main wall of the main dwelling. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Rear Yard.
- 2.9. **Security Fence** – means Fences and gates installed and used primarily to define the perimeter of protected areas, such as restricted areas, controlled areas, entry control/access control points, installation perimeters, and to provide a physical and psychological deterrent to entry and preventing unauthorized personnel from entering a protected area.
- 2.10. **Side Yard** – means a yard extending from the Front Yard to the Rear Yard between the side Lot Line and a line drawn parallel or concentric thereto and through the point of the main wall of a dwelling closest to the side Lot Line. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Side Yard.

- 2.11. **Sight Triangle** – means a triangle formed by the boundaries of the lot common within the road allowance lines and a straight line connecting points on each of the said boundaries measured a distance of 9.2 metres (30 feet) from the point where they intersect and in a case where the lot boundaries abutting the intersecting roads are joined by a curve, the area between the chord joining the beginning and ending of such curve and the road line.
- 2.12. **Swimming Pool** – means any outdoor structure or thing located on privately owned property that is capable of being used for swimming, wading or bathing and in which the water depth at any point can exceed 0.6 metres (2 Feet)
- 2.13. **Swimming Pool Enclosure** – means a Fence, wall, pool wall or other structure, including any permitted door, gate or other opening, which surrounds and restricts access to an outdoor Swimming Pool to a minimum Height of 1.22 metres (4 feet) and does not facilitate climbing.
3. **APPLICATION OF THIS BY-LAW**
- 3.1. This by-law shall apply to all property in the Township of Wainfleet.
4. **SCOPE**
- 4.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence on private property that does not comply with this By-law and with any other applicable law.
5. **FENCES**
- 5.1. **Fence Height**
- 5.1.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence of a Height greater than 1.22 metres (4 feet) above grade in a Front Yard.
- 5.1.2. No person shall erect, own or maintain, or cause or permit the erection or maintenance of, any Fence of a Height greater than 1.83 metres (6 feet) above grade in a Rear Yard or Side Yard.
- 5.1.3. Notwithstanding 5.1.1 and 5.1.2, where a residential zone abuts an industrial or commercial zone, every person may construct a Fence to a maximum Height of 2.4 metres (8 feet).
- 5.1.4. Notwithstanding 5.1.1 and 5.1.2, where an industrial zone abuts a rural zone, every person may construct a Fence to a maximum the Height of 2.4 metres (8 feet).

5.2. Properties that Abut Lake Erie

- 5.2.1. On property that abuts Lake Erie, no person shall erect a Closed-Style Fence in the Rear Yard that is located more than 3.65 metres (12 feet) from the rear wall of the main dwelling on the property.
- 5.2.2. On a vacant lot property that abuts Lake Erie, the Rear Yard shall be deemed to commence from a distance equivalent to the rear wall of a dwelling on an adjacent lot that is closest to Lake Erie.

5.3. Fences around Cannabis Production Facilities

- 5.3.1. An approved Cannabis Production Facility shall erect and maintain a Security Fence around the perimeter of any building, land or structure that is used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis at a Height of 2.4 metres (8 feet).

6. FENCE CONSTRUCTION MATERIALS

- 6.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence composed wholly or partially of used vehicle tires, barbed wire, razor wire or sheet metal.
- 6.2. No person shall erect, own or maintain, or cause or permit the erection or maintenance of an electrical Fence, except in an agricultural or rural zone.

7. FENCE LOCATION

- 7.1. The location of a line Fence is the responsibility of the property owners and shall be located directly on the Lot Line, as determined by a registered survey prepared by an Ontario Land Surveyor. Should the Fence not be a line Fence, then it must be contained wholly within the property of the person constructing said Fence.

8. SIGHT TRIANGLES

- 8.1. No person who uses any land or erects buildings or structures thereon shall place in or on a corner lot any wall, Fence, tree, hedge or other barrier, which would obstruct visibility above a Height of 0.6 metres (2 feet) above the grade in a Sight Triangle.

9. SWIMMING POOL ENCLOSURES

- 9.1. Every owner of a privately owned Swimming Pool shall erect and maintain a Fence completely surrounding such Swimming Pool in accordance with the provisions of this By-law.

9.2. Notwithstanding Section 9.1 of this By-law, an owner of an above-ground Swimming Pool is not required to erect a Fence surrounding said structure provided the following provisions are met:

- i. the wall of the pool structure, provided that there is no deck, is at least 1.22 metres (4 feet) in Height above grade;
- ii. there is no exterior horizontal or vertical or diagonal bracing on the Swimming Pool structure that may be used as a foothold or handhold to facilitate climbing;
- iii. there are no footholds or handholds which reduce the effective Height of the wall to less than 1.22 metres (4 feet);
- iv. that any stair, ramp, walkway or ladder providing access to an above-ground Swimming Pool structure are removed or raised and locked at a Height of at least 1.22 metres (4 feet) when the pool is not in use;
- v. where any stair, ramp, walkway or ladder do not comply with Section 9.2(iv.), a Fence and self-closing gate both of which are at least 1.22 metres (4 feet) in Height shall enclose the stair, ramp, walkway or ladder;
- vi. where any stair, ramp, walkway or deck is constructed, a building permit shall be obtained.

9.3. This section does not apply to inflatable or tube and liner construction above ground Swimming Pools.

10. **MAINTENANCE OF FENCES**

10.1. Every person shall maintain every Fence in a good state of repair as follows:

- i. the Fence is complete and in a structurally sound condition and plumb and securely anchored;
- ii. the Fence is protected by weather-resistant materials; and
- iii. the Fence components are not broken, rusted, rotten or in a hazardous condition.

11. FENCE HEIGHT EXCEPTIONS

- 11.1. The provisions of this By-law relating to the Height of Fences, except the provisions of Section 8 of this By-law, do not apply to lands owned or leased and used by:
- i. The Corporation of the Township of Wainfleet;
 - ii. The Regional Municipality of Niagara;
 - iii. Any Department or Agency of the Federal or Provincial Government;
 - iv. Any Public Utility including electricity, gas, telephone, or telegraph;
 - v. Any person or agency for the purpose of or incidental to the purpose of providing public transport;
 - vi. Any public or private school;
 - vii. Any person for the purpose of temporarily protecting any excavation or construction site.

12. ADMINISTRATION AND INTERPRETATION

- 12.1. Any Fence in existence at the date of passing of this By-law, which does not conform to the provisions herein, and which anytime thereafter, is in need of replacement or reconstruction, shall be built in conformity with the provisions of this By-law.
- 12.2. Where this By-law may conflict with any other by-law, this By-law shall prevail to the extent of the conflict.

13. ENFORCEMENT

- 13.1. The Municipal Law Enforcement Officer or their designate shall enforce the provisions of this By-law and are authorized to enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.
- 13.2. Where an owner fails to comply with any provision of this By-law, an order may be issued to the owner requiring compliance.
- 13.3. No Person shall hinder or obstruct a Municipal Law Enforcement Officer from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out work for the Township specified in an order issued hereunder.

14. PENALTY

- 14.1. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 14.2. Any person who contravenes this By-law may be issued an administrative penalty in accordance with the AMPS By-law for Non-Parking Offences No. 027-2019 in accordance with Schedule "A", attached hereto and forming part of this By-law.

15. SEVERABILITY

- 15.1. Every provision of this By-law is declared to be severable from the remainder of the By-law, and if a court of competent jurisdiction shall declare any provisions of this By-law invalid, such declaration shall not affect the validity of the remainder of the By-law.

16. MUNICIPAL REMEDIAL ACTION

- 16.1. Any remedial works done under this by-law shall not be undone and the municipality shall not be required to provide compensation as a result of doing the remedial work.

17. REPEAL

- 17.1. By-law No. 019-2005 of the Corporation of the Township of Wainfleet and any other by-law relating to the regulation of Fences is hereby repealed.

BY-LAW READ AND PASSED THIS XX DAY OF XX, 2020.

K. Gibson, MAYOR

M. Ciuffetelli, Deputy Clerk

SCHEDULE "A" TO BY-LAW NO. 0XX-2020

Short Form Wording and Administrative Penalties

| Section | Short Form Wording | Penalty |
|---------|--|----------|
| 4.1 | Erect a Fence prohibited by this By-law | \$200.00 |
| 5.1.1 | Erect a Fence in excess of Height requirements – Front Yard | \$150.00 |
| 5.1.2 | Erect a Fence in excess of Height requirements - Rear Yard/Side Yard | \$150.00 |
| 5.1.3 | Erect a Fence in excess of Height requirements – Where a residential zone abuts an industrial or commercial zone | \$150.00 |
| 5.1.4 | Erect a Fence in excess of Height requirements – Where an industrial zone abuts a rural zone | \$150.00 |
| 5.2.1 | Erect Closed-Style Fence where prohibited | \$150.00 |
| 5.3.1 | Fail to erect a Security Fence – Cannabis Production Facility | \$250.00 |
| 6.1 | Erect a Fence using prohibited materials | \$100.00 |
| 6.2 | Erect an electrical Fence outside of an agricultural or rural zone | \$100.00 |
| 8.1 | Erect a Fence in a Sight Triangle | \$100.00 |
| 9.1 | Fail to erect a Fence around Swimming Pool | \$100.00 |
| 9.2 vi. | Fail to obtain permit | \$100.00 |
| 10.1 | Fail to maintain a Fence | \$100.00 |
| 13.3 | Hinder or obstruct a Municipal Law Enforcement Officer | \$250.00 |

SCHEDULE "B" TO BY-LAW NO. 0XX-2020

Illustration of the definition "Rear-Yard"



APPENDIX “B” TO BESR-002/2020

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 019-2005

AS AMENDED BY BY-LAW 045-2019

Being a by-law to regulate the height, location, character and construction materials of fences in the Township of Wainfleet.

WHEREAS the Municipal Act 2001, S.O. 2001, s. 8 states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS the Municipal Act 2001, S.O. 2001, s. 11 states that a municipality may pass by-laws respecting matters within a list of identified spheres of jurisdiction that includes fences;

AND WHEREAS the Municipal Act 2001, S.O. 2001 s. 9 states that Sections 8 and 11 of the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. APPLICATION OF THIS BY-LAW

This by-law shall apply to all areas zoned agricultural, commercial, industrial, institutional, mobile home park, public, residential, or rural, as set out in the Comprehensive Zoning By-law of the Township of Wainfleet as amended or replaced from time to time.

2. GENERAL PROHIBITION

No person(s) shall construct or permit the erection in any areas zoned agricultural, commercial, industrial, institutional, mobile home park, public, residential, or rural as set out in the Comprehensive Zoning By-law of the Township of Wainfleet in effect at any time, of any fence prohibited by this by-law.

3. DEFINITIONS

- a) A “**fence**” for the purpose of this by-law shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines. A fence may include a solid or continuous hedge as a

component.

- b) A “**front yard**” for the purpose of this by-law shall mean a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line.
- c) The “**height of a fence**” for the purpose of this by-law shall be defined as the dimension from the established grade to the top of the finished fence.
- d) The “**rear yard**” for the purpose of this by-law shall mean a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the *rear yard* shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building.
- e) The “**side yard**” shall mean a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.
- f) For the purpose of this by-law a “**sight triangle**” shall mean a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this by-law.
- g) For the purpose of this by-law the “**property lot line**” shall mean a boundary line of a lot.

4. **FENCE HEIGHT**

- a) The height of a fence shall be measured from the higher adjacent grade where there is a grade difference on each side of the fence.
- b) No person shall erect or cause to be erected in a front yard a fence that is higher than 1.25 metres (4 feet) above grade.
- c) No person shall erect or cause to be erected in a rear yard or side yard a fence, which is higher than 1.83 metres (6 feet) above grade.
- d) Where a residential zone abuts an industrial or commercial zone, the height of the fence shall be a minimum of 1.83 metres (6 feet) and a maximum of 2.4 metres (8 feet) in height.
- e) Where an industrial zone abuts a rural zone, the height of the fence shall be 2.4 metres (8 feet) in height.

5. FENCE CONSTRUCTION MATERIALS

- a) No material or part of any *fence* shall consist of or be constructed from vehicle tires, barbed wire or other material having dangerous or toxic characteristics or include any device for projecting an electric current through said fence, except a farmer using an electric fence auxiliary to a line fence.
- b) The finished side of the *fence* shall face toward the adjacent neighbours.

6. FENCE LOCATION

- a) The location of a line *fence* shall be located directly on the lot line, as determined by a registered survey prepared by an Ontario Land Surveyor. Should the fence not be a line fence, then it must be contained wholly within the property of the person(s) constructing said fence.
- b) Where there is a dispute by neighbours about the location of the lot line, the Municipality does not become involved in these civil disputes. A survey will be required to be completed by the parties at their own expense.

7. SIGHT TRIANGLES

No person who uses the land or erects buildings or structures thereon shall place in or on a corner lot any wall, *fence*, tree, hedge or other barrier, which would obstruct visibility above a height of 0.6 metres (2 feet) above the grade of the centerline of the road intersection on that portion of the lot:

- a) Within a triangle formed by the boundaries of the lot common within the road allowance lines and a straight line connecting points on each of the said boundaries measured a distance of 9 metres (30 feet) from the point where they intersect,
- b) In a case where the lot boundaries abutting the intersecting roads are joined by a curve, the area between the chord joining the beginning and ending of such curve and the road line.

8. FENCING AROUND SWIMMING POOLS

Every owner of an outdoor swimming pool shall erect and maintain around the perimeter of the swimming pool, or subject to the provisions of this by-law, around the perimeter of the property on which the swimming pool is situated, a continuous fence of substantial construction, complete with a self-locking gate or gates, to a minimum height of 1.25 metres (4 feet) above grade, or to a maximum height as otherwise specified in this by-law.

9. MAINTENANCE OF FENCE

- a) The owner of the land on which a fence is erected shall maintain such fence in a

good state of repair as follows:

- i. the fence is complete and in a structurally sound condition and plumb and securely anchored;
- ii. the fence is protected by weather-resistant materials;
- iii. the fence components are not broken, rusted, rotten or in a hazardous condition;
- iv. all stained or painted fences are maintained free of peeling;
- v. the fence does not present an unsightly appearance deleterious to the abutting properties

10. EXCEPTIONS

None of the provisions of this by-law relating to the height of fences, except under Section 6 of this by-law, apply to lands owned or leased and used by the following:

- a) The Corporation of the Township of Wainfleet;
- b) The Regional Municipality of Niagara;
- c) Any Department or Agency of the Federal or Provincial Government;
- d) Any Public Utility including electricity, gas, telephone, or telegraph;
- e) Any person or agency for the purpose of or incidental to the purpose of providing public transport;
- f) Any public or private school;
- g) Any person for the purpose of temporarily protecting any excavation or construction site.

11. ADMINISTRATION AND ENFORCEMENT

- a) Any fence in existence at the date of passing of this By-law, which does not conform to the provisions herein, and which anytime thereafter, is in need of replacement or reconstruction, shall be built in conformity with the provisions of this By-law.
- b) The Municipal By-law Enforcement Officer, upon written complaint by a property owner of the Township of Wainfleet and/or by direction of a resolution passed by the Council of the Township of Wainfleet, shall administer and enforce the provisions of this By-law.

- c) 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 or penalty for each offence, exclusive of cost as prescribed by the Provincial Offences Act. R.S.O. 1990.
- d) An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non Parking Offences No. 027-2019 (***As Amended by By-law 045-2019***)
- e) Every provision of this By-law is declared to be severable from the remainder of the By-law, and if a court of competent jurisdiction shall declare any provisions of this By-law invalid, such declaration shall not affect the validity of the remainder of the By-law.

12. MUNICIPAL REMEDIAL ACTION

- a) Pursuant to Section 446 of the Municipal Act, 2001 as amended from time to time, that in the event that any person is in default of any matter or thing that is required to be done pursuant to the provisions of this by-law, such matter or thing shall be done at the person's expense and the Township may recover the costs of doing such matter or thing from the person directed or required to do it and the municipality may recover the costs by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- b) Any remedial works done under this by-law shall not be undone and the municipality shall not be required to provide compensation as a result of doing the remedial work.

13. DISPUTES RESPECTING FENCES

The provisions of the Line Fences Act and regulations made there under shall govern disputes respecting all fencing matters.

BY-LAW READ A FIRST TIME THIS 31ST DAY OF MAY, 2005.

BY-LAW READ A SECOND TIME THIS 31ST DAY OF MAY, 2005.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 31ST DAY OF MAY, 2005.

G. Harry, MAYOR

M. Benner, CLERK

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 019-2005, of the Township of Wainfleet, Niagara Region, attached hereto is the set fine for that offence. This Order is to take effect December 24, 2013.

Dated at Hamilton this 24th day of December 2013.



Sharon Nicklas
Regional Senior Justice
Central South Region

**PART 1 PROVINCIAL OFFENCES ACT
TOWNSHIP OF WAINFLEET
SET FINE SCHEDULE**

Offences and set fines under By-Law 019-2005, Regulate Fences

| <u>Item</u> | <u>Column 1</u> Short Form Wording | <u>Column 2</u> Provision Creating or Defining Offence | <u>Column 3</u> Set Fine in \$ |
|-------------|---|---|-----------------------------------|
| 1. | Erect or cause to be erect a fence prohibited by By-Law | Section 2 | 200.00 |
| 2. | Erect or cause to be erect a fence in front yard higher than 1.25 metres (4 feet) above grade | Section 4(b) | 150.00 |
| 3. | Erect or cause to be erect a fence in rear or side yard higher than 1.83 metres (6 feet) above grade | Section 4(c) | 150.00 |
| 4. | Erect or cause to be erect a fence less than 1.83 metres (6 feet) or greater than 2.4 metres (8 feet) in height where a residential zone abuts an industrial or commercial zone | Section 4(d) | 150.00 |
| 5. | Erect or cause to be erect a fence less than or greater than 2.4 metres (8 feet) in height where a industrial zone abuts a rural zone | Section 4(e) | 150.00 |
| 6. | Construct fence not using suitable materials | Section 5(a) | 100.00 |

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Dec 4/13*

SET FINE SCHEDULE

Page 2 of 2

| | | | |
|-----|---|--------------|--------|
| 7. | Construct fence with finished side not facing adjacent neighbours | Section 5(b) | 100.00 |
| 8. | Construct fence not on lot line or wholly within the property of the person(s) constructing said fence | Section 6(a) | 100.00 |
| 9. | Construct fence in sight triangle | Section 7 | 100.00 |
| 10. | Construct fence less than 1.25 metres (4 feet) above grade or greater than maximum height otherwise specified in this bylaw around an outdoor swimming pool | Section 8 | 100.00 |
| 11. | Failure to construct a fence of substantial construction around a pool | Section 8 | 100.00 |
| 12 | Failure to ensure that gates in fence around pool are self locking | Section 8 | 100.00 |
| 13 | Failure to maintain fence in good state of repair | Section 9(a) | 100.00 |

Note: The penalty provision from the offences indicated above is in accordance to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33

SCHEDULE “A” TO BY-LAW NO. 019-2005

Short Form Wording and Administrative Penalties.

| Section | Short Form Wording | Penalty |
|----------------|--|----------------|
| 2 | Erect or cause to be erect a fence prohibited by By-law | \$200.00 |
| 4 (b) | Erect or cause to be erect a fence in a front yard higher than 1.25 meters (4 feet) above grade | \$150.00 |
| 4 (c) | Erect or cause to be erect a fence in a rear or side yard higher than 1.83 meters (6 feet) above grade | \$150.00 |
| 4 (d) | Erect or cause to erect a fence less than 1.83 meters (6 feet) or greater than 2.4 meters (8 feet) in height where a residential zone abuts an industrial or commercial zone | \$150.00 |
| 4 (e) | Erect or cause to be erect a fence less than 2.4 meters (8 feet) in height where an industrial zone abuts a residential zone | \$150.00 |
| 5 (a) | Construct fence not using suitable materials | \$100.00 |
| 5 (b) | Construct fence with finished side not facing adjacent neighbours | \$100.00 |
| 7 | Construct fence in sight triangle | \$100.00 |
| 8 | Construct fence less than 1.25 meters (4 feet) above grade or greater than maximum height otherwise specified in this by-law around an outdoor swimming pool | \$100.00 |
| 8 | Fail to construct a fence of substantial construction around a pool | \$100.00 |
| 8 | Fail to ensure that gates in fence around pool are self locking | \$100.00 |
| 9 (a) | Fail to maintain fence in good state of repair | \$100.00 |

TO: Mayor Gibson & Members of Council

FROM: Mark Tardif, By-law Enforcement Officer

DATE OF MEETING: February 18, 2020

SUBJECT: **Update to Non-Parking AMPS By-law**

RECOMMENDATION(S):

THAT By-law Enforcement Staff Report BESR-003/2020 respecting Update to Non-Parking AMPS By-law be received; and

THAT a housekeeping revision to the Township of Wainfleet Non-Parking AMPS By-law No. 027-2019 be presented to Council for ratification.

EXECUTIVE SUMMARY:

The implementation of the Township's Non-Parking Administrative Monetary Penalty System (AMPS) By-law in 2019 has proven to be successful. As part of staff's ongoing review of the by-law and its implementation, staff identified a legislative reference in the by-law requiring an update.

BACKGROUND:

The Township of Wainfleet is the first Niagara Municipality to implement a Non-Parking AMPS By-law as an enforcement tool. On April 9, 2019, Council passed the Non-Parking AMPS By-law No. 027-2019 and as of June 11, 2019, all designated by-laws have been amended to provide for the implementation of Non-Parking AMPS.

OPTIONS/DISCUSSION:

At this time, staff recommend a housekeeping amendment to Section 7.2 (a) of the By-law. This section addresses enforcement of unpaid administrative monetary penalties through the addition of such penalties to the municipal tax roll.

Section 7.2 (a) of the Non-Parking AMPS by-law currently recognizes the legislative authority for adding unpaid charges to the municipality as Sections 398 (1) and (2) of the Municipal Act.

Staff have, however, identified a more appropriate legislative reference relating to addition of unpaid administrative monetary penalties to the municipal tax roll: Sections 434.2 (1) and (2), which speak directly to administrative penalties imposed by a municipality on a person.

FINANCIAL CONSIDERATIONS:

The ability to place unpaid administrative monetary penalties on the municipal tax roll cannot be implemented until this section is amended, this could result in uncollected penalties.

OTHERS CONSULTED:

- 1) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" By-law Amendment

Respectfully submitted by,

Reviewed by,

Mark Tardif
By-law Enforcement Officer

Lee Gudgeon
Manager of Protective Services

Approved by,

William Kolasa
Chief Administrative Officer

APPENDIX "A" TO BESR-003/2020

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 0XX-2020

Being a By-law to amend By-law No. 027-2019
being a By-law to establish an Administrative
Monetary Penalty System of Non-Parking
Related Offences in the Township of Wainfleet.

WHEREAS the Council of the Township of Wainfleet enacted By-law No. 027-2019 to establish an Administrative Monetary Penalty System for Non-Parking Related Offences in the Township of Wainfleet;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 027-2019 to provide for enforcement of unpaid administrative monetary penalties issued under said by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1) **THAT** section 7.2 (a) of By-law No. 027-2019 be amended to read as follows:

7.2. An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Township owed by the Person.

a) Pursuant to Section 434.2(2) of the Municipal Act, where an administrative penalty is imposed under the Municipal Act remain unpaid after the day that it becomes due and payable, as specified in the Penalty Notice, the administrative penalty shall be added to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collected it in the same manner as municipal taxes.

2) **AND THAT** this By-law shall come into force and take effect on the date of final passage thereof.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

FIRE STAFF REPORT

FSR-002/2020

TO: Mayor Gibson & Members of Council

FROM: M. Alcock, Fire Chief/CEMC

DATE OF MEETING: February 18, 2020 (Deferred from January 28, 2020)

SUBJECT: Joint Emergency Services Facility Project Update-
Existing Structures

RECOMMENDATION(S):

Deferred from the January 28, 2020 meeting:

THAT Fire Staff Report FSR-002/2020 respecting Joint Emergency Services Facility Project Update – Existing Structures be received; and

THAT staff be directed to dispose of the existing dwelling located at 42143 Highway 3 by way of a controlled burn which will provide for training and public education opportunities through live fire evolutions.

THAT staff be directed to repurpose and renovate the existing barn for the purposes of shared storage and training areas

EXECUTIVE SUMMARY:

This report includes a status update regarding the Joint Emergency Services Facility project, and requests staff direction into the disposal of the existing dwelling structure, and to repurpose the existing outbuilding located on the property.

BACKGROUND

Following the Council-approved purchase of lands on Highway 3 on the west end of Chambers Corners, for the proposed purpose of a Fire Station, and the direction to investigate options, staff have commenced work in earnest to facilitate development of the new facility.

As reported on June 11, 2019 in FSR-007/2019 (Appendix 'B'), Staff are continuing efforts to repurpose the existing barn into a centralized storage and training building. This will require a portion of the barn to be partially removed and renovated. This was provided for and included in the approved 2019 Capital Project Budget (Appendix 'A'). Preliminary drawings have been developed for this project, and quotes from contractors will be received prior to any work being completed.

At the December 3, 2019 meeting, Council approved a Zoning Amendment and an Official Plan Amendment to combine and re-title all the lands within the hamlet boundary to "Institutional" for municipal government uses. Following consultation with Township and Regional Planning staff, the Agricultural lands located outside the Hamlet boundary are proposed to remain zoned AG-1 until such time that the Township deems the lands necessary to be developed for further operations of the facility (ex. training grounds).

At the January 7, 2020 meeting, Council directed staff to remove the house from market and proceed with the disposal of the structure. Staff have begun the process to have all utilities disconnected, and salvage any usable materials. A contractor for the demolition and disposal of the structure and its contents will need to be engaged. There has been some discussion into the viability of utilizing the house for training, & public education via a live fire burn.

OPTIONS/DISCUSSION:

Existing Structure #1 - House

Option 1-

Engage a contractor to demolish and remove the structure.

Option 2- (Recommended)

The structure could be used for training and public education opportunities through conducting live fire evolutions, and ultimately burning the structure in a controlled manner. If Council selects this option, all non Class 'A' combustibles will need to be removed, and all neighbours informed prior to the burn date. Other agencies can be engaged for Public Education and Training purposes.

Note: Regardless of the demolition type selected, an inspection for asbestos and proper abatement and disposal would be required.

Existing Structure #2 – Barn

Option 1-

Engage a contractor to demolish and remove the structure.

Option 2- (Recommended)

As previously reported and approved during the 2019 budget deliberations, and as reported on June 11, 2019 in FSR-007/2019, staff have planned to repurpose part of the building for Municipal storage and part for Fire Services training.

The current barn is 125' long with two 7' tall storeys. The proposed plan is to remove 35' from the front (north side) of the building. Of the remaining 90', remove 50' of the second floor and retain the 40' of the second floor to the rear. A new gable wall will need to be constructed with garage and man doors

installed. The front 50' will be full height and can be used for storage and dry training area.

The remaining area with the second floor will include firefighter survival and search props. A "through the floor" prop will be used for firefighter rescue (Nance Drill). (Appendix "D")

Staff have a plan drafted (Appendix "C") for the renovation building permit application.

A final plan will be submitted to the Building Department pending Council approval of the project.

There is an existing pond on the property that will be incorporated into the storm water management plan. A dry hydrant will be installed in the pond, and run to the "pass by" of the parking area. A second hydrant will be run to the barn where an electric powered pump can be used to fill apparatus.

Exterior cladding will be repurposed and painted in an inconspicuous colour. The entire building will not require to be heated.

FINANCIAL CONSIDERATIONS:

Structure 1 – Dwelling - removal and disposal will be funded through carry over from the approved 2019 Capital Project budget.

Structure 2 – Barn - renovation will be funded through carry over from the approved 2019 Capital Project budget.

Pond & Dry hydrants will be funded through carry over from the approved 2019 Capital Project budget.

OTHERS CONSULTED:

- 1) Company Officers
- 2) Deputy Fire Chief
- 3) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" - 2019 Capital Budget Business Case
- 2) Appendix "B" - FSR-007-2019 – Fire Station Update
- 3) Appendix "C" - Draft plan/drawing for barn renovation
- 4) Appendix "D" - Firefighter Survival training plan

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

TO: Mayor Kevin Gibson & Members of Council

FROM: M. Alcock, Fire Chief/CEMC

DATE OF MEETING: February 18, 2020

SUBJECT: Review of Open Air Burning By-law

RECOMMENDATION(S):

THAT Fire Staff Report FSR-003/2020 respecting Review of Open Air Burning By-law No. 027-2009 be received;

THAT Council direct staff to bring forward the revised Open Air By-law attached to this report attached as Appendix "B" to the March 10, 2020 regular Council meeting for consideration; and

THAT Council authorize staff to utilize online Burn permit sales and management system.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with staff recommendations on housekeeping changes to the Open Air Burning By-law and provide an overview of the key amendments. The proposed changes provide clarity into the interpretation of the By-law, modernize the implementation of the "Burn Permit" process through an online processing option, and provide a transparent, consistent and fair enforcement approach.

BACKGROUND:

It is customary for Council to regularly review By-laws to ensure that such By-laws and their associated procedures are consistent with the prevailing legislation and with Council's directions and accountabilities.

OPTIONS/DISCUSSION:

Recommended changes to the Open Air Burning By-law No.027-2009, as amended (Appendix "A"), are set out in the New By-law attached to this report as Appendix "B" and discussed in more detail below.

Section 1 - DEFINITIONS

- Updated to enhance clarity and maintain consistency.

Section 2- ADMINISTRATION

- Short title revised to reflect actual name, "Open Air Burning By-law".

Section 3 - PROHIBITION (Moved from Section 4.)

- Additional and general open air burning conditions, and provides clarification and regulation for exempt and permitted fires.

- Addition of Prohibition of “Flying Lanterns” which have been recognized by the Office of the Fire Marshal (OFM) as a “serious fire safety hazard”. The OFM has cautioned that, due to their uncontrolled and unpredictable flight path, they can land on trees, building rooftops or other combustible properties while still ignited and potentially cause a fire. Accordingly, staff are recommending that the By-law include the following prohibition.
3.10 No person within the Township of Wainfleet shall ignite or release an ignited Flying Lantern.

Section 4 - EXEMPTIONS (Moved from Section 3.)

- Addition of exemptions provided open air fires meet conditions and general permit requirements.

Section 5- RECREATION BURNING (CAMPFIRES)

- Addition of regulations regarding the permitted time of open air burning.
5.2 The fire is set no sooner than one (1) hour before sunset, and is extinguished no later than one (1) hour after sunrise.
- Addition of regulations regarding maximum flame height.
5.4 The flame height does not exceed one metre (3.25 ft.) in height.
- Reduction of setback, and addition of combustible materials
5.5 The fire is at least 3 meters (9.75 ft.) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, or any object or material with potential to ignite; unless otherwise approved by the Fire Chief or within a site of a permitted campground.

Section 6- SPECIAL/PUBLIC EVENTS

- Addition of maximum fire diameter and flame heights.
6.3 The fire is contained and does not exceed more than two metres (6.5 ft.) in diameter and two metres (6.5 ft.) in height.
- Combined setback from combustibles.
6.4 The fire is at least 5 meters (16.5 ft.) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, or any object or material with potential to ignite; unless otherwise approved by the Fire Chief or within a site of a permitted campground;

Section 7- RESIDENTIAL BURN PERMITS

- Removed approved burn time.
~~*7.(a).(iii). the fire is conducted between sunrise and sunset;*~~
- Addition of maximum pile size and separation.
7.1(g) No piles to be burned shall be greater than 2 metres (6.5 ft.) high and 2 metres (6.5 ft.) in diameter. No more than 2 piles may be burning at one time on any property. Piles must be separated by a minimum of 10 metres (32.5 ft.)
- Addition of maximum “ground cover” fire size.
7.1(h) A fire for the purpose of burning grass and/or leaves must not exceed an area of 0.5 hectare (70.75 metres x 70.75 metres), must not have a flame edge exceeding

20 metres (65 ft.) across, and must not have a flame height exceeding 1 metre (3.25 ft.). Notwithstanding the provisions of Section 4.(h).vi., burning of leaves or grass may be done so long as the soil conditions and ground moisture content are not conducive to sub surface fires.

- Revised Expiry date of permits.
7.3 Any Burn Permit issued under this section shall expire on December 31st of the year it was issued.

Section 8- AGRICULTURAL BURN PERMITS

(Removed Non Recreational Single Occasion)

- Removed approved burn time.
~~*7.(a).(iii). the fire is conducted between sunrise and sunset;*~~
- Addition of maximum pile size and separation.
8.1(g) No piles to be burned shall be greater than 2 metres (6.5 ft.) high and 2 metres (6.5 ft.) in diameter. No more than 2 piles may be burning at one time on any property. Piles must be separated by a minimum of 10 metres (32.5 ft.).
- Addition of maximum “ground cover” fire size.
8.1(h) A fire for the purpose of burning grass and/or leaves must not exceed an area of 0.5 hectare (70.75 metres x 70.75 metres), must not have a flame edge exceeding 20 metres (65 ft.) across, and must not have a flame height exceeding 1 metre (3.25 ft.). Notwithstanding the provisions of Section 4.(h).vi., burning of leaves or grass may be done so long as the soil conditions and ground moisture content are not conducive to sub surface fires.
- Revised Expiry date of permits.
8.3 Any Burn Permit issued under this section shall expire on December 31st of the year it was issued.

Section 9 - COMMERCIAL, INDUSTRIAL, INSTITUTIONAL BURNING

- Addition of section to permit non conforming burning. Commercial operator or qualified contractors assume full responsibility and must provide proof of General Liability Coverage.

Section 10 - GENERAL PERMIT PROVISIONS

- Minor administrative/housekeeping changes.

Section 11 - POWER OF ENTRY AND INSPECTION (New Section)

- Provides Officers authority to enter lands and conduct inspections for the purposes of compliance with the Open Air Bylaw.

Section 12 - OBSTRUCTION (New Section)

- Provides Officers authority to request identification, provides secondary tool for compliance.

Section 13 - EXTINGUISHED UPON DEMAND (Moved from Section 11)

- Addition of Cost recovery for failure to extinguish upon demand.
11.1 The Fire Chief or designate may order any fire extinguished. If so ordered the person or persons responsible shall extinguish the said fire immediately. Failure to do so shall result in suppression costs being levied against the person or persons responsible as set out in the Township of Wainfleet's current Fees and Charges By-law.

Section 14 - LIABILITY (New Section)

- Addition of liability provisions to reflect municipal best practices.
12.1 Every person who starts a fire shall be responsible and liable for damage to property, or injury to persons occasioned by the said fire.
12.2 The Municipality shall not be held responsible or liable for any damages, or costs incurred for the purpose of investigating, controlling and extinguishing any fire.

Section 15 - PENALTY (Moved from Section 12)

- Addition if Non-Parking Administrative Monetary Penalties provisions.
13.2 Where a person fails to comply with requirements of this By-law, an Officer may give the person a notice and direction to comply. Further, an Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property, in accordance with the Non-Parking AMPS By-law No. 027- 2019. Set monetary Penalties are listed in Schedule "C" of this By-law.

Section 16 - ENFORCEMENT (Moved from Section 13)

- Minor administrative/housekeeping changes.

Section 17- FALSE AND FRIVOLOUS COMPLAINTS (New Section)

- Provides ability to transfer liability and costs to persons making false, frivolous or vexatious complaints. May reduce number of complaints used for neighbour disputes.

Section 18 - COLLECTION OF COSTS (Moved from Section 14)

- Minor administrative/housekeeping changes.

Section 19. INDEMNIFICATION (New Section)

- Provides assurance that the Township is not held responsible for damages or costs incurred to property as a result of a permit holder burning improperly or negligently.

Section 20 - SEVERABILITY (Moved from Section 15)

- Minor administrative/housekeeping changes.

Section 21 - REPEAL (New Section)

- Repeal existing and conflicting by-laws or municipal regulations.

Other recommended revisions are as follows:

1. Schedule "A"- Amalgamated "Acceptable Materials" & "Prohibited Materials" lists
2. Schedule "B"- Addition of Non-Parking AMPS Short form wording and values.
(Values taken from Schedule 19 of the Provincial Offences Act)

If Council approves the recommended changes to the Open Air Burning By-law, staff will prepare the necessary changes and bring the by-law back for consideration at the March 10, 2020 meeting of Council.

BURN PERMITS

To avoid expiry confusion, all permits should expire December 31st of the year the permit was purchased for. The current permit system allows a permit purchased in August of 2019 to remain valid until August of 2020. Should a complaint or call for response be required to a property, staff have to investigate and validate permit expiry, which cannot be done after office hours. (example- Permit 19-400 is issued August 1st 2019, and a call for complaint is received the last Saturday in July 2020. Fire Dept. Staff have no means of validating the expiry after hours. If all permits expired Dec. 31st, of the year purchased, the first two digits of the permit would provide initial validation.)

An online fire permit solution is available. Residential permits can be purchased on-line or at the township office. All permits will be entered into the online database. Residents and permit holders can report fires afterhours and automatic notification would be sent to Fire Dispatch and Department personnel via the website after hours.

<http://www.burnpermits.com/index.cfm>

Staff recommend that Council authorize staff to begin the use of electronic permit sales.

Council should note that the schedule of Designated By-laws under Non-Parking AMPS By-law No. 027-2019 will be amended to reflect the updated Open Air By-law number.

FINANCIAL CONSIDERATIONS:

There are no financial implications with respect to the revised By-law.

| Burn Permit Type | Current Burn Permit costs | Recommended Burn Permit costs |
|---------------------------------------|---------------------------|-------------------------------|
| Annual Residential Burn permits | \$10.00 | \$15.00 |
| Annual Agricultural Burn Permits | \$0.00 | \$5.00 |
| Special/Public Events Burn Permits | \$0.00 | \$15.00 |
| Commercial, Industrial, Institutional | \$200.00 | \$100.00 |

Burn permit revenue should cover operating costs or Burn Permit Website.

OTHERS CONSULTED:

- 1) Fire Service Officers
- 2) Deputy Fire Chief Schutten
- 3) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" - Existing Burning By-law BL027-2009, as amended.
- 2) Appendix "B" - Revised Open Air Burning By-law with recommended changes
- 3) Appendix "C" - Revised (Non-Residential Ignition Authority) Permit Application
- 4) Appendix "D" - Schedule 19 – Set Fines: Forest Fire Prevention Act
- 5) Appendix "E" - Burn Permits.com Information

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BYLAW NO. 027-2009

Being a bylaw to regulate open
air burning in the Township of
Wainfleet.

WHEREAS Section 7.1 (1) (b) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 provides that Council may pass Bylaws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 7.1 (3) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a Bylaw under this section may deal with different areas of the municipality differently;

AND WHEREAS Section 7.1 (4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether Bylaws enacted in accordance with this section are being complied with;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that despite any Act, a municipality and a local board may pass Bylaws imposing fees or charges on any class of person, for services or activities provided or done by or on behalf of it or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. INTERPRETATION

(a) Definitions

- (i) “appropriate weather conditions” shall mean that the wind speed does not exceed 15 kilometres per hour and that it is not raining or foggy, nor is there a declared smog alert. The appropriate Federal and/or Provincial Government agency shall be used as the source of this information.
- (ii) “by-products” shall include smoke and ash.
- (iii) ~~“cooking fires” shall mean a small confined fire, supervised at all times, and used to cook food on a grill or barbeque.~~ *A “recreational burn” shall mean a small, confined fire, supervised at all times, and used only for the purposes of cooking or entertainment (campfires).*
Amended by Bylaw 028-2011
- (iv) “Council” shall mean the elected Council of the Township of Wainfleet.
- (v) “Township” shall mean the Corporation of the Township of Wainfleet.
- (vi) “Fire Chief” shall mean the person appointed as Chief Fire Official, by Township Bylaw pursuant to the Fire Protection and Prevention Act, and his or her designate.

- (vii) “fire pit” shall mean any space designed specifically for the purposes of holding campfire, which encloses the perimeter of a campfire with non-combustible materials, and may include a steel or masonry container, such as a chiminea.
- (viii) “fires” shall have the same meaning as burning.
- (ix) “municipal property” shall include any property owned or operated by the Township, but does not include any property which is leased out by the Township.
- (x) “negative impact” means one or more of:
- actual damage to property or to plant or animal life;
 - harm or material discomfort to any person;
 - impairment of the safety of any person
 - loss of normal use of property; or
 - interference with normal conduct of business.
- (xi) ~~“notify” shall mean that the person proposing to have an open air burn contacts the Wainfleet Fire Department, provides required information and received confirmation that the burn is authorized.~~ *“notify” shall mean that any person proposing to have an open air burn is required to contact the Fire Department and provide a minimum of twenty-four (24) hours advance notice. No burning shall take place prior to receiving authorization from the Fire Chief or designate, provided that the required application as indicated in this bylaw has been supplied.*
Amended by Bylaw No. 028-2011
- (xi) “vacated” means the absence of any person attending to the fire.
- (xii) “open air burning” shall mean burning or combustion of materials in any open place including yards, fields or constructions areas which are not enclosed by a building or structure.
- (xiii) “permitted campground” means a campground or recreation trailer park as defined and permitted by the Township Zoning Bylaw.
- (xiv) “Provincial Offences Officer” means a police officer or a person or class of persons designated by a minister of the Crown, in writing, for the purposes of all or any class of offences as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

2. ADMINISTRATION

- (a) The short-title of this Bylaw shall be the “Burning Regulation Bylaw”.
- (b) The administration of this Bylaw shall be the responsibility of the Fire Chief except with regard to enforcement which shall be the responsibility of the Fire Chief and any Provincial Offences Officer.
- (c) If this Bylaw is in conflict with any Federal or Provincial Act or Regulation, the provisions of the said Federal or Provincial Act or Regulation shall supersede those affected portions of this Bylaw.

- (d) This Bylaw shall apply to all lands and premises within the Township.
- (e) The Fire Chief has the authority with the concurrence of the Chief Administrative Officer and the Mayor to make minor modifications and/or changes to any or all of this bylaw and/or appendices attached to and making part of this bylaw.

3. EXEMPTIONS

- (a) The Township Fire Department shall be exempt from the provisions of this Bylaw with respect to open air burnings for the purposes of educating and training individuals.
- (b) Nothing in this Bylaw shall be construed as permitting the operation of an incinerator.

4. PROHIBITION

- (a) No person shall conduct or permit an open air burning within the boundaries of the Township unless approved by the Fire Chief.
- (b) No person shall conduct or permit an open air burning contrary to the conditions set out in this Bylaw or a permit issued pursuant to this Bylaw.
- (c) *No person shall conduct or permit an open air burning within the boundaries of the Township unless they are the owner or authorized agent (written proof required when applicable) of the property owner.*

Amended by Bylaw 035-2013

5. RECREATIONAL BURNING

- (a) Open air burning for recreational purposes, except at a public event, is deemed to be approved by the Fire Chief if:
 - (i) the fire is contained in a fire pit which is no more than ~~one square metre in area~~ *one metre in diameter*;
Amended by Bylaw 035-2013
 - (ii) ~~the fire is at least 15 metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, unless otherwise approved by the Fire Chief or within a site of a permitted campground~~ *the fire is at least 5 metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, unless otherwise approved by the Fire Chief or within a site of a permitted campground*;
Amended by Bylaw 035-2013
 - (iii) the fire is at least 5 metres from any object or material with potential to ignite;
 - (iv) ~~the perimeter of the fire does not exceed the size of the fire pit~~;
Amended by Bylaw 035-2013
 - (iv) the fire is attended, controlled and supervised at all times;

- (v) steps are taken to ensure that smoke caused by the fire does not have an adverse affect on the visibility of motorists using roads in the vicinity of the burn;
- (vi) ~~the owner or occupant takes steps to ensure that adjacent properties are protected and that the by-products of the fire do not have a negative impact on persons, pets or the environment~~ *the owner or authorized agent takes steps to ensure that adjacent properties are protected and that the by-products of the fire do not have a negative impact on persons, pets or the environment;*
Amended by Bylaw 035-2013
- (vii) the fire is not occurring on any road allowance or municipal property without written permission of the Township;
- (viii) ~~an effective extinguishing agent of sufficient size and with the capability of extinguishing the fire~~ *an effective means of extinguishment (e.g. garden hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment is immediately available for use;*
Amended by Bylaw 035-2013
- (ix) the fire is conducted in such a manner as to preclude the escape of fire or the escape of combustible solids such as sparks and ash from the fire;
- (x) the fire is burned in appropriate weather conditions;
- (xi) the only materials being burned are those listed in Schedule 'A', forming part of this Bylaw; and
- (xii) the fire is completely extinguished before the site is vacated.

6. SPECIAL EVENTS PERMIT

- (a) All persons seeking to conduct or permit an open air burning at a public event shall apply to the Fire Chief for a permit.
- (b) Applications shall be submitted at least one week prior to the proposed date of the event.
- (c) The Fire Chief shall only issue a permit for the burning of materials included in Schedule 'B', forming part of this Bylaw.
- (d) The Fire Chief may issue a permit to allow the open air burning to reoccur over an extended period of time.
- (e) Registered not-for-profit charitable organizations may make application to the Fire Chief requesting a permit fee exemption and the Fire Chief may authorize an exemption.
- (f) The Fire Chief shall not grant a permit to conduct an open air burning at a public event, which is proposed to take place on land that is zoned for residential use.

7. ~~NON-RECREATIONAL RESIDENTIAL/AGRICULTURAL BURNING – APPROVAL REQUIRED~~ – “NON-RECREATIONAL RESIDENTIAL/AGRICULTURAL BURNING – ANNUAL PERMIT”.

Amended by Bylaw 028-2011

- (a) ~~Open air burning on lands zoned Residential or Agricultural, that does not meet the criteria in Section 5 of this bylaw, must be approved by the Fire Chief and conducted in compliance with the following conditions:~~ *Open air burning on lands zoned Residential/Agricultural, not meeting the requirements of Sections 5, 6, 8 or 9 of this bylaw shall require an application to the Township for an annual permit. Such application shall be made referencing Schedule “C”, attached hereto and forming part of this bylaw, and requires a minimum of twenty-four (24) hours advance notice. Permits shall be issued at the sole discretion of the Fire Chief or designate.*

Amended by Bylaw 028-2011

- (i) the fire is located on land designated for residential or agricultural use in the Township zoning Bylaw;
- (ii) ~~the Township Fire Department is notified in person or by telephone, before the burning commences;~~ *Any permit issued under this Section shall expire twelve (12) months from the date of issuance.*
Amended by Bylaw 028-2011
- (iii) the fire is conducted between sunrise and sunset;
- (iv) only materials as set out in Schedule ‘B’, forming part of this Bylaw, are burned;
- (v) the fire is attended, controlled and supervised at all times;
- (vi) the fire is completely extinguished before the burn site is vacated;
- (vii) the fire is conducted during appropriate weather conditions;
- (viii) the fire is confined to an area at least 15 metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, or any property line;
- (ix) the fire is confined to an area at least 5 metres from any object or material with potential to ignite;
- (x) steps are taken to ensure that smoke caused by the fire does not adversely affect the visibility of motorists using roads in the vicinity of the burn;
- (xi) the fire does not cover a ground area exceeding ~~3 square metres~~ *3 metres in diameter*
Amended by Bylaw 035-2013
- (xii) steps are taken to ensure that the adjacent properties are protected and that by-products of the fire do not have a negative impact on persons, pets or the environment;
- (xiii) the burn is conducted in such a manner to prevent the escape of the fire or the escape of combustible solids such as sparks and ash from the fire;
- (xiv) ~~an effective extinguishing agent of sufficient size and with the capability of extinguishing the fire is immediately available for use~~ *an effective means of extinguishment (e.g. garden*

hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment;

Amended by Bylaw 035-2013

- (xv) the fire is not located on any road allowance or municipal property without the written permission of the Township, unless such burning is being conducted by authorized employees of the Township of Wainfleet or is for the purpose of clearing the Township drainage ditches;
- (xvi) ability to contact the Township Fire Services is immediately available.
- (xvii) *The holder of a burning permit issued pursuant to this section is required to notify the Township Fire Department at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences.*

Amended by Bylaw 035-2013

8. NON-RECREATIONAL SINGLE OCCASION – PERMIT

- (a) Open air burning that does not meet the criteria in Sections 5 and/or 7 of this bylaw may be conducted under the authority of and in compliance with a permit issued pursuant to this section.
- (b) The Fire Chief shall only issue a permit for the burning of materials included in Schedule 'B', forming part of this Bylaw.
- (c) The permit is issued to allow open air burning between sunrise and sunset, for no more than three (3) consecutive days.
- (d) The holder of a burning permit issued pursuant to this section is required to notify the Township Fire Department at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences, and again when the fire is extinguished.

9. COMMERCIAL, INDUSTRIAL, INSTITUTIONAL BURNING – ANNUAL PERMIT

- (a) Open air burning on lands zoned commercial, industrial or institutional that do not meet the requirements of Section 5 are not permitted except under the authority of and in compliance with a permit issued pursuant to this section.
- (b) The Fire Chief shall only issue a permit for the burning of materials included in Schedule 'B', forming part of this Bylaw.
- (c) The holder of a burning permit issued pursuant to this section is required to notify the Township Fire Department dispatch centre at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences, and again when the fire is extinguished.
- (d) The permit is issued to allow open air burning between sunrise and sunset only.
- (e) Any permit issued shall expire no more than twelve (12) months after the date of issue.

10. GENERAL PERMIT PROVISIONS

- (a) The application and permit shall be in the form as set out in Schedule 'C', forming part of this Bylaw.
- (b) Each permit application must be accompanied by the applicable fee as set out the Township of Wainfleet Fees and Charges Bylaw 059-2002.
- (c) Permits are issued at the discretion of the Fire Chief.
- (d) Prior to granting a permit to conduct open air burning, the Fire Chief may give consideration to:
 - (i) the results of an on-site inspection;
 - (ii) the size of the proposed fire;
 - (iii) the safety measures proposed;
 - (iv) the supervision arrangements proposed;
 - (v) the time of year and the time of day;
 - (vi) the type of special event;
 - (vii) the materials to be burned;
 - (viii) the anticipated weather conditions; and
 - (ix) any other relevant considerations.
- (e) The Fire Chief may attach such conditions as deemed appropriate to any permit granted for open air burning.
- (f) The holder of the burning permit shall keep the permit or a copy of the permit at the burning site specified in the permit.
- (g) No person, being the holder of a burning permit, shall fail to produce the permit or a copy of the permit on the demand of a Provincial Offences Officer.
- (h) Any permit holder who is in violation of this Bylaw shall have their permit summarily revoked and all fires shall be immediately extinguished.
- (i) Despite the existence of a valid burning permit, the Fire Chief may suspend, without recourse, any and all burning permits and cause to be extinguished any fire until such conditions as the Fire Chief may indicate are met.
- (j) The Fire Chief may refuse to approve or issue a permit for an open air burning if the proposed open air burning would be in contravention of this Bylaw; if the owner, occupant or permit holder has, in the past, contravened the provisions of this Bylaw or has not complied with any conditions attached to a permit issued pursuant to this Bylaw.
- (k) The Fire Chief may withdraw a permit for an open air burning if, in the Fire Chief's opinion, the fire is causing a negative impact, smoke produced by the fire is causing visibility concerns on

roads in the area of the burn, the weather has deteriorated or conditions have become unfavorable for an open air burning, conditions attached to the granting of a permit are not being adhered to or any provision of this Bylaw is being contravened.

- (l) *Open air burning conducted under S. 20 of the Marihuana for Medical Purposes Regulations (Health Canada) shall be governed by those regulations and must provide that there will be no negative impact on community safety and/or neighbouring properties. The determination of negative impact will be at the sole discretion of the Fire Chief (or designate). Amended by BL049-2013*

11. EXTINGUISHED UPON DEMAND

- (a) When made aware of an unapproved open air burning, any Provincial Offences Officer may order the land owner or occupant to immediately extinguish the fire.
- (b) Where in the opinion of any Provincial Offences Officer any approved open air burning is having a negative impact on the occupants of adjacent land, the fire is adversely affecting persons using a road or highway adjacent to the burn site, the weather has deteriorated or conditions have become unfavourable, or conditions attached the any permit or the provisions of this Bylaw are being contravened, the Provincial Offences Officer is hereby granted the authority to order the owner or occupant to immediately extinguish the fire.
- (c) No person conducting or permitting an open air burning shall fail to extinguish a fire upon direction by a Provincial Offences Officer.

12. PENALTY

- (a) Every person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction shall be liable to any penalty as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, and any amendments thereof.
- (b) The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

13. ENFORCEMENT

- (a) The authority to enforce the provisions of this Bylaw is hereby granted to the Township Fire Chief, Municipal Law Enforcement Officers, appointed by the Township and officers of the Township's Police and Fire Services.

14. COLLECTION OF COSTS

- (a) ~~If any contravention of the Bylaw results in the Township Fire Services being dispatched, the person and/or property owner may be charged with the actual cost of the Fire Department response according to the rates established in the Township of Wainfleet Fees and Charges Bylaw 059-2002 in addition to current Ministry of Transportation rates, if required; however, nothing in this schedule of rates shall be construed as limiting the rights of the Township of Wainfleet to~~

~~seek restitution for other direct or consequential damages or costs incurred beyond those listed~~ *If any contravention of the Bylaw results in the Township Fire Services being dispatched, the person and/or property owner may be charged with the actual cost of the Fire Department response according to the rates established in the current Township of Wainfleet Fees and Charges Bylaw in addition to current Ministry of Transportation rates, if required; however, nothing in this schedule of rates shall be construed as limiting the rights of the Township of Wainfleet to seek restitution for other direct or consequential damages or costs incurred beyond those listed;*

Amended by Bylaw 035-2013

- (b) Should any land owner or occupant fail to extinguish a fire when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished, and the person who owns or occupies the land on which the open burning is located shall be responsible for any and all costs incurred by the Township Fire Department in its efforts to extinguish the fire;
- (c) *Any such fee or charge imposed pursuant to this bylaw shall be payable within 30 days of invoicing the person responsible, at the person's last known address, and interest shall accrue and be added to the amount at the rate of 1.25% per month;*
- (d) *The Township shall have the right to collect any unpaid costs as authorized by this bylaw by adding such charges to the tax roll where they may be collected in like manner as municipal taxes.*

Amended by Bylaw 035-2013

15. SEVERABILITY

- (a) If any section or sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of the Council of the Township to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

16. FORCE & EFFECT

- (a) **THAT** this bylaw shall come into force and take effect on the date of its passage;

BYLAW READ A FIRST TIME THIS 21ST DAY OF JULY, 2009.

BYLAW READ A SECOND TIME THIS 21ST DAY OF JULY, 2009.

BYLAW READ A THIRD TIME AND FINALLY PASSED THIS 21ST DAY OF JULY, 2009.



B. Henderson, MAYOR



T. Lamb, CLERK

SCHEDULE 'A' TO BYLAW NO. 027-2009

The following is a list of acceptable material for burning under Section 5 of this bylaw.

1. Wood and wood by-products that have not been chemically treated, painted or stained.
2. Paper and paper products.

SCHEDULE 'B' TO BYLAW NO. 027-2009

The following is a list of acceptable material for burning under the Sections 6, 7, 8, and 9 of this bylaw.

1. Wood and wood by-products that have not been chemically treated, painted or stained
2. Paper and paper products
3. Cardboard
4. Brush
5. Tree stumps
6. Hay, straw and dry grass (non-baled)
7. Yard wastes such as twigs and leaves
8. Other combustible materials only with the specific approval from the Fire Chief

SCHEDULE 'C' TO BYLAW NO. 027-2009, AS AMENDED BY BYLAW NO. 028-2011

BURNING PERMIT

NO: _____

| | | | |
|--|--|--|--|
| Applicant's Name: | | | |
| Applicant's Address: | | | |
| Burn Site: | Burn Date | Telephone: | |
| At BURN SITE : I am the property owner <input type="checkbox"/> I have the permission of the property owner <input type="checkbox"/> | | | |
| Site Plan: | <u>Type of Permit:</u> | | |
| | Single <input type="checkbox"/> | Special <input type="checkbox"/> | Annual <input type="checkbox"/> |
| | Fee collected <input type="checkbox"/> | Fee collected <input type="checkbox"/> | Fee collected <input type="checkbox"/> |

Materials to be burned:

Safety Measures:

This permit is only valid for the applicant to whom it is issued, and for the property described above as the "burn site". Only the materials described above may be burned.

Conditions:

I the undersigned, hereby affirm that all information provided herein is true and accurate to the best of my knowledge, AND FURTHERMORE I affirm that I have read and understand all conditions of this permit. I, the undersigned, hereby affirm that I understand the duties under the burning Bylaw, AND FURTHERMORE I affirm that I am liable for any damages, costs, and/or injuries that may directly or indirectly result of this burning.

Owner Signature

Authorized Agent (if applicable)

Date

AUTHORIZATION: _____
Signature of Authority

Date

OFFICE USE ONLY:

Permit issued: _____ Expires: _____

PART I PROVINCIAL OFFENCES ACT**Township of Wainfleet****Schedule “D” to Bylaw No. 027-2009: Open Air Burning****SCHEDULE OF FINES**

| Item | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
|-------------|---|---|-----------------|
| 1. | Person conducting or permitting an open air burning within the boundaries of the Township unless approved by the Fire Chief and/or his designate. | Section 4(a) | \$250.00 |
| 2. | Holder of a non-recreational single occasion permit fails to notify the Township Fire Department of the date and time of burning. | Section 8 (d) | \$250.00 |
| 3. | Failing to produce a copy of an open air burn permit. | Section 10 (g) | \$150.00 |
| 4. | Failing to extinguish an open air burn fire upon direction of a Provincial Offences Officer. | Section 11 (c) | \$250.00 |

Note: The penalty provision for the offences listed above is Sections 12 of Bylaw No. 027-2009, a certified copy of which has been filed.

APPENDIX “B” TO FSR-003-2020

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 0XX-2020

Being a by-law to repeal By-Law No. 027-2009, as amended, and to regulate the setting, control and extinguishment of Open Air Fires, and provide set penalties for contraventions and fees of suppression and other costs, within the Township of Wainfleet.

WHEREAS Section 7.1 (1) (b) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 provides that Council of a Municipality may pass By-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 7.1 (3) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a By-law under this section may deal with different areas of the municipality differently;

AND WHEREAS Section 7.1 (4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a municipality may appoint an Officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether By-laws enacted in accordance with this section are being complied with;

AND WHEREAS Part 2 of the Ontario Fire Code, Ontario Regulation 388/97 issued under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire supervised at all times and used to cook food on a grill or barbeque or such burning takes place in an appliance that is in conformance with the Technical Standards and Safety Act, 2000, is for outdoor use and is installed in accordance with the manufacturer's instructions;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisance;

AND WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that despite any Act, a municipality and a local board may pass By-laws imposing fees or charges on any class of person, for services or activities provided or done by or on behalf of it or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

AND WHEREAS Section 429 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that Subject to subsection (4), a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act. 2006, c. 32, Sched. A, s. 184

AND WHEREAS Section 442 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that where the municipality has the authority by any Act or By-law to

direct or require a person to do a matter or thing, the municipality may also provide that, in default or it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet, deems it desirable and expedient to regulate the setting of open air fires, including the provision of conditions for the purposes of ensuring fire safety from the risks of open air fires and reducing the public nuisance arising from such fires;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. INTERPRETATION

1.1 Definitions

- (a) **"Adverse Effect"** has the same meaning as in the Environmental Protection Act, R.S.O. 1990, c. E. 19, and includes one or more of the following:
 - i. impairment of the quality of the natural environment for any use that can be made of it;
 - ii. injury or damage to property or to plant or animal life;
 - iii. harm or material discomfort to any Person;
 - iv. an adverse effect on the health of any Person;
 - v. impairment of the safety of any Person;
 - vi. rendering a property or plant or animal life unfit for human use;
 - vii. loss of enjoyment of normal use of property; and
 - viii. interference with the normal conduct of business.
- (b) **"Applicant"** means the applicant for a *burning permit* being an *Owner* or person who is the *Authorized Agent* for an *owner*.
- (c) **"Appropriate Weather Conditions"** means that the wind speed does not exceed 15 kilometres per hour, nor is there a declared smog alert. The appropriate Federal and/or Provincial Government agency shall be used as the source of this information.
- (d) **"Authorized Agent"** means any *Responsible Person* who provides a Property Owner Permission to Burn Release Form as approved by the Fire Chief, identifying that they are authorized in writing to act for the *Owner* of a particular property.
- (e) **"Barbeque"** means a portable or fixed device including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits or camp fires.

- (f) “**Burn Safety Plan**” means procedures provided by the Campground owner, and shall include provisions for facilitating emergency vehicle access, and specify open air fire safety control procedures including on-site extinguishment capabilities and supervision requirements.
- (g) “**Burning Permit**” means a written, conditional, authorization issued and administered by the *Fire Chief* or *designate* to set or maintain an *open air fire* that is not an *exempt* fire and as per any restrictions and conditions contained in this By-law or as may be specified on the *burning permit* itself
- (h) “**By-products**” includes smoke and ash.
- (i) “**Campfire/Recreational Burn**” means a small, confined fire, supervised at all times, and used only for the purposes of cooking or entertainment.
- (j) “**Campground**” means a campground or recreation trailer park as defined and permitted by the Township Zoning By-law.
- (k) “**Combustible**” means any material, combination of materials, or arrangement of materials in which any portion thereof is susceptible to catch fire when exposed to heat, flame, or burning materials.
- (l) “**Cooking**” means the activity of preparing food for human consumption by placing it over a fire until such time as it is ready to eat and includes fire pre-burn time before the cooking commences but only as is reasonably necessary and is limited to burning of commercially produced charcoal, briquettes or clean, dry seasoned wood.
- (m) “**Council**” means the elected Council of the Township of Wainfleet.
- (n) “**Designate**” means any person that has designated authority from the *Fire Chief* for the administration and enforcement of this By-law and may include the *Deputy Fire Chief, Officer, Firefighter*.
- (o) “**Exempt**” means that, under specified conditions, a particular type or configuration of *open air fire* does not require a *burning permit*.
- (p) “**Fire Ban**” means a total fire ban and shall prohibit; burning of debris, burning in an outdoor incinerator, chimineas, fireworks displays, campfires of any type, and charcoal installations.
- (q) “**Fire Chief**” means the person appointed as Chief Fire Official, by Township BY-LAW pursuant to the Fire Protection and Prevention Act, and his or her designate.
- (r) “**Firefighter**” means a firefighter of the Wainfleet Fire & Emergency Services
- (s) “**Fire pit**” means any space designed specifically for the purposes of holding campfire, which encloses the perimeter of a campfire with non-combustible materials, and may include a steel or masonry container, such as a chiminea.

-
- (t) **"Fire"** shall have the same meaning as ***open air burning***.
- (u) **"Fire Service/Department"** means the Fire & Emergency Services for the Township of Wainfleet as established by By-law.
- (v) **"Flying Lantern"** means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, or other similar device which are devices containing a fuel pack, which fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to rise.
- (w) **"Grill"** means any custom designed fuel-fired *cooking* device that is constructed of metal, ceramic, stone, or masonry, that completely contains the fire and that has been *approved* for use as a *cooking* device.
- (x) **"Municipal Property"** includes any property owned or operated by the Township, but does not include any property which is leased out by the Township.
- (y) **"Negative impact"** means one or more of:
- i. actual damage to property or to plant or animal life;
 - ii. harm or material discomfort to any person;
 - iii. impairment of the safety of any person
 - iv. loss of normal use of property; or
 - v. interference with normal conduct of business.
- (z) **"Notify"** means that any person proposing to have an open air burn is required to contact the Township Office and provide a minimum of twenty-four (24) hours advance notice. No burning shall take place prior to receiving authorization from the Fire Chief or designate, provided that the required application as indicated in this by-law has been supplied.
- (aa) **"Nuisance"** means the travel of the products of a fire, including but not limited to smoke, odour, ash and hot embers, which products in the opinion of the *Fire Chief* or *designate* may cause unreasonable discomfort to persons, loss of enjoyment or normal use of property, interference with normal conduct of business, or damage to property.
- (bb) **"Nuisance Deployment"** means the dispatch of Wainfleet Fire & Emergency Services to emergency or non-emergency situations due to complaints received relative to *open air burning* activity for either authorized or unauthorized *open air burning* or dispatch to vacant buildings due to inadequate security and unlawful entry.
- (cc) **"Officer"** means shall mean an person designated by the Wainfleet Fire Chief or a By-law Enforcement Officer appointed by the Township of Wainfleet, a member of the Niagara Regional Police (NRP), Ontario Provincial Police (OPP), Royal Canadian Mounted Police (RCMP) or Canadian National Police (CNP).

- (dd) **"Open Air"** means any open place; yard, field or construction area which is not enclosed by a building or structure;
- (ee) **"Open Air Burning"** means burning or combustion of materials in any open place including but not limited to gardens, yards, alleys, fields, parks, industrial sites, construction sites, building lots, parking lots, streets, or any other open place or construction areas which are not enclosed by a building or structure.
- (ff) **"Owner"** means the person registered on title as the owner of a property.
- (gg) **"Person"** means and includes an individual, firm, corporation, association or partnership and includes an occupant or owner of a premise.
- (hh) **"Public/Special Event"** means any event where a recreational fire does not occur on residential property
- (ii) **"Responsible/Competent Person"** means any adult person (18 years of age or older) who, in the opinion of the *Fire Chief* or *designate*, is capable of exercising the required judgment and is capable of performing the necessary actions to control a fire and prevent its unwanted spread and does not include persons impaired by alcohol or drugs.
- (jj) **"Township"** means the Corporation of the Township of Wainfleet.
- (kk) **"Vacated"** means the absence of any person attending to the fire

2. ADMINISTRATION

- 2.2 The short-title of this By-law shall be the "Open Air Burning By-law".
- 2.3 The administration of this By-law shall be the responsibility of the Fire Chief except with regard to enforcement which shall be the responsibility of the Fire Chief and any Officer.
- 2.4 If this By-law is in conflict with any Federal or Provincial Act or Regulation, the provisions of the said Federal or Provincial Act or Regulation shall supersede those affected portions of this By-law.
- 2.5 The provisions of this By-law shall apply to all lands and premises within the corporate and geographic limits of the Township.

3. PROHIBITION

- 3.1 No person shall set or maintain or cause or permit an Open Air Fire within the boundaries of the Township unless approved by the Fire Chief.
- 3.2 No person shall set or maintain or cause or permit an Open Air Burning contrary to the conditions set out in this By-law or a permit issued pursuant to this By-law.
- 3.3 No person shall set or maintain or cause or permit an Open Air Burning within the boundaries of the Township unless they are the owner or authorized agent (written proof of authorization required) of the property owner.

- 3.4 No person shall burn any material restricted by the Ministry of the Environment including but not limited to rubber, plastics, foam, treated wood, or any material which could cause toxic or noxious gasses, as listed in Schedule 'A' of this By-law.
- 3.5 No person shall set or maintain or cause or permit an Open Air Fire where it may cause nuisance, inconvenience, irritation or detriment to any other person or property.
- 3.6 No person shall set or maintain or cause or permit an Open Air Fire directly under or near any telecommunications or power lines.
- 3.7 No person shall set or maintain or cause or permit an Open Air Fire on or near roadways, which could interfere with traffic.
- 3.8 No person shall set or maintain or cause or permit an Open Air Fire on Municipal Property or on any road allowances.
- 3.9 No person shall start a fire outdoors without ensuring that:
 - (a) The conditions (weather and ground) are safe and suitable for said fire.
 - (b) There are responsible persons competent to control the fire in attendance from start to extinguishment.
 - (c) There are no Fire Bans in place at the time.
 - (d) The rules and regulations of this By-law are followed.
 - (e) There are adequate personnel, equipment, and water available to control and extinguish said fire.
 - (f) The ability to contact the Township or Fire & Emergency Services is immediately available.
 - (g) The fire is on bare mineral soil or rock and is at least 3 metres (9.75 ft.) from any flammable material.
- 3.10 No person within the Township of Wainfleet shall ignite or release an ignited Flying Lantern.
- 3.11 Any person who ignites or releases an ignited Flying Lantern and causes a Fire in the Township of Wainfleet shall be deemed to be fully responsible for fire control and shall:
 - (a) be responsible for any damage to property or injury to persons or animals occasioned by said Fire;
 - (b) be liable for all costs incurred by the Fire Service/Department responding to the Fire, including the costs of the personnel and equipment as authorized and set out in the Township of Wainfleet Fees and Charges By-law in effect at the time of the incident.
- 3.12 The Fire Chief or designate may, at their discretion, may declare a Ban that will prohibit or restrict any or all Open Air Burning or all outdoor Fires depending on weather conditions. *See definition of Fire Ban*

NOTE: during a fire ban a cooking appliances, BBQ or Hibachis (charcoal installation) may be used, provided the appliance is used within 100 metres of a

permanent structure that is used as a dwelling that is occupied, or in an organized campground. Appliances must be at least 2 metres from any flammable material and the ashes and coals produced are completely extinguished and safely disposed of.

- 3.13 A Ban on Open Air Fires declared by the Fire Chief shall cause all issued Open Air Permits to be suspended while the Ban is in effect.
- 3.14 The Fire Chief shall ensure declaration and revocation of any Ban is communicated and notice is posted on the Township Website
- 3.15 Nothing in this By-law shall be construed as permitting the operation of an incinerator.

4. EXEMPTIONS

- 4.1 The Wainfleet Fire & Emergency Services shall be exempt from the provisions of this By-law with respect to open air burnings for the purposes of educating and training individuals.
- 4.2 Any *Open Air Fires* under the direct and constant supervision of employees of the Township of Wainfleet during the execution of their job-related duties shall be exempt from the provisions of this By-law subject to notification to the Wainfleet Fire & Emergency Services.
- 4.3 A person may set or maintain, or cause or permit to be set or maintained an *Open Air Fire* without being *approved* if the fire is to be used for the sole purpose of *cooking*, provided that:
 - (a) The fire is set and contained entirely within a fixed or portable *barbecue* or *grill* designed for cooking food or an approved alternative;
 - (b) The fire is supervised at all times by a *responsible person*;
 - (c) A means of controlling and extinguishing the fire, sufficient for the size of the fire, is present at all times;
 - (d) The *responsible person* ensures the fire is made safe once the cooking is completed;
 - (e) No material other than commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned;
 - (f) The *barbecue* or *grill* is located no closer than 3 metres from any structure or property line or any combustible material that may contribute to fire spread such as a fence, hedge, and plantings and is not operated in such a manner as to create a fire hazard.
- 4.4 Open air fires may be considered exempt from the provisions of this By-law, if they involve patio torches and candles provided such devices are not operated in or near dry vegetation, and such devices are not operated in any other place conducive to the development or the spread of fire or explosion.

- 4.5 Open air fires may be considered exempt from the provisions of this By-law, if they involve a fire that is confined within a gas fired appliance (natural gas or propane) that is in conformance with the Technical Standards and Safety Act, 2000, is for outdoor use, and is installed and used in accordance with the manufacturer's instructions.
- 4.6 Open Air Fires exempted in Sections 4.1 through 4.5 shall not be set or maintained or caused or permitted on a porch, balcony, roof, or veranda that is attached to or part of a Multi-Unit Residential Building and are therefore prohibited, unless otherwise approved.
- 4.7 Open air fires may be considered exempt from the provisions of this By-law, if they involve an appliance of a portable nature which requires an open flame for the heating of a material during a construction or maintenance process provided such appliance is safe to operate, such appliance is not operated in such a manner as to create a fire hazard, and that the fire is attended at all times by a responsible person to supervise it.

5. RECREATIONAL BURNING (CAMPFIRES)

- 5.1 Open air burning for recreational purposes, except at a public event, is deemed to be approved by the Fire Chief if all conditions set out in Section 4 have been met, as well as;
- 5.2 The fire is set no sooner than one (1) hour before sunset, and is extinguished no later than one (1) hour after sunrise.
- 5.3 The fire is contained in a fire pit which does not exceed more than one metre (3.28 ft.) in diameter and;
- 5.4 The flame height does not exceed one metre (3.3 ft.) in height
- 5.5 the fire is at least 3 metres (9.8 ft.) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, or any object or material with potential to ignite; unless otherwise approved by the Fire Chief or within a site of a permitted campground;
- 5.6 The fire is attended, controlled and supervised at all times;
- 5.7 steps are taken to ensure that smoke caused by the fire does not have an adverse affect on the visibility of motorists using roads in the vicinity of the burn;
- 5.8 the owner or authorized agent takes steps to ensure that adjacent properties are protected and that the by-products of the fire do not have a negative impact on persons, pets or the environment;
- 5.9 the fire is not occurring on any road allowance or municipal property without written permission of the Township;
- 5.10 an effective means of extinguishment (e.g. garden hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment is immediately available for use;

- 5.11 the fire is conducted in such a manner as to preclude the escape of fire or the escape of combustible solids such as sparks and ash from the fire;
- 5.12 the only materials being burned are those listed in Schedule 'A', forming part of this By-law; and
- 5.13 the fire is completely extinguished before the site is vacated.

6. SPECIAL/PUBLIC EVENTS

- 6.1 Open air burning for the purposes of a public event, and deemed to be approved by the Fire Chief, provided that all conditions set out in Sub-Section 3.9 and Section 4 have been met, as well as;
- 6.2 The fire proposed to take place on land that is not zoned for residential use.
- 6.3 The fire is contained and does not exceed more than two metres (6.5 ft.) in diameter and two metres (6.6 ft.) in height
- 6.4 The fire is at least 5 metres (16.4 ft.) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, or any object or material with potential to ignite; unless otherwise approved by the Fire Chief or within a site of a permitted campground;
- 6.5 The fire is attended, controlled and supervised by a responsible person at all times;
- 6.6 Steps are taken to ensure that smoke caused by the fire does not have an adverse effect on the visibility of motorists using roads in the vicinity of the burn;
- 6.7 The Owner or authorized agent takes steps to ensure that adjacent properties are protected and that the by-products of the fire do not have a negative impact on persons, pets or the environment;
- 6.8 The fire is not occurring on any road allowance or municipal property without written permission of the Township;
- 6.9 A sufficient means of extinguishment (e.g. garden hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment is immediately available for use;
- 6.10 The fire is conducted in such a manner as to preclude the escape of fire or the escape of combustible solids such as sparks and ash from the fire;
- 6.11 The only materials being burned are those listed in Schedule 'A', attached hereto and forming part of this By-law; and,
- 6.12 The ability to contact the Township or Fire & Emergency Services is immediately available.
- 6.13 The fire is completely extinguished before the site is vacated.
- 6.14 Notification must be made to the Township of the Special/Public Event Fire five business days prior to the Special/Public Event.

- 6.15 The Fire Chief or their designate may require or conduct a site inspection prior to the Special/Public Event.
- 6.16 Burn Permits issued under this section are for Single Events only shall expire on the date listed on the permit.
- 6.17 Despite section 6.16, the Fire Chief may issue an Open Air Fire permit that is valid for up to one calendar year to a community organization or institution set to and maintain an open Air Fire at the same location on more than one occasion.

7. RESIDENTIAL BURN PERMITS

- 7.1 Open air burning on lands zoned Residential, not meeting the requirements of Sections 5, 6, 8 or 9 of this by-law, shall require an application to the Township for an annual permit. Such application shall be made as required by the Fire Chief, and requires a minimum of twenty-four (24) hours advance notice. Permits shall be issued at the sole discretion of the Fire Chief or designate provided that all conditions set out in Sub-section 3.9 and Section 4 have been met, as well as:
- (a) the fire is located on land designated for Residential use in the Township Zoning By-law;
 - (b) only materials as set out in Schedule 'A', attached hereto and forming part of this By-law, are burned;
 - (c) the fire is attended, controlled and supervised by a responsible person at all times;
 - (d) the fire is completely extinguished before the burn site is vacated;
 - (e) the fire is confined to an area located at least 5 metres (16.4 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, or any property line or any object or material with potential to ignite;
 - (f) steps are taken to ensure that smoke caused by the fire does not adversely affect the visibility of motorists using roads in the vicinity of the burn;
 - (g) No piles to be burned shall be greater than 2 metres (6.6 ft.) high and 2 metres (6.6 ft.) in diameter. Piles must be separated by a minimum of 10 metres (32.8 ft.)
 - (h) A fire for the purpose of burning grass and/or leaves must not exceed an area of 0.5 hectare (70.75 metres x 70.75 metres), must not have a flame edge exceeding 20 metres (65.6 feet) across, and must not have a flame height exceeding 1 metre (3.3 feet). Notwithstanding the provisions of Clause 7.1(h), burning of leaves or grass may be done as long as the soil conditions and ground moisture content are not conducive to sub surface fires, in accordance with Sub-section 3.9.

- (i) Steps are taken to ensure that the adjacent properties are protected and that by-products of the fire do not have a negative impact on persons, pets or the environment;
 - (j) The burn is conducted in such a manner to prevent the escape of the fire or the escape of combustible solids such as sparks and ash from the fire;
 - (k) An effective means of extinguishment (e.g. garden hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment;
 - (l) The fire is not located on any road allowance or municipal property without the written permission of the Township, unless such burning is being conducted by authorized employees of the Township of Wainfleet or is for the purpose of clearing the Township drainage ditches;
 - (m) Ability to contact the Township or Fire & Emergency Services is immediately available.
 - (n) The holder of a burning permit issued pursuant to this section is required to notify the Township Fire Department at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences.
- 7.2 The Fire Chief or their designate may require or conduct a site inspection prior to the issuance of a Burn Permit.
- 7.3 Any Burn Permit issued under this section shall expire December 31st of the year it was issued.
- 7.4 Permits shall be subject to provisions as set out in Section 10 of this By-law.

8. AGRICULTURAL BURN PERMITS

- 8.1 Open air burning on lands zoned Agricultural, not meeting the requirements of Sections 4, 5, 6, 7 or 9 of this by-law shall require an application to the Township for an annual permit. Such application shall be made as required by the Fire Chief, and requires a minimum of twenty-four (24) hours advance notice. Permits shall be issued at the sole discretion of the Fire Chief or designate provided that all conditions set out in Section 4 have been met, as well as;
- (a) the fire is located on land designated for Agricultural use in the Township zoning By-law;
 - (b) only materials as set out in Schedule 'A', forming part of this By-law, are burned;
 - (c) the fire is attended, controlled and supervised at all times;
 - (d) the fire is completely extinguished before the burn site is vacated;
 - (e) the fire is confined to an area at least 5 metres (16.5 ft.) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, or any property line or any object or material with potential to ignite;

- (f) steps are taken to ensure that smoke caused by the fire does not adversely affect the visibility of motorists using roads in the vicinity of the burn;
 - (g) No piles to be burned shall be greater than 2 metres (6.5 ft.) high and 2 metres (6.5 ft.) in diameter. No more than 2 piles may be burning at one time. Piles must be separated by a minimum of 10 metres (32.5 ft.)
 - (h) A fire for the purpose of burning grass and/or leaves must not exceed an area of 0.5 hectare (70.75 metres x 70.75 metres), must not have a flame edge exceeding 20 metres (65 ft.) across, and must not have a flame height exceeding 1 metre (3.25 feet). Notwithstanding, the provisions of Clause 8.1(h)., burning of leaves or grass may be done so long as the soil conditions and ground moisture content are not conducive to sub surface fires, in accordance with Sub-section 3.9.
 - (i) steps are taken to ensure that the adjacent properties are protected and that by-products of the fire do not have a negative impact on persons, pets or the environment;
 - (j) the burn is conducted in such a manner to prevent the escape of the fire or the escape of combustible solids such as sparks and ash from the fire;
 - (k) an effective means of extinguishment (e.g. garden hose, fire extinguisher and shovel) sufficient for the size of fire and with the capability to perform such extinguishment;
 - (l) the fire is not located on any road allowance or municipal property without the written permission of the Township, unless such burning is being conducted by authorized employees of the Township of Wainfleet or is for the purpose of clearing the Township drainage ditches;
 - (m) ability to contact the Township or Fire & Emergency Services is immediately available.
 - (n) The holder of a burning permit issued pursuant to this section is required to notify the Township Fire Department at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences.
- 8.2 The Fire Chief or their designate may require or conduct a site inspection prior to the issuance of a Burn Permit.
- 8.3 Any Burn Permit issued under this section shall expire December 31st of the year it was issued.
- 8.4 Permits shall be subject to provisions as set out in Section 10 of this By-law.

9. COMMERCIAL, INDUSTRIAL, INSTITUTIONAL BURNING

- 9.1 Open air burning on lands zoned commercial, industrial or institutional that do not meet the requirements of Section 4 are not permitted; except under the authority of and in compliance with a (Commercial Ignition Authority) permit issued pursuant to this section.

- 9.2 Qualified Commercial Operators or Contractors may conduct open air burning on lands zoned Residential that do not meet the requirements of Sections 5 and 7 under the authority of and in compliance with a (Commercial Ignition Authority) permit issued pursuant to this section.
- 9.3 Qualified Commercial Operators or Contractors may conduct open air burning on lands zoned Agricultural that do not meet the requirements of Sections 8 under the authority of and in compliance with a (Commercial Ignition Authority) permit issued pursuant to this section.
- 9.4 Permits shall be issued at the sole discretion of the Fire Chief or designate provided that all conditions set out in Section 3 have been met, as well as;
 - (a) Commercial operators and Contractors will be required to provide proof Liability Insurance.
- 9.5 The holder of a burning permit issued pursuant to this section is required to notify the Township at the telephone number specified on the permit on each and every day that they intend to burn and before any burning commences, and again when the fire is extinguished.
- 9.6 The Fire Chief or their designate may require or conduct a site inspection prior to the issuance of a Burn Permit
- 9.7 Any permit issued under this section shall expire sixty (60) calendar days after it was issued.

10. GENERAL PERMIT PROVISIONS

- 10.1 The application and permit shall be in the form as set out by the Fire Chief.
- 10.2 Each permit application must be accompanied by the applicable fee as set out in the Township of Wainfleet's current Fees and Charges By-law.
- 10.3 Permits are issued at the discretion of the Fire Chief.
- 10.4 Prior to granting a permit to conduct open air burning, the Fire Chief may give consideration to:
 - (a) the results of an on-site inspection;
 - (b) the size of the proposed fire;
 - (c) the safety measures proposed;
 - (d) the supervision arrangements proposed;
 - (e) the time of year and the time of day;
 - (f) the type of special event;
 - (g) the materials to be burned;
 - (h) the anticipated weather conditions; and
 - (i) any other relevant considerations.

- 10.5 The Fire Chief may attach such conditions as deemed appropriate to any permit granted for open air burning.
- 10.6 The holder of the burning permit shall keep the permit or a copy of the permit at the burning site specified in the permit.
- 10.7 No person, being the holder of a burning permit, shall fail to produce the permit or a copy of the permit on the demand of an Officer.
- 10.8 Any permit holder who is in violation of this By-law shall have their permit summarily revoked and all fires shall be immediately extinguished.
- 10.9 Despite the existence of a valid burning permit, the Fire Chief may suspend, without recourse, any and all burning permits and cause to be extinguished any fire until such conditions as the Fire Chief may indicate are met.
- 10.10 The Fire Chief may refuse to approve or issue a permit for an open air burning if the proposed open air burning would be in contravention of this By-law; if the owner, occupant or permit holder has, in the past, contravened the provisions of this By-law or has not complied with any conditions attached to a permit issued pursuant to this By-law.
- 10.11 The Fire Chief may withdraw a permit for an open air burning if, in the Fire Chief's opinion, the fire is causing a negative impact, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated or conditions have become unfavorable for an open air burning, conditions attached to the granting of a permit are not being adhered to or any provision of this By-law is being contravened.
- 10.12 Open air burning conducted under S. 20 of the Marihuana for Medical Purposes Regulations (Health Canada) shall be governed by those regulations and must provide that there will be no negative impact on community safety and/or neighbouring properties. The determination of negative impact will be at the sole discretion of the Fire Chief (or designate).

11. POWER OF ENTRY AND INSPECTION

- 11.1 An Officer may, at any time, enter onto land to determine whether this bylaw is being complied with;
- 11.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this by-law;
- 11.3 Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling unless:
 - (a) the consent of the occupier is obtained, the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O 1990, as amended;
 - (b) a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended is obtained.

12. OBSTRUCTION

- 12.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law.
- 12.2 Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

13. EXTINGUISHED UPON DEMAND

- 13.1 The Fire Chief or designate may order any fire extinguished. If so ordered the person or persons responsible shall extinguish the said fire immediately. Failure to do so shall result in suppression costs being levied against the person or persons responsible as set out in the Township of Wainfleet's current Fees and Charges By-law.
- 13.2 When made aware of an unapproved open air burning, any Officer may order the land owner or occupant to immediately extinguish the fire.
- 13.3 Where in the opinion of any Officer, if any approved open air burning is having a negative impact on the occupants of adjacent land, the fire is adversely affecting persons using a road or highway adjacent to the burn site, the weather has deteriorated or conditions have become unfavourable, or conditions attached the any permit or the provisions of this By-law are being contravened, the Officer is hereby granted the authority to order the owner or occupant to immediately extinguish the fire.
- 13.4 No person conducting or permitting an open air burning shall fail to extinguish a fire upon direction by an Officer.

14. LIABILITY

- 14.1 Every person who starts a fire shall be responsible and liable for damage to property, or injury to persons occasioned by the said fire.
- 14.2 The Municipality shall not be held responsible or liable for any damages, or costs incurred for the purpose of investigating, controlling and extinguishing any fire.

15. PENALTY

- 15.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine or penalty as set out in the Provincial Offences Act, R.S.O. 1990, as amended.
- 15.2 Where a person fails to comply with requirements of the By-law, an Officer may give the person a notice and direction to comply. Further an Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property, in accordance with the Non-Parking AMPS By-law No. 027- 2019. Set

monetary Penalties are listed in Schedule “B”, attached hereto and forming part of this By-law.

- 15.3 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

16. ENFORCEMENT

- 16.1 The authority to enforce the provisions of this By-law is hereby granted to the Township Wainfleet Fire Chief or designate and Officers as defined.

17. FALSE AND FRIVOLOUS COMPLAINTS

- 17.1 No Person shall make a complaint about an Open Air Fire that is false, frivolous or vexatious in nature.
- 17.2 Any Person who falsely reports a violation of this by-law shall, when given a Penalty Notice upon the second and any subsequent false reports within a 12-month period, be liable to pay an Administrative penalty to the Town.
- 17.3 Any Person who falsely reports a violation of this by-law shall, upon the second and any subsequent false reports within a 12-month period, be liable for any and all costs incurred by the fire department to respond to the complaint.

18. COLLECTION OF COSTS

- 18.1 If any contravention of the By-law results in the Township Fire Services being dispatched, the person and/or property owner may be charged with the actual cost of the Fire Department response according to the rates established in the current Township of Wainfleet Fees and Charges By-law in addition to current Ministry of Transportation rates, if required; however, nothing in this schedule of rates shall be construed as limiting the rights of the Township of Wainfleet to seek restitution for other direct or consequential damages or costs incurred beyond those listed;
- 18.2 Should any land owner or occupant fail to extinguish a fire when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished, and the person who owns or occupies the land on which the open burning is located shall be responsible for any and all costs incurred by the Township Fire Department in its efforts to extinguish the fire;
- 18.3 Any such fee or charge imposed pursuant to this By-law shall be payable within 30 days of invoicing the person responsible, at the person's last known address, and interest shall accrue and be added to the amount at the rate of 1.25% per month;
- 18.4 The Township shall have the right to collect any unpaid costs as authorized by this By-law by adding such charges to the tax roll where they may be collected in like manner as municipal taxes.

19. INDEMNIFICATION

- 19.1 The applicant for a permit as required under this by-law shall indemnify and save harmless the Town from any and all claims, demands, causes of action, losses, costs or damages that the Town may suffer, incur or be liable for resulting from the performance of the applicant as set out in this by-law, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

20. SEVERABILITY

- 20.1 If any section or sections of this By-law or parts thereof are found in any court of law to be illegal or beyond the power of the Council of the Township to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such.

21. REPEAL

- 21.1 All by-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law, including By-law 027-2009, as amended.

B-LAW READ AND PASSED THIS XX DAY OF MARCH, 2020

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE 'A' TO BY-LAW NO. 0XX-2020**1. Acceptable Materials**

1.1 The following is a list of **Acceptable Material** for burning under this By-law.

- (a) Wood and wood by-products that have not been chemically treated, painted or stained.
- (b) Paper and paper products.
- (c) Cardboard
- (d) Brush
- (e) Tree stumps
- (f) Hay, straw and dry grass (non-baled)
- (g) Yard wastes such as twigs and leaves
- (h) Other combustible materials only with the specific approval from the Fire Chief

2. Prohibited Materials

2.1 The following is a list of **Prohibited Materials** that are not to be burned:

- (a) garbage, trash, and residential, commercial, or industrial waste;
- (b) construction or demolition waste materials including asphalt products, shingles, metals, electrical wiring, and fiberglass;
- (c) hazardous substances including chemicals, pesticides, flammable liquids, batteries, used oil, paints, solvents, tires, and rubber materials;
- (d) plastic materials including, but not limited to; Nylon, PVC or ABS plastics, Polystyrene, Urethane foam, Synthetic fabrics, Plastic films, and Plastic containers;
- (e) Furniture, Appliances and Upholstered items;
- (f) treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives;
- (g) Animal fecal deposits, manure, and animal carcasses; and

SCHEDULE “B” TO BY-LAW NO. 0XX-2020

Open Air Burning Short Form Wording and Administrative Monetary Penalties.

| Section | Short Form Wording | Penalty |
|----------------|--|----------------|
| 3.1 | Set, maintain, cause or permit an open air fire without approval from the Fire Chief (Permit) | \$300.00 |
| 3.2 | Set, maintain, cause or permit an open fire contrary to conditions set forth in this by-law | \$300.00 |
| 3.4 | Set, maintain, cause or permit an open air fire of materials not listed in Schedule “A” of this By-law | \$500.00 |
| 3.6 | Set, maintain, cause or permit an open air fire under or near telecommunication or power lines. | \$200.00 |
| 3.7 | Set, maintain, cause or permit an open air fire on or near roadways, having an adverse affect on visibility of roadway | \$200.00 |
| 3.8 | Set, maintain, cause or permit an open air fire on Municipally owned property or Road Allowances | \$200.00 |
| 3.9(a) | Fail to set, maintain, cause or permit an open air burn in suitable weather and ground conditions | \$200.00 |
| 3.9(b) | Fail to provide adequate and competent supervision | \$200.00 |
| 3.9(e) | Fail to provide sufficient means for control and extinguishment | \$200.00 |
| 3.9(f) | Fail to provide reliable and rapid means of communication to contact emergency services | \$100.00 |
| 3.10 | Set, maintain, cause or permit the ignition and release of an ignited Flying Lantern | \$300.00 |
| 3.12 | Set, maintain, cause or permit an open air fire during a Fire Ban | \$500.00 |
| 3.13 | Operate an incinerator | \$200.00 |
| 4.3(b) | Fail to attend, maintain control and supervise fire | \$200.00 |
| 4.3(c) | Fail to provide a sufficient means for control and extinguishment | \$200.00 |
| 4.3(d) | Fail to ensure fire is extinguished | \$200.00 |
| 4.6 | Conduct fire on any part of a Multi-Unit Residential Building | \$300.00 |
| 5.2 | Fail to burn during permitted time | \$150.00 |
| 5.3 | Fire Pit exceeds permitted size | \$100.00 |
| 5.4 | Flame height exceeds 1 metre in height | \$100.00 |
| 5.5 | Fire is within 3 metres (9.75ft) to combustible materials | \$150.00 |
| 5.6 | Fail to attend, maintain control and supervise fire | \$200.00 |

| | | |
|---------|--|----------|
| 5.11 | Fail to conduct a fire in a manner that contains combustible solids like sparks or ash from escape | \$150.00 |
| 5.10 | Fail to provide a sufficient means for control and extinguishment | \$200.00 |
| 5.12 | Set, maintain, cause or permit an open air burn of prohibited materials not listed in Schedule "A" of this By-law | \$200.00 |
| 5.13 | Fail to ensure fire is extinguished | \$200.00 |
| 6.3 | Fire exceeds permitted size | \$150.00 |
| 6.4 | Fire is within 5 metres (16.5ft) to combustible materials | \$150.00 |
| 6.5 | Fail to attend, maintain control and supervise fire | \$200.00 |
| 6.6 | Set, maintain, cause or permit an open air fire on or near roadways, having an adverse affect on visibility of roadway | \$200.00 |
| 6.7 | Fail to conduct a fire in a manner that protects adjacent properties from fire by-products | \$150.00 |
| 6.9 | Fail to provide a sufficient means for control and extinguishment | \$150.00 |
| 6.10 | Fail to conduct a fire in a manner that contains combustible solids like sparks or ash from escape | \$150.00 |
| 6.11 | Set, maintain, cause or permit an open air burn of prohibited materials not listed in Schedule "A" of this By-law | \$300.00 |
| 6.13 | Fail to ensure fire is extinguished | \$200.00 |
| 6.14 | Fail to provide notification of Special/Public Event fire | \$150.00 |
| 7.1(b) | Set, maintain, cause or permit an open air burn of prohibited materials not listed in Schedule "A" of this By-law | \$300.00 |
| 7.1(c) | Fail to attend, maintain control and supervise fire | \$200.00 |
| 7.1(d) | Fail to ensure fire is extinguished | \$200.00 |
| 7.1.(e) | Fire is within 5 metres (16.5ft) to combustible materials | \$150.00 |
| 7.1.(f) | Set, maintain, cause or permit an open air fire on or near roadways, having an adverse affect on visibility of roadway | \$200.00 |
| 7.1(g) | Pile exceeds permitted size or Piles are too close to each other | \$150.00 |
| 7.1(h) | Fire exceeds permitted area or length, or height | \$150.00 |
| 7.1(i) | Fail to conduct a fire in a manner that protects adjacent properties from fire by-products | \$150.00 |
| 7.1(j) | Fail to conduct a fire in a manner that contains combustible solids like sparks or ash from escape | \$150.00 |
| 7.1(k) | Fail to provide a sufficient means for control and extinguishment | \$200.00 |
| 7.1(n) | Fail to provide notification of burn dates and times | \$75.00 |

| | | |
|---------|--|----------|
| 8.1(b) | Set, maintain, cause or permit an open air burn of prohibited materials not listed in Schedule "A" of this By-law | \$300.00 |
| 8.1(c) | Fail to attend, maintain control and supervise fire | \$200.00 |
| 8.1(d) | Fail to ensure fire is extinguished | \$200.00 |
| 8.1(e) | Fire is within 5 metres (16.5ft) to combustible materials | \$200.00 |
| 8.1(f) | Set, maintain, cause or permit an open air fire on or near roadways, having an adverse affect on visibility of roadway | \$150.00 |
| 8.1(g) | Pile exceeds permitted size or Piles are too close to each other | \$150.00 |
| 8.1(h) | Fire exceeds permitted area or length, or height | \$150.00 |
| 8.1(j) | Fail to conduct a fire in a manner that protects adjacent properties from fire by-products | \$150.00 |
| 8.1(j) | Fail to conduct a fire in a manner that contains combustible solids like sparks or ash from escape | \$150.00 |
| 8.1(k) | Fail to provide a sufficient means for control and extinguishment | \$200.00 |
| 8.1(n) | Fail to provide notification of burn dates and times | \$75.00 |
| 9.3.(a) | Fail to ensure required Liability Insurance coverage | \$300.00 |
| 9.4 | Fail to provide notification of burn dates, ignition and extinguishment times. | \$200.00 |
| 10.5 | Fail to burn in accordance with additional conditions attached to permit | \$300.00 |
| 10.6 | Fail to ensure permit or copy of permit is on location of the burn site | \$100.00 |
| 10.7 | Fail to produce permit at the request of an Officer | \$100.00 |
| 10.8 | Set, maintain, cause or permit an open air fire under a revoked permit | \$350.00 |
| 11.2 | Fail to permit Officer entry, to inspect lands for compliance. | \$200.00 |
| 12.1 | Hinder or Obstruct Officer in performing duties of this by-law | \$200.00 |
| 12.2 | Fail to provide identification upon request of an Officer | \$200.00 |
| 11.4 | Fail to extinguish fire on direction of an Officer | \$500.00 |
| 17. | Make a complaint about an Open Air Fire that is false, frivolous or vexatious in nature | \$250.00 |

NOTE: The fees and charges as listed in this Schedule of this by-law will be subject to Harmonized Sales Tax (H.S.T) where applicable.



WAINFLEET FIRE AND EMERGENCY SERVICES NON-RESIDENTIAL IGNITION AUTHORITY

PERMIT # _____

PROPERTY OWNER INFORMATION

| | | | | |
|-----------|-------------|---------------|-------------------|-------------|
| | | | | |
| Last Name | | First Name | | |
| | | | | |
| Street # | Street Name | City/Town | Province | Postal Code |
| () - | () - | | | |
| Home Tel. | Mobile Tel. | Email Address | Other information | |

INDIVIDUAL RESPONSIBLE FOR IGNITION AND CONTROL

| | | | | |
|-------------|-------------|---------------|----------------------------------|-------------|
| | | | | |
| Last Name | | First Name | | |
| | | | | |
| Street # | Street Name | City/Town | Province | Postal Code |
| () - | () - | | | |
| Office Tel. | Mobile Tel. | Email Address | Name of Business (If applicable) | |

INSURANCE DETAILS

| | | |
|-----------------|---------------|-------------|
| | | () - |
| Name of Insurer | Policy Number | Office Tel. |

SITE INSPECTION CHECKLIST

| GENERAL APPLICATION | Yes | No |
|--|-----|----|
| The fire will be conducted between sunrise and sunset | | |
| The fire will be attended, controlled and supervised at all times | | |
| The fire will be completely extinguished before the burn site is vacated | | |
| The fire will be conducted during appropriate weather conditions, including wind speeds of 15 km/h or less. | | |
| The fire will be conducted on the above mentioned property | | |
| The holder of the burn permit will notify the Fire Department each day that they intend to burn, prior to burning and again when the fire is extinguished. | | |
| The above mentioned property has proper liability insurance | | |

SETBACKS & LIMITATIONS

| SETBACKS & LIMITATIONS | Yes | No | | | | | | | | | | |
|---|-----|-------|---|--------|---|--------|--|-------|--|--------|--|--|
| The fire will be confined to an area at least 5 meters from any object or material with potential to ignite | | | | | | | | | | | | |
| The fire will be confined to an area at least 15 meters from any structure, roadway or property line. | | | | | | | | | | | | |
| The fire will be confined to an area not greater than: | | | | | | | | | | | | |
| <table border="1"> <tr> <td>m</td> <td>X</td> <td>m</td> <td>X</td> <td>m</td> </tr> <tr> <td>Length</td> <td></td> <td>Width</td> <td></td> <td>Height</td> </tr> </table> | m | X | m | X | m | Length | | Width | | Height | | |
| m | X | m | X | m | | | | | | | | |
| Length | | Width | | Height | | | | | | | | |



WAINFLEET FIRE AND EMERGENCY SERVICES NON-RESIDENTIAL IGNITION AUTHORITY

PERMIT # _____

| FIRE CONTROL | Yes | No |
|---|-----|----|
| Steps will be taken to ensure that smoke caused by the fire does not adversely affect the visibility of motorists using roads in the vicinity of the burn | | |
| Steps will be taken to ensure that the adjacent properties are protected and that by-products of the fire do not have negative impact on persons, pets or environment | | |
| An effective means of extinguishment sufficient for the size of the fire and with the capability to perform the extinguishment will be readily available at all times | | |

| FIRE WATCH | Yes | No |
|---|-----|----|
| In the event that a fire must continue to burn overnight, will a fire watch be provided? | | |
| The areas shall be toured by firewatch personnel at least once each hour. | | |
| Firewatch shall be provided with portable illumination and protective equipment. | | |
| Firewatch shall be provided with adequate facilities that provide the ability to communicate with the Fire Department or call for Emergency Assistance? | | |

If "NO" was answered to any of the aforementioned questions, please provide description of "Alternative Compliance Methods"

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| |
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| |

| MATERIALS TO BE BURNED | | | |
|--|-----------|-----------------------------|-------------|
| All materials must be in accordance with Schedule 'A' to By-law No. XXX-2020 | | | |
| Clean Wood & Wood Byproducts | Cardboard | Yard Waste (Twigs & Leaves) | Tree Stumps |
| Paper & Paper Products | Brush | Hay/Straw/Grass (Non Baled) | Other |
| Please list Other Combustible Materials "Only" with specific written approval for the Fire Chief below: | | | |
| | | | |
| | | | |

| PERMIT & INSPECTION DETAILS | |
|---|---|
| am <input type="checkbox"/> pm <input type="checkbox"/> | am <input type="checkbox"/> pm <input type="checkbox"/> |
| Date & Time of Burn to Begin (dd/mm/yyyy) | Date & Time of Burn to Be Completed (dd/mm/yyyy) |
| am <input type="checkbox"/> pm <input type="checkbox"/> | am <input type="checkbox"/> pm <input type="checkbox"/> |
| Date & Time of Permit Issued (dd/mm/yyyy) | Date & Time of Site Inspection (dd/mm/yyyy) |

| | | | |
|--------------------|------------|-----------|-----------|
| Permit Issued To: | | | |
| | First Name | Last Name | Signature |
| Permit Issued By: | | | |
| | First Name | Last Name | Signature |
| Site Inspected By: | | | |
| | First Name | Last Name | Signature |

This Permit is issued in accordance with the Township of Wainfleet By-Law No. XXX-2020.

APPENDIX “D” TO FSR-003/2020

Schedule 19 – Last Updated: September 22, 2017

| Item | Offence | Section | Set Fine |
|------|---|---------|----------|
| 1. | Start fire under unsafe conditions | 1(1) | \$200.00 |
| 2. | Start fire – fail to leave person in charge | 1(2) | \$200.00 |
| 3. | Fail to tend fire | 1(3) | \$200.00 |
| 4. | Fail to keep fire under control | 1(3) | \$200.00 |
| 5. | Fail to extinguish fire | 1(3) | \$200.00 |
| 6. | Unlawfully start fire without a permit | 2 | \$200.00 |
| 7. | Unlawfully tend fire without a permit | 2 | \$200.00 |
| 8. | Unlawfully make fire in incinerator without a permit | 3(1) | \$200.00 |
| 9. | Unlawfully tend fire in incinerator without a permit | 3(1) | \$200.00 |
| 10. | Fail to ensure monitoring of fire in incinerator | 3(2) | \$200.00 |
| 11. | Burn grass without a permit | 4(1) | \$200.00 |
| 12. | Burn leaf litter without a permit | 4(1) | \$200.00 |
| 13. | Fail to keep fire permit at site | 7(3) | \$100.00 |
| 14. | Fail to produce fire permit | 7(4) | \$100.00 |
| 15. | Start fire in restricted fire zone for cooking or warmth | 8 | \$500.00 |
| 16. | Tend fire in restricted fire zone for cooking or warmth | 8 | \$500.00 |
| 17. | Unlawfully use portable stove for cooking or warmth | 8.1 | \$150.00 |
| 18. | Unlawfully use charcoal installation for cooking or warmth outside restricted fire zone | 8.2(1) | \$150.00 |
| 19. | Unlawfully use charcoal installation for cooking or warmth in a restricted fire zone | 8.2(2) | \$300.00 |

| | | | |
|-----|--|--------|----------|
| 20. | Unlawfully use charcoal installation for cooking or warmth in a campground in a restricted fire zone | 8.2(3) | \$300.00 |
| 21. | Unlawfully use woodburning stove for cooking or warmth | 8.3(1) | \$150.00 |
| 22. | Unlawfully use woodburning furnace for cooking or warmth | 8.3(1) | \$150.00 |
| 23. | Unlawfully use woodburning stove for cooking or warmth in a restricted fire zone | 8.3(2) | \$300.00 |
| 24. | Unlawfully use woodburning furnace for cooking or warmth in a restricted fire zone | 8.3(2) | \$300.00 |
| 25. | Unlawfully set wood fire in permanent fire installation in a campground in a restricted fire zone | 8.4 | \$300.00 |
| 26. | Unlawfully start fire during fire season for cooking or warmth | 8.5 | \$200.00 |
| 27. | Unlawfully use portable wood burning stove for cooking or warmth | 8.6 | \$200.00 |
| 28. | Operate machinery in forest area without fire extinguisher | 9(1) | \$150.00 |
| 29. | Fire extinguisher – not in serviceable condition | 9(2) | \$150.00 |
| 30. | Fire extinguisher – not rated as required | 9(2) | \$150.00 |
| 31. | Start power saw within 3 metres of fuelling site | 10(1) | \$200.00 |
| 32. | Place power saw on flammable material | 10(2) | \$200.00 |
| 33. | Operate power saw without fire extinguisher | 10(3) | \$150.00 |
| 34. | Fail to check machinery/equipment for accumulation of flammable material | 11(1) | \$150.00 |
| 35. | Fail to remove flammable materials from machinery/equipment | 11(1) | \$150.00 |
| 36. | Fail to dispose of flammable material safely | 11(2) | \$150.00 |
| 37. | Leave machinery/equipment during fire season in area with flammable material | 11(3) | \$200.00 |
| 38. | Modify spark-arresting device | 12 | \$300.00 |

| | | | |
|-----|---|----------|----------|
| 39. | Travel in a restricted travel zone | 13 | \$300.00 |
| 40. | Owner of industrial operation — fail to ensure compliance by operators | 16(2) | \$750.00 |
| 41. | Operator — fail to follow procedures to classify vegetation at worksite | 20(3) | \$500.00 |
| 42. | Operator — fail to carry out examinations and re-classifications of vegetation as required | 20(4) | \$500.00 |
| 43. | Operator — fail to consult fire intensity code report | 22(1)(a) | \$500.00 |
| 44. | Operator — fail to determine applicable fire intensity code | 22(1)(b) | \$500.00 |
| 45. | Operator — fail to use fire intensity code as an indicator | 22(4)(a) | \$500.00 |
| 46. | Operator — fail to use fire intensity code to determine precautions | 22(4)(b) | \$500.00 |
| 47. | Operator — fail to ensure that hours of operation adjusted | 23(1) | \$750.00 |
| 48. | Operator where operation not trained and capable — fail to ensure that operations are shut down | 23(3) | \$750.00 |
| 49. | Operator where operation not trained and capable — fail to ensure that hours of operation are reduced | 23(3) | \$750.00 |
| 50. | Operator of trained and capable operation — fail to ensure that operations are shut down | 23(4) | \$750.00 |
| 51. | Operator of trained and capable operation — fail to ensure that hours of operation are reduced | 23(4) | \$750.00 |
| 52. | Operator — fail to ensure at least one worker patrols worksite after operations cease | 23(6) | \$750.00 |
| 53. | Operator — fail to shut down operations at 06:00 | 23(7)(a) | \$750.00 |
| 54. | Operator — begin operations before required shut down no longer applies | 23(7)(b) | \$750.00 |
| 55. | Operator — fail to ensure at least one worker patrols worksite after operations cease | 23(7)(c) | \$750.00 |
| 56. | Worker — fail to immediately report fire | 23(8) | \$500.00 |

| | | | |
|-----|--|----------|----------|
| 57. | Operator — fail to prepare fire prevention and preparedness plan | 24(1) | \$750.00 |
| 58. | Fail to keep fire prevention and preparedness plan at worksite | 24(4) | \$500.00 |
| 59. | Fail to prepare vegetation management plan | 25(1) | \$750.00 |
| 60. | Fail to provide vegetation management plan to Ministry upon request | 25(2) | \$750.00 |
| 61. | Operator — fail to ensure required fire suppression equipment is available | 26(1)(a) | \$750.00 |
| 62. | Operator — fail to ensure required fire suppression equipment is in serviceable condition | 26(1)(b) | \$750.00 |
| 63. | Operator — fail to ensure persons carrying out operations are able to operate fire suppression equipment | 26(1)(c) | \$750.00 |

Ontario Regulation 207/96 under the *Forest Fires Prevention Act*



Burn Permits

Burn Permits.com is an automated online burn permit management tool and auto-attendant phone system. This allows your residents to read the terms, and digitally sign off for open air fire permits online. By utilizing our burn permit system, you will not only be automating many of your tedious tasks, but also a substantial increase in compliance by providing an online option.

Key Features

Automated Call-in System

Residents call a local number from any phone and an automated system indicates risk level status and allows residents to register their intent to burn. Every call is logged in our system, even if there is a ban, or the resident does not register their burn.

Risk Level

Our system provides a means of informing residents of the current burn risk level and the proper guidelines for each level. In addition to this, the system will indicate when there is a complete ban.

Burn Mapping

Your fire department can see at-a-glance where permitted burns are taking place, saving valuable time and manpower from going to waste on false alarms.

100% Online Registration

Every step of the permit registration process, from providing details, to making payments, can be completed online. This makes it very practical for residents as well as reducing your department's workload.

Tailored to your Department

Our system can be modified to suit the needs of your fire department. If you have any additional data you require residents to provide (e.g. Township Roll Number), we can make it happen.

Printable PDF Permits

Every permit registered online generates a PDF that can be printed, complete with signatures, providing the resident a hard copy of their permit.



Burn Permits

Top-notch Security

Every part of the online system is protected. Our servers are located in a secure data center, as well as protected with multiple layers of security so your resident's data is kept safe.

Get Paid

Our system integrates with PayPal. Funds for paid permits are instantly and securely transferred directly into your merchant account.

Flexible Alerting

Alerts can be sent to your residents via text message, automated phone call, or E-mail and can be filtered by geographical location, permit type, and more.

Full Control

With our system, you gain the ability to prevent a burn from being registered during a ban, and the ability to revoke permits from violators. The system will log the attempt and inform them of such an event, giving your residents no excuse for burning during a ban.

In-house Registration

Our web-based admin system allows you to continue registering permits in-house, with all the same benefits that online registration provides.

Who's Responding Integration

BurnPermits.com is fully integrated with the Who's Responding app, potentially preventing unwanted responses to complaints for addresses that are authorized to burn.

Dedicated Website

Your department will get its own public-facing website and web-based administrative panel offering a complete package tailored to you.

Usage-based Pricing - No Monthly Fees

Never pay for a monthly subscription with our pre-paid credit-based system. Credits are the "currency" of our system, and unused credits never expire!



Burn Permits FAQ

Some of our residents don't have computers! How do they to use this system?

They can come into the office and register just as they would before, and you can enter their information into the system yourself. They can then call in with their regular telephone whenever they are burning.

How can residents pay for their permits?

Through our integration with PayPal, residents have the option to pay with a debit card or credit card, bank account, or PayPal balance.

Our township doesn't charge for permits. Does the system allow for free permits?

For free permits, the entire payment process is skipped, no cards or bank details required.

Can permits be submitted for approval before being issued?

Our system does provide this option. It is possible to request approval from both your staff, as well as landlords for residents who rent their homes.

What do we need to do for the automated phone system?

We use a state-of-the-art cloud-based system to make and receive phone calls, a local number for your area will be assigned to your department. The phone system operates through a digital phone number, that uses the internet (UOIP). We take care of everything remotely, removing the need for additional hardware or phone lines.

What kind of alerts can we send?

You can send an alert for anything you need to inform your residents of. Whenever there is a change to the risk level, a ban is put into effect/lifted, changes to pricing, promotions, etc. Residents will receive a text message, a phone call and/or an E-mail with your message, and you can control who receives the message by permit type, permit status, and geographical location.

Can we use our existing phone number?

At this time, it is not possible to directly use an existing number with our system. We would recommend that you have calls to your existing number forwarded to the number that we assign you, and advise your residents to use the new number.



Burn Permits FAQ

My department uses Who's Responding. Is this system integrated with the app?

The Who's Responding app provides full access to the same information that you would find on the web-based control panel. Therefore, it is possible for you to see who is burning near your current location, or at a given address.

TO: Mayor Gibson & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: February 18, 2020

SUBJECT: Zoning By-law Amendment – File No. Z01/2020W
Vilnis Strazdins & Triple G. Farms Inc.
Christopher E.H. Wilson (Agent)

RECOMMENDATION(S):

THAT Planning Staff Report PSR-002/2020 be received; and

THAT zoning by-law amendment application Z01/2020W for lands described as Concession 3, Part Lot 16 & 17, RP 59R5725 except AA778, Township of Wainfleet, known municipally as 21646 Garringer Road, be approved for the reasons outlined in PSR-002/2020; and

THAT the application is deemed to be consistent with the Provincial Policy Statement 2014 and other matters of Provincial interest; and

THAT the zoning by-law amendment attached as Appendix “C” be adopted.

EXECUTIVE SUMMARY:

The Planning Department received concurrent applications from Christopher E.H. Wilson on behalf of Vilnis Strazdins and Triple G. Farms Inc. for the severance of a surplus farm dwelling and a zoning by-law amendment for lands known municipally as 21646 Garringer Road.

The Committee of Adjustment conditionally granted the severance on January 15, 2020, and a public meeting for the zoning by-law amendment was held on January 28, 2020.

The proposed zoning by-law amendment is needed to comply with Provincial, Regional and Township planning policies regarding the disposal of a surplus farm dwelling application, where the retained agricultural lands are to be rezoned to “Agricultural Purposes Only” to prohibit the construction of a dwelling in perpetuity.

BACKGROUND:

The subject lands are located on the north side of Garringer Road between Highway #3 and Dixie Road and are known municipally as 21646 Garringer Road. The subject lands are shown below in Figure 1.

Figure 1 – Map of Subject Lands



The property is 18.4 hectares in size and is currently being used for residential and agricultural purposes. The surrounding land uses include residential and agricultural.

The property was the subject of a severance application (File B01/2020W), which was considered by the Committee of Adjustment on January 15, 2020. Application was made for the consent to sever Part 1 (1.00 hectare) as a surplus farm dwelling and to retain Part 2 (17.40 hectares) for continued agricultural use. The severance sketch is attached as Appendix "A". The Committee of Adjustment conditionally approved the application and no appeals have been received.

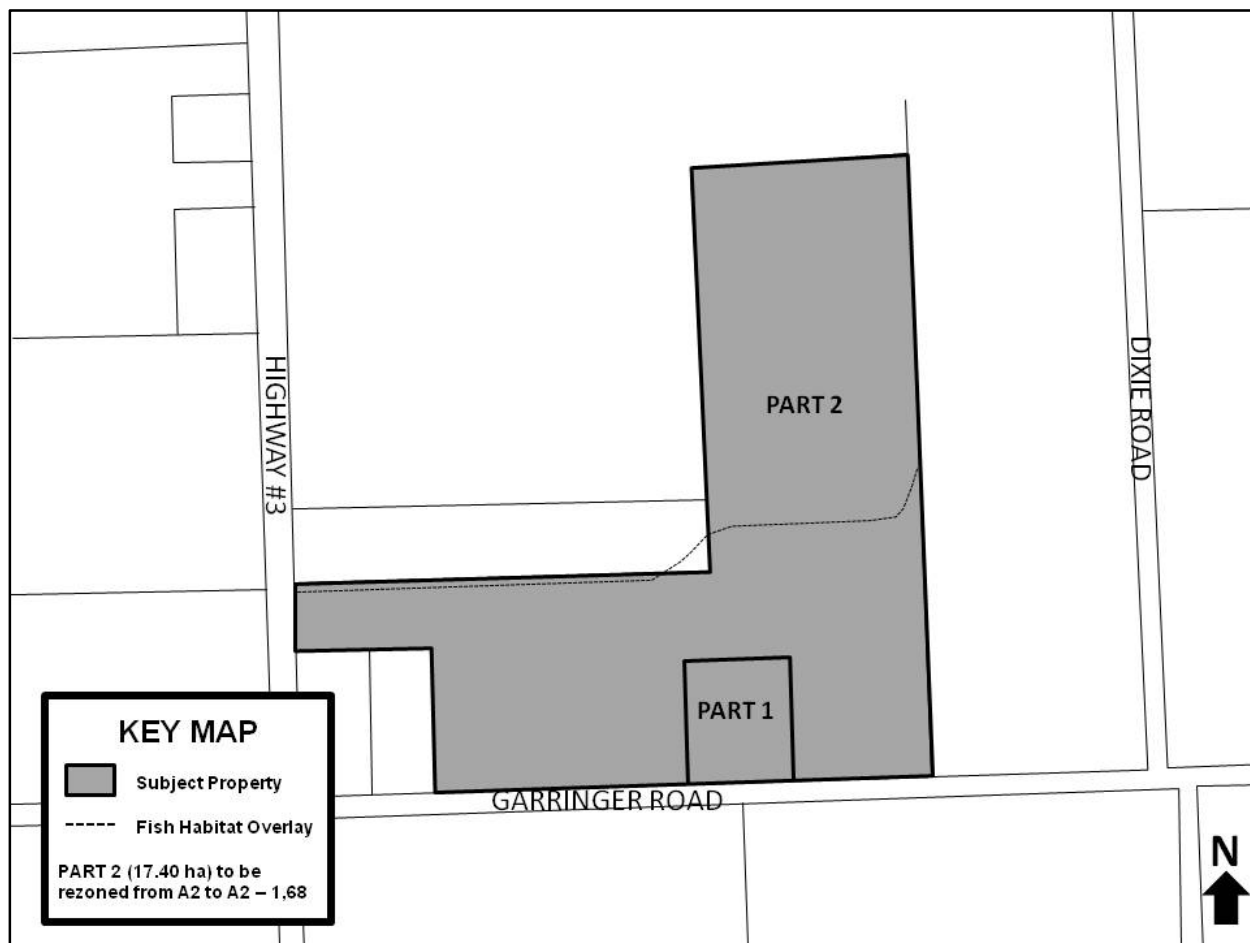
The subject lands are designated as Good General Agriculture Area in the Regional Official Plan, designated as Agricultural Area and Fish Habitat in the Township Official Plan and zoned Agricultural – A2 with a Fish Habitat Overlay under Zoning By-law 034-2014.

With reference to the key map provided below in Figure 2, the subject property is proposed to be rezoned as follows:

- Part 2 (17.40 hectares) – from Agricultural – A2 to an Agricultural – A2-1 zone to prohibit dwellings and to an Agricultural – A2-68 zone to recognize a reduced lot

area of 17.4 hectares where 40 hectares is required, while maintaining the Fish Habitat Overlay.

Figure 2 – Zoning By-law Amendment Map



On June 25, 2018 an electronic pre-consultation meeting was held with the Township, Niagara Region Planning & Development Services and the Niagara Peninsula Conservation Authority.

On December 12, 2019 the applicant's authorized agent filed concurrent severance and zoning by-law amendment applications. Notice and circulation of the applications was given on December 23, 2019.

On January 15, 2020 the Committee of Adjustment conditionally approved the surplus farm dwelling severance (File B01/2020W). One of the conditions required that Part 2 be rezoned to "Agricultural Purposes Only" to prohibit dwellings in perpetuity, to recognize a reduced lot area of 17.4 hectares and to prohibit livestock in the existing barn to be retained on Part 2. This application, if approved, would fulfill this condition of consent.

On January 28, 2020 a public meeting regarding the zoning by-law amendment was held and an information report was presented to Council. The minutes of the public meeting are attached as Appendix "B".

OPTIONS/DISCUSSION:

Provincial Policy Statement, 2014

The Provincial Policy Statement 2014 (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

The PPS designates the subject property as land within a 'Prime Agricultural Area'. The permitted uses in 'Prime Agricultural Areas' include agricultural uses, agricultural related uses and on-farm diversified uses. Policy 2.3.4.1 states:

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) A residence surplus to a farming operation as a result of farm consolidation, provided that:*
 - 1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;*
- d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

The application is considered consistent with the PPS as it fulfills the requirements of Policy 2.3.4.1 c) 2.

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan 2019 identifies a Provincial Agricultural System, which aims to protect a continuous and productive land base for long-term agriculture uses. According to Policy 4.2.6.8 however, outside of the Greenbelt Area, Provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable

upper-tier official plan. In this instance, it has not been yet implemented through the Region of Niagara Official Plan (ROP). The policy states that Prime Agricultural Areas identified in the applicable official plans in effect as of July 2017 will be considered as the agricultural land base for the purposes and policies of the Growth Plan. Therefore, the mapping in effect is contained within the current ROP as it read on July 1, 2017.

This means that lands designated *Good General Agricultural Area* within the ROP correspond with the policies for *Prime Agriculture* within the Growth Plan and PPS.

Prime agricultural areas shall be protected for long-term use for agriculture. The rezoning of Part 2 ensures that the remnant lands will be used for agricultural purposes only in perpetuity.

The application conforms with the Growth Plan.

Regional Official Plan

The subject property is designated as 'Good General Agricultural Area' in the Regional Official Plan (ROP). In the 'Good General Agricultural Area' the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses.

Policy 5.B.8.1.c) states that a consent to convey for a residence surplus to a farming operation, as a result of a farm consolidation, is permitted provided that new residential are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.

The application conforms with the ROP as it fulfills the requirements of Policy 5.B.8.1.c).

The application will have no impact on the natural heritage feature, being the Fish Habitat in the municipal drain that traverses the subject property.

Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas. The NPCA's Regulation Mapping shows that the subject property is impacted by a watercourse that is associated with the Mill Race Creek which has been identified as fish habitat. The NPCA has also noted a flood hazard concern for the municipal drain as the drainage area of this watercourse is greater than 125 hectares. As such, the NPCA requested that the applicant provide floodplain mapping for the watercourse in support of the severance application.

The applicant submitted floodplain mapping and analysis prepared by GM BluePlan Engineering Ltd. and the NPCA completed the review of the floodplain mapping in November of 2019, noting no objection to the feature identified and commented that there appears to be significant lands available outside of the flood hazard limit. The flood hazard limit as identified by GM BluePlan Engineering Ltd. and approved by the NPCA is shown in Figure 2.

Figure 2 – 1-in-100 year Flood Hazard Limit for 21646 Garringer Road



The regulatory floodplain elevation for this section of the municipal drain, as determined by GM BluePlan Engineering Ltd. and approved by the NPCA, is 174.89 G.S.C., which is shown in Figure 3 above. All new structures, site alterations and development (including the creation of a lot) must be placed above this elevation to be located outside of the floodplain. The conditionally approved surplus farm dwelling lot is located above the regulatory elevation of 174.89 G.S.C. of the floodplain.

The NPCA did not provide comments regarding the proposed zoning by-law amendment but were supportive of the severance application as the proposed lot is outside of the floodplain.

Township of Wainfleet Official Plan

The subject property is designated as Agricultural Area and Fish Habitat in the Township Official Plan (OP). Permitted uses within the Agricultural Area designation include agricultural uses, accessory value retention agriculture uses, one single detached dwelling or secondary suite, group homes, conservation uses, public trail systems, agri-tourism uses unrelated to agriculture, value added production uses, value added support uses, linear infrastructure and wells for natural gas extraction. Permitted secondary uses include home occupation, home industry, bed and breakfast, help-house, garden suites, agri-tourism uses related to agriculture and value added marketing uses.

Policy 3.1.3.4 d) i) states that a consent to convey for a residence surplus to a farming operation, as a result of a farm consolidation, is permitted provided that the zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance.

The application conforms with the OP as it fulfills the requirements of Policy 3.1.3.4 d) i).

Through the review of the severance application, Minimum Distance Separation (MDS) calculations were reviewed to ensure that the proposed lot complied with the setbacks for livestock facilities within 750m of the subject property. The remnant lot contains an existing barn which appears to have housed livestock in the past and is also subject to an MDS calculation. However, the applicant has advised that the barn has not been used for livestock in many years, that they do not intend on introducing livestock and may demolish part of the structure. To ensure that there are no future compatibility issues, staff recommend that this zoning amendment prohibit the use of the existing barn for livestock purposes. This will not limit future owners of the property from constructing a livestock facility on the property, however they will have to site the building in a location that complies with the MDS setbacks.

The application will have no impact on the natural heritage features, being the Fish Habitat in the municipal drain that traverses the subject property.

Township of Wainfleet Zoning By-law 034-2014

The subject property is zoned Agricultural – A2 with a Fish Habitat Overlay along the municipal drain that traverses the property. Permitted uses within the Agricultural zone include agricultural uses, intensive animal operations, single detached dwelling, kennel, conservation uses, greenhouse, group home, one farm help-house, medical marihuana facility and permitted secondary uses include accessory agricultural activities, secondary suite, value added production uses, value added marketing uses, home occupation, home industry, agri-tourism uses related to agriculture and bed and breakfast.

This application was submitted to fulfill Provincial, Regional and Township planning policy for surplus farm dwelling applications, which requires that the remnant agricultural lands (Part 2) be rezoned to prohibit dwellings in perpetuity.

Additionally, the application seeks to recognize the reduced lot area of 17.4 hectares, where 40 hectares is required, and to prohibit livestock within the existing barn for Part 2 while maintaining the Fish Habitat Overlay along the municipal drain that traverses the subject property.

Both the conditionally approved lot (Part 1) and the remnant lot (Part 2) comply with the zoning provisions for lot frontage, setbacks, height and lot coverage.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:**Public Meeting**

A statutory public meeting was held in Council Chambers on January 28, 2020. Notice of the public meeting was mailed to landowners within 120m of the subject property on December 23, 2019. Additionally, a public notice sign was posted on the subject property and the notice was posted on the Township's website.

No member of the public spoke at the public meeting and to date, no additional comments have been received. A copy of the draft public meeting minutes are attached as Appendix "B".

Township Department and Agency Comments

On December 23, 2019 a request for comments was circulated to Township departments and external agencies requiring review of the proposed application.

Niagara Region Planning and Development Services noted no objection to the proposed amendment as it satisfies Provincial and Regional policies for a surplus farm dwelling severance.

Ministry of Transportation noted no objection to the proposed amendment but noted that the Ministry would not permit and/or approve any direct access to Highway #3.

CONCLUSION:

The Planning Department has reviewed the application for a zoning by-law amendment, File Z01/2020, for the lands known municipally as 21646 Garringer Road. It is the opinion of staff that the application is consistent with Provincial, Regional and Township planning policy and recommends that the application be approved.

ATTACHMENTS:

- 1) Appendix "A" – Consent File B01/2020W Severance Sketch
- 2) Appendix "B" – Minutes of the Public Meeting Held On January 28, 2020
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

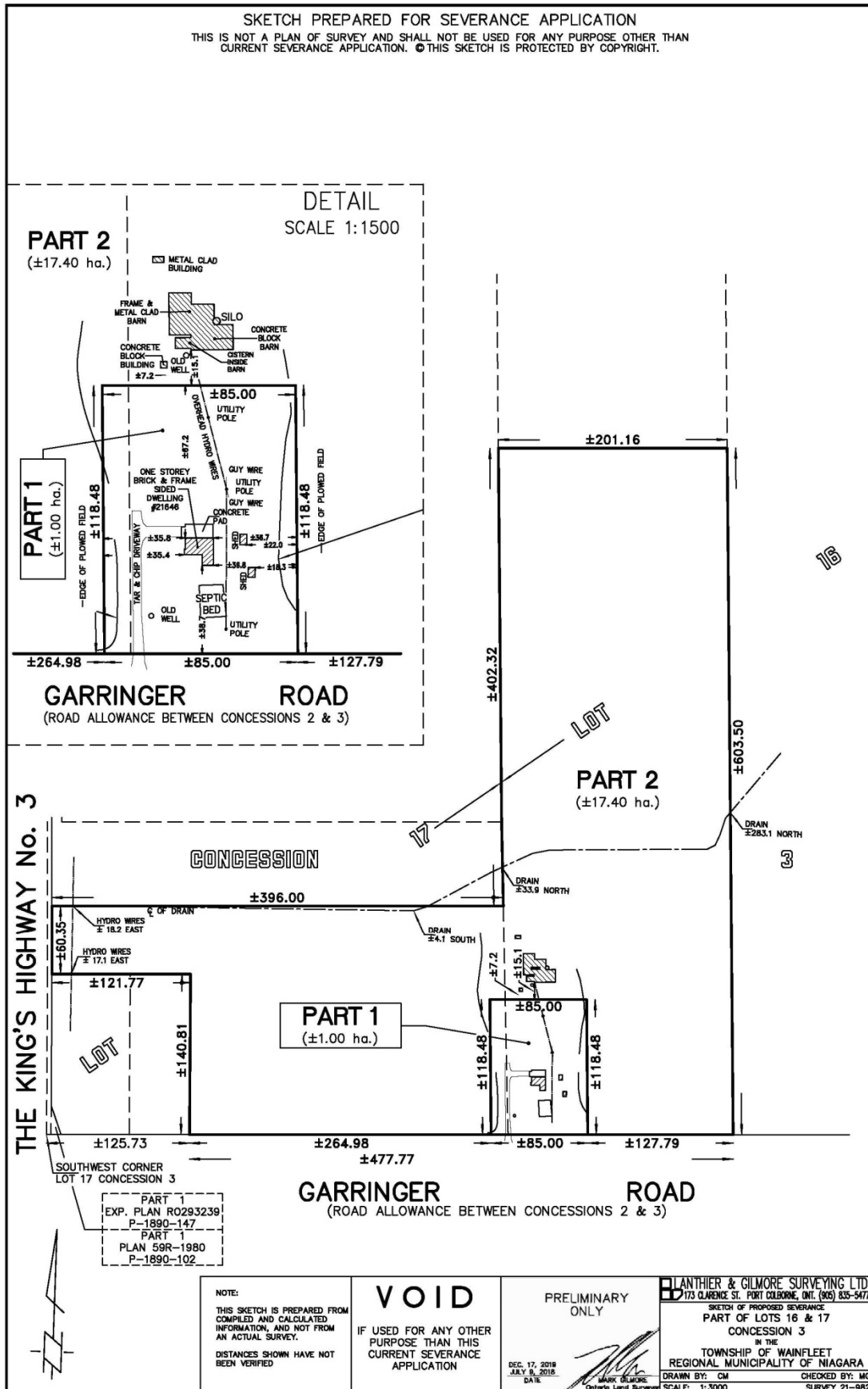
Sarah Ivins
Planner

Mallory Luey
Manager of Corporate Services/Treasurer

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"



APPENDIX “B”

January 28, 2020 Draft Public Meeting Minutes

8. Public Meeting

- a. Application for Zoning By-law Amendment Z01-2020W – 21646 Garringer Road

Planner, S. Ivins outlined the requirements of the Planning Act regarding the Notice of Public Meeting and provided a description of the proposal.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

The meeting was closed at approximately 7:20 p.m.

APPENDIX “C”

CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 0XX-2020

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 16 & 17, Concession 3 in the Township of Wainfleet, known municipally as 21646 Garringer Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 12 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 2 of the subject property from Agricultural – A2 to Agricultural A2 – 1,68 as shown on Schedule “A” attached hereto, while maintaining the Fish Habitat Overlay.

THAT Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the heading A2 - 1:

| Zone | # | By-Law # | Address | Additional Permitted Uses | Sole Permitted Uses | Excluded Uses |
|------|---|----------|-------------------------|---------------------------|---------------------|---------------|
| A2 | 1 | 0XX-2020 | Pt. Lot 16 & 17, Con. 3 | | | Dwellings |

THAT Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the A2 section:

| Zone | # | By-Law # | Address | Additional Permitted Uses | Sole Permitted Uses | Excluded Uses |
|------|---|----------|-------------------------|---------------------------|---------------------|--------------------------------|
| A2 | 1 | 0XX-2020 | Pt. Lot 16 & 17, Con. 3 | | | Livestock in the existing barn |

THAT Table 8 of Section 6.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the A2 section:

| Zone | # | By-Law # | Address | Description of Special Provision |
|------|----|----------|-------------------------|----------------------------------|
| A2 | 68 | 0XX-2020 | Pt. Lot 16 & 17, Con. 3 | Minimum Lot Area: 17.4 ha |

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

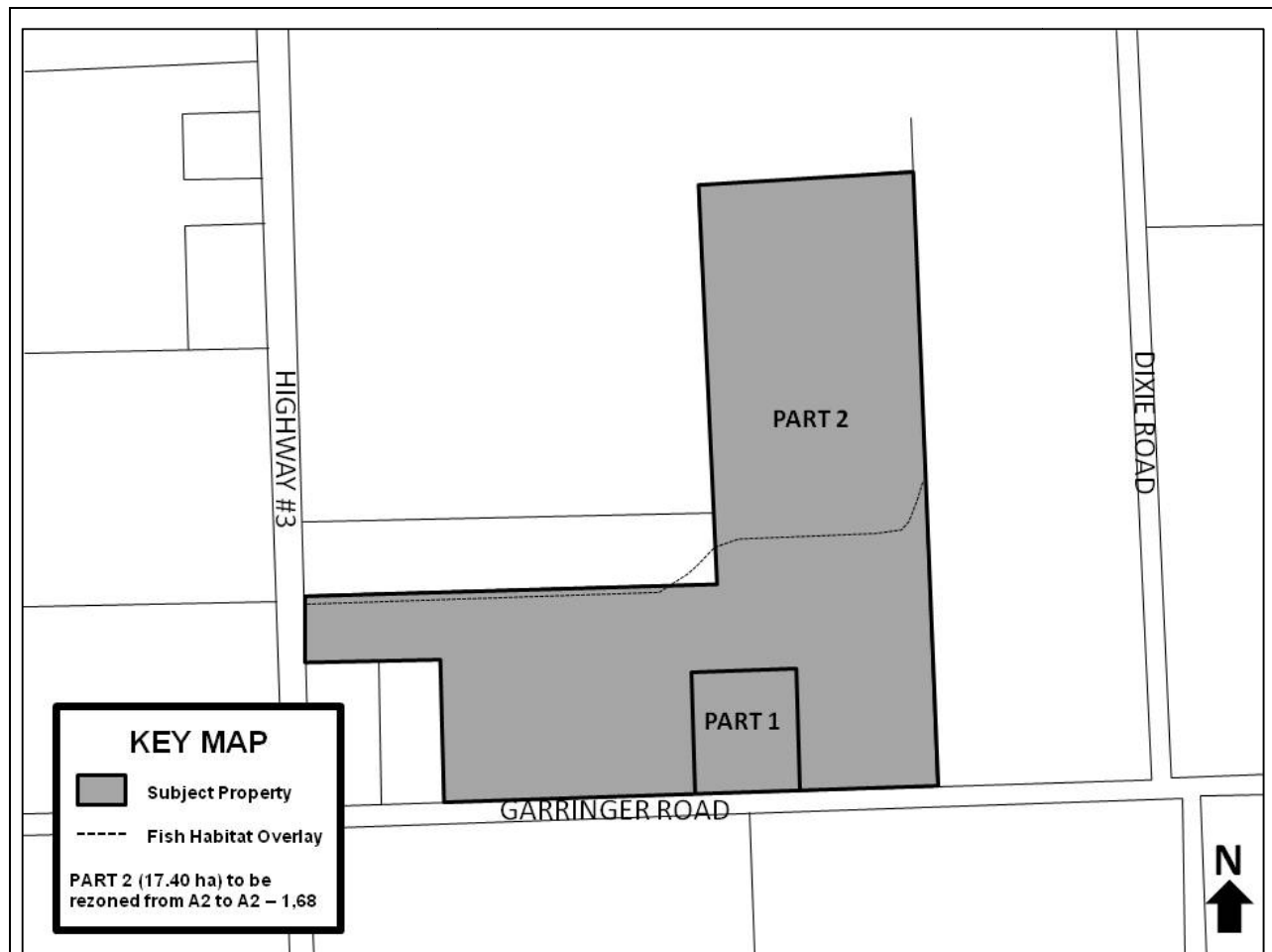
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BY-LAW 0XX-2020



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 0XX-2020:

This by-law affects lands described as Part of Lot 16 &17, Concession 3 in the Township of Wainfleet and known municipally as 21646 Garringer Road. This by-law has been enacted to prohibit dwellings, to prohibit livestock in the existing barn and to recognize a reduced lot area of 17.4 ha for Part 2 while maintaining the Fish Habitat Overlay.

THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-2020.
PASSED THIS 18TH DAY OF FEBRUARY, 2020.



File No. Z-01-2020 (Strazdins, Triple G. Farms)

MAYOR

CLERK

TO: Mayor Gibson & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: February 18, 2020

SUBJECT: Update on Interim Control By-law Regarding Cannabis Production Facilities

RECOMMENDATION(S):

THAT Planning Staff Report PSR-003/2020 regarding be received; and

THAT Council deem it necessary to extend the interim control by-law regarding Cannabis Production Facilities for a period of eight months to allow staff time to finalize the draft amendments to the Township's Zoning By-law, Site Plan Control Guidelines and Medical Marihuana Facilities Licensing By-law and to allow for a comprehensive public consultation process; and

THAT the by-law attached as Appendix "A" be considered at the March 10, 2020 Council meeting.

EXECUTIVE SUMMARY:

Council adopted Interim Control By-law 021-2019 to prohibit the use of any land, building or structure for any cannabis production. Interim Control By-law 021-2019 is set to expire as of 11:59 p.m. on March 26, 2020. Staff require additional time to develop the necessary draft amendments to the zoning by-law, site plan control guidelines and licensing by-law as well as to conduct the appropriate public consultation. As such, staff recommend that the interim control by-law be extended for a period of eight months.

BACKGROUND:

The Government of Canada enacted various regulations between 2001 and 2016 regarding the growing and production of cannabis for medical purposes – Marihuana Medical Access Regulations (MMAR) in 2001, Marihuana for Medical Purposes Regulation (MMPR) in 2013 and Access to Cannabis for Medical Purposes Regulations (ACMPR) in 2016. The ACMPR were replaced with the enactment of the Cannabis Act in 2018 and the new regulations under that Act. The new cannabis regulations allow for the cultivation and production of cannabis through micro-cultivation, standard cultivation and nursery licences. Residents are also allowed to grow up to four (4) plants per residence for personal recreational use.

In 2014 and 2015 the Township adopted zoning provisions and site plan guidelines to regulate Medical Marihuana Facilities.

Zoning Bylaw 034-2014 defines a medical marihuana facility as “a facility that is licensed under the Marihuana for Medical Purposes Regulations, or a successor thereto, for growing of medical marihuana as well as for the processing, testing, packaging, distribution and destruction of medical marihuana as accessory uses”. The zoning bylaw permits Medical Marihuana Facilities in the Agricultural & Rural zones (A1, A2, A3 and A4) through a site specific zoning bylaw amendment and is subject to the following regulations:

- A Medical Marihuana Facility or portion thereof shall not be permitted in a dwelling;
- A Medical Marihuana Facility shall be located a minimum of 150m from the lot line of any Residential or Institutional use or zone, including a day nursery;
- A sign identifying the facility or property as being or containing a medical marihuana facility shall be prohibited;
- Outdoor storage shall be prohibited.

The Township Site Plan Control Guidelines state that a Medical Marihuana Facility requires a Level 1 approval. A Level 1 approval is a decision of Council and requires that a site plan agreement be executed by bylaw. The site plan guidelines for a Medical Marihuana Facility are as follows:

- Buildings are sited as far as reasonably possible from surrounding dwellings and a minimum of 150m from the lot line of any residential or Institutional zone, including a day nursery;
- Buildings should resemble greenhouse or farm buildings as much as possible and rooftop ventilation equipments should be screened from view of the street and adjacent properties with noise mitigating screening;
- Surface parking is provided to the rear or to the side of the building and all loading and garbage pickup zones are located indoors;
- Security fences that abut the public street should be screened with a 3m landscape area located between the lot line and the fence and native and/or drought resistant planting is used throughout the site;
- Security lighting is located low on the building elevations and directed downward to reduce glare on adjacent lots and public roads.

In December of 2017, The Township also adopted a licensing bylaw for medical marihuana facilities. The Medical Marihuana Facilities Licensing Bylaw is similar to a business licensing bylaw and provides further regulation for this type of facility within the Township. Key highlights of the bylaw are:

- Every Medical Marihuana Facility is required to obtain and hold a valid licence from the Township – the licences are to be renewed each year
- Licence application requirements include zoning compliance, proof of a Health Canada licence, Fire Code compliance, general inspection report by the Electrical Safety Authority, proof of insurance, police check, etc.
- Authorizes the Licence Manager to issue, renew, revoke or suspend a license and outlines grounds for each action
- Provides the opportunity for applicants to appeal the decision of the Licence Manager to the Appeal Tribunal

- Authorizes inspections of the facility
- Requires that a registry of licences be established and maintained
- Outlines nuisance abatement requirements and penalties for bylaw contraventions

Given that there has been significant interest in establishing cannabis production facilities in Wainfleet, staff recommended that an interim control by-law be utilized to give staff some breathing space to rethink its land use policies regarding cannabis production by suspending development that may conflict with any new policy.

Council adopted Interim Control By-law 021-2019 on March 26, 2019 which prohibits the use of any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis but does not include a resident's ability to grow up to four plants per residence for personal use or retail establishments under the Cannabis License Act, 2018.

Interim Control By-law 021-2019 is set to expire as of 11:59 p.m. on March 26, 2020.

DISCUSSION/OPTIONS:

There are several properties within the Township that are being used for the production of cannabis under a valid medical license from Health Canada. These properties have been identified as designated growers whereby persons who are unable to grow the cannabis permitted under their prescription are permitted to designate someone else to grow for them.

In issuing licenses for medical cannabis, Health Canada requires that the licensee comply with all municipal by-laws. Under current Township by-laws, this means obtaining a site specific zoning amendment to permit the use, site plan approval and a medical marihuana facility license. None of these properties have obtained the required Township approvals.

Staff have submitted several complaints to Health Canada to advise them of the properties that hold a license but are not in compliance with the Township's by-laws. To date, the Township has not received a response from Health Canada on these matters.

Staff have also submitted a Freedom of Information (FOI) request to Health Canada to obtain copies of any documents that indicate the property owners sent the required notifications to the Township. Staff received several documents that were substantially redacted and as such did not provide any useful information. Staff have appealed the decision of Health Canada to redact information and are awaiting a response to the appeal. It would be useful for staff to have this information as part of the development of the appropriate Township policies and by-laws regarding cannabis.

The Township has received several complaints from residents regarding these illegal operations. The complaints are largely due to the extensive odours associated with the growing of cannabis. Other complaints include lighting and security/safety concerns.

These issues are to be considered through the review of the Township's land use planning policies so that mitigation measures can be implemented.

Staff have conducted research, attended workshops and consulted with various municipalities and organizations regarding the legalization of cannabis. This includes:

- Jurisdictional scan of municipal by-laws and policies regarding cannabis production from other Ontario municipalities, British Columbia municipalities, and the states of Washington, Oregon, Colorado and California;
- Review of publications regarding the legalization of cannabis from municipal organizations such as the Federation of Canadian Municipalities (FCM), Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) and the Municipal Information Network;
- Review of the Ministry of Environment, Conservation and Parks environmental land use planning guide D-6 for compatibility between industrial facilities and its applicability for cannabis production facilities;
- Participation in the Municipal Property Assessment Corporation (MPAC) "How MPAC Assesses and Classifies Cannabis Facilities" webinar;
- Participation in the Cannabis Land Use Workshop hosted by Niagara Region;
- Participation in the Aird & Berlis LLP "Opportunities in the Canadian Cannabis Market: Licensing, Leasing and Land Use" webinar.

The new zoning by-law provisions, site plan control guidelines and licensing by-law shall address the following:

- Determine a comprehensive definition of a "Cannabis Production Facility" that includes both recreational and medical cannabis to be used in the zoning by-law, site plan control guidelines and licensing by-law;
- Replace all references to a "Medical Marihuana Facility" in existing by-laws with "Cannabis Production Facility";
- Determine the appropriate setbacks between a cannabis production facility and sensitive land uses such as residential, institutional and open space (parks);
- Determine whether outdoor cultivation should be permitted;
- Determine whether parking and loading provisions specific to a cannabis production facility should be developed;
- Identify mitigation measures to control odours, light and noise impacts to adjacent properties;
- Determine whether amendments to the Township's Fence By-law are needed to permit taller fences for a cannabis production facility to provide greater security.

Option 1: Extend the Interim Control By-law (Recommended)

Under Section 38(2) of the Planning Act, R.S.O., 1990, c.P.13, as amended, a Council may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of passing of the interim control by-law. This means that Council may amend the interim control by-law to extend the period to no longer than March 26, 2021.

Extending the interim control by-law will allow staff additional time to develop draft amendments to the zoning by-law, site plan control guidelines and licensing by-law as well as conduct a comprehensive public consultation process to ensure that the final amendments adopted by Council address the issues faced by the Township.

Staff recommend that the interim control by-law be extended for a period of eight months as it is believed that this will be sufficient time to complete public consultation, hold the statutory open house and public meeting as well as prepare a recommendation report for Council's consideration. Below is a schedule of tasks for the eight month extension period:

| Month | Task |
|------------|---|
| April | Public survey regarding issues and opportunities |
| May - July | Review survey results and prepare draft amendments |
| August | Release draft amendments to the public and hold an open house |
| September | Hold a public meeting under the Planning Act |
| October | Consideration of the recommendation report and amending by-laws |

The draft by-law to amend interim control by-law 021-2019 is attached as Appendix "A". Staff recommend that the by-law be placed on the March 10, 2020 Council meeting agenda for Council's consideration.

It should be noted that any person or public body that has requested to be given notice of the passing of the by-law to extend the interim control by-law has the right to appeal the extension to the Local Planning Appeal Tribunal (LPAT) within 60 days of the passing of the by-law. Should an appeal be received, the Township would be responsible for defending the by-law and demonstrating the need for the extension.

Option 2: Allow the Interim Control By-law to Expire

Allowing the interim control by-law to expire would create a situation where a non-medical cannabis production facility could be established without obtaining additional municipal approvals. This is because until the planning policies have been updated to include all cannabis activities, only those operating under a medical license would be required to go through a zoning amendment, site plan control and licensing application process. Should a non-medical cannabis production facility be established, there will be compatibility issues with adjacent land uses and as such staff do not recommend this option.

FINANCIAL CONSIDERATIONS:

There are no anticipated legal costs at this time. However, should an appeal be received, the Township would incur legal costs to defend the by-law.

OTHERS CONSULTED:

- 1) Strategic Leadership Team
- 2) Mark Tardif, By-law Enforcement Officer

ATTACHMENTS:

- 1) Appendix "A" – Draft By-law to Extend the Interim Control By-law

Respectfully submitted by,

Reviewed by,

Sarah Ivins
Planner

Mallory Luey
Manager of Corporate Services/Treasurer

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 00X-2020

Being a by-law to amend By-law 021-2018,
being an interim control by-law under Section
38 of the Planning Act, R.S.O., 1990, c.P.13,
as amended, regarding cannabis related land
uses.

WHEREAS Section 38(1) of the Planning Act, R.S.O., 1990, c.P. 13, as amended, permits the Council of a municipality to pass an interim control by-law where Council has directed that a review or study be undertaken in respect of land use planning policies and regulations within the municipality, or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet adopted Interim Control By-law 021-2019 on March 26, 2019 to restrict the use of all land in the municipality for a cannabis production facility, pending the completion of the review of its land use planning policies and regulations;

AND WHEREAS Section 38 of the Planning Act R.S.O., 1990, c.P. 13, as amended, further permits the Council of a municipality to amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary for the Township to continue the review or study in respect of land use planning policies and regulations pertaining to cannabis related land uses in all lands of the Township for a period of eight months;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. That Section 5 of By-law 021-2019 be amended as follows:

This by-law shall come into force and take effect immediately upon its passing by Council and shall be in effect until 11:59 p.m. local time on November 26, 2020 unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., c.P.13, as amended, or repealed by Council at an earlier date.

BY-LAW READ AND PASSED THIS 10TH DAY OF MARCH, 2020.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

Meredith Ciuffetelli

From: Len or Judy Aarts [len.judy.aarts@hotmail.com]
Sent: February-12-20 10:36 AM
To: Meredith Ciuffetelli
Cc: Donna Cridland
Subject: Request to waive Fire Hall rental

The Welland River Flood Plain Association (WRFPA) would like to put in a request to council to waive the fire hall rental fee for our up coming AGM meeting. The hall is booked for Tuesday, March 24th/20 from 5:00 pm to 9:00 pm.

We also would like to thank Wainfleet council and staff in supporting our association in the previous years.

Len Aarts (WRFPA)



**The Royal Canadian Legion
Ontario Command**

“Military Service Recognition Book”

Dear Sir/Madam:

Thank you for your interest in **The Royal Canadian Legion Ontario Command**, representing **Ontario's Veterans**. Please accept this written request for your support, as per our recent telephone conversation.

The Royal Canadian Legion Ontario Command is very proud to be printing over **10,000 copies** of our 7th annual **“Military Service Recognition Book”**, scheduled for release by September 2020. This unique remembrance publication recognizes and honours our Province's Veterans and helps us fulfill the Legion's role as the **“Keepers of Remembrance”**. Proceeds raised from this annual appeal are also used to support Veterans Transition Programs to help modern day Veterans that suffer from PTSD and other challenges.

The Legion is recognized as one of Canada's largest Veterans Support Organizations and we are an integral part of the communities we serve. This project helps ensure the Legion's continued success. We would like to have your organization's support for this Remembrance project by sponsoring an advertisement space in our **“Military Service Recognition Book.”**

Please find enclosed a rate sheet for your review. Whatever you are able to contribute to this worthwhile endeavor would be greatly appreciated. For further information please contact **Ontario Command Campaign Office** toll free at **1-855-241-6967**.

Thank you for your consideration and/or support.

Sincerely,

**Garry Pond
President**



www.on.legion.ca

The Royal Canadian Legion Ontario Command

“Military Service Recognition Book”

Advertising Prices

| <u>Ad Size</u> | <u>Cost</u> | <u>HST</u> | <u>Total</u> |
|--|-------------|------------|-----------------------|
| Full Colour Outside Back Cover | \$2,132.74 | + | \$277.26 = \$2,410.00 |
| Inside Front/Back Cover (Full Colour) | \$1,853.98 | + | \$241.02 = \$2,095.00 |
| 2 Page Spread (Full Colour) | \$2,964.60 | + | \$385.40 = \$3,350.00 |
| Full Page (Full Colour) | \$1,482.30 | + | \$192.70 = \$1,675.00 |
| Full Page 7" X 9.735" | \$1,110.62 | + | \$144.38 = \$1,255.00 |
| ½ Page (Full Colour) | \$831.86 | + | \$108.14 = \$940.00 |
| ½ Page 7" X 4.735" | \$646.02 | + | \$83.98 = \$730.00 |
| ¼ Page (Full Colour) | \$504.42 | + | \$65.58 = \$570.00 |
| ¼ Page 3.375" X 4.735" | \$415.93 | + | \$54.07 = \$470.00 |
| 1/10 Page (Full Colour) | \$300.88 | + | \$39.12 = \$340.00 |
| 1/10 Page (Business Card) 3.375" X 1.735" | \$256.64 | + | \$33.36 = \$290.00 |

H.S.T. Registration # 10686 2824 RT0001

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A complimentary copy of this year's publication will be received by all advertisers purchasing space of 1/10 page and up, along with a Certificate of Appreciation from the Ontario Command.



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CORPORATION OF THE TOWNSHIP OF WAINFLEET
BY-LAW NO. 003-2020

Being a by-law to adopt Amendment No. 02 to the
Official Plan for the Township of Wainfleet.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS Amendment No. 02 to the Township of Wainfleet Official Plan is exempt from approval of the Council of the Regional Municipality of Niagara in accordance with the Memorandum of Understanding;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Amendment No. 02 to the Township of Wainfleet Official Plan is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Township of Wainfleet Official Plan in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020.

K. Gibson, MAYOR

W. Kolasa, CLERK

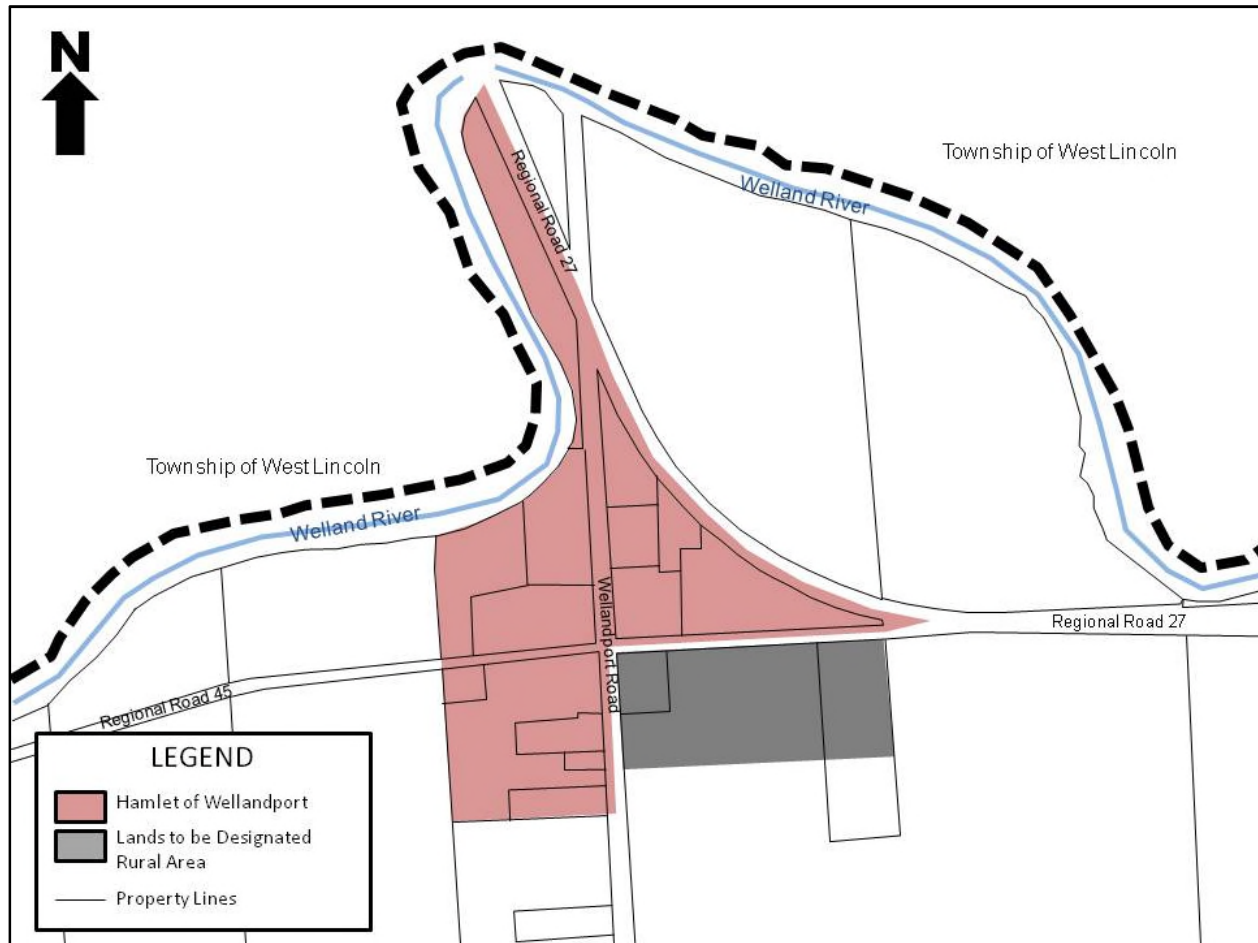
Amendment No. 02 to the Township of Wainfleet Official Plan

| | |
|----------------------------|---|
| Purpose and Effect: | <p>The purpose of the Official Plan Amendment is to assign land use designations to several properties that were left without a land use designation in the new Township of Wainfleet Official Plan.</p> <p>The Official Plan Amendment also addresses a request from a property to redesignate part of their property from Agricultural Area to Rural Area.</p> |
| Location: | <p>The subject lands affected by this Official Plan Amendment include:</p> <ol style="list-style-type: none">1. Lands Without a Designation from the Hamlet of Wellandport:<ol style="list-style-type: none">a) 73987 Regional Road 45, CON 7 PT LOT 39 RP59R8997 PT 1b) Part of 73965 Regional Road 45, CON 7 PT LOT 39c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 22. Lands Without a Designation from the Hamlet of Chambers Corners:<ol style="list-style-type: none">a) Part of 52015 Regional Road 24, CON 5 PT LOT 19b) Part of 52017 Regional Road 24, CON 5 PT LOT 193. Lands Without a Designation from the Hamlet of Ostryhon Corners<ol style="list-style-type: none">a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 14. Part of 51250 Tunnacliffe Road South, CON 5, PT LOT 12 |
| Basis: | <p>Council for the Township of Wainfleet adopted a new Official Plan in 2010. Since then, the Official Plan has gone through a series of approvals and appeals. The Official Plan was approved by the OMB in August 2014, with the exception of the Hamlet boundaries. In January of 2016, the Province, Niagara Region and Township of Wainfleet were able to settle the appeal for the Hamlet boundaries. As a result of the settlement, several properties that were originally included within the Hamlets of Wellandport, Ostryhon Corners and Chambers Corners were removed.</p> <p>Due to the timing of the repeal of the previous Township of Wainfleet Official Plan and the by-law to adopt the bulk of the new Official Plan (as approved by the OMB in 2014), the lands that were removed from the Hamlets as a result of the OMB settlement in 2016 were left without a land use designation. This Official Plan Amendment assigns a land use designation to the lands removed from the Hamlets.</p> <p>The Official Plan Amendment also considers a request from the property owner of 51250 Tunnacliffe Road South to change the designation of part of the property from Agricultural Area to Rural Area.</p> |

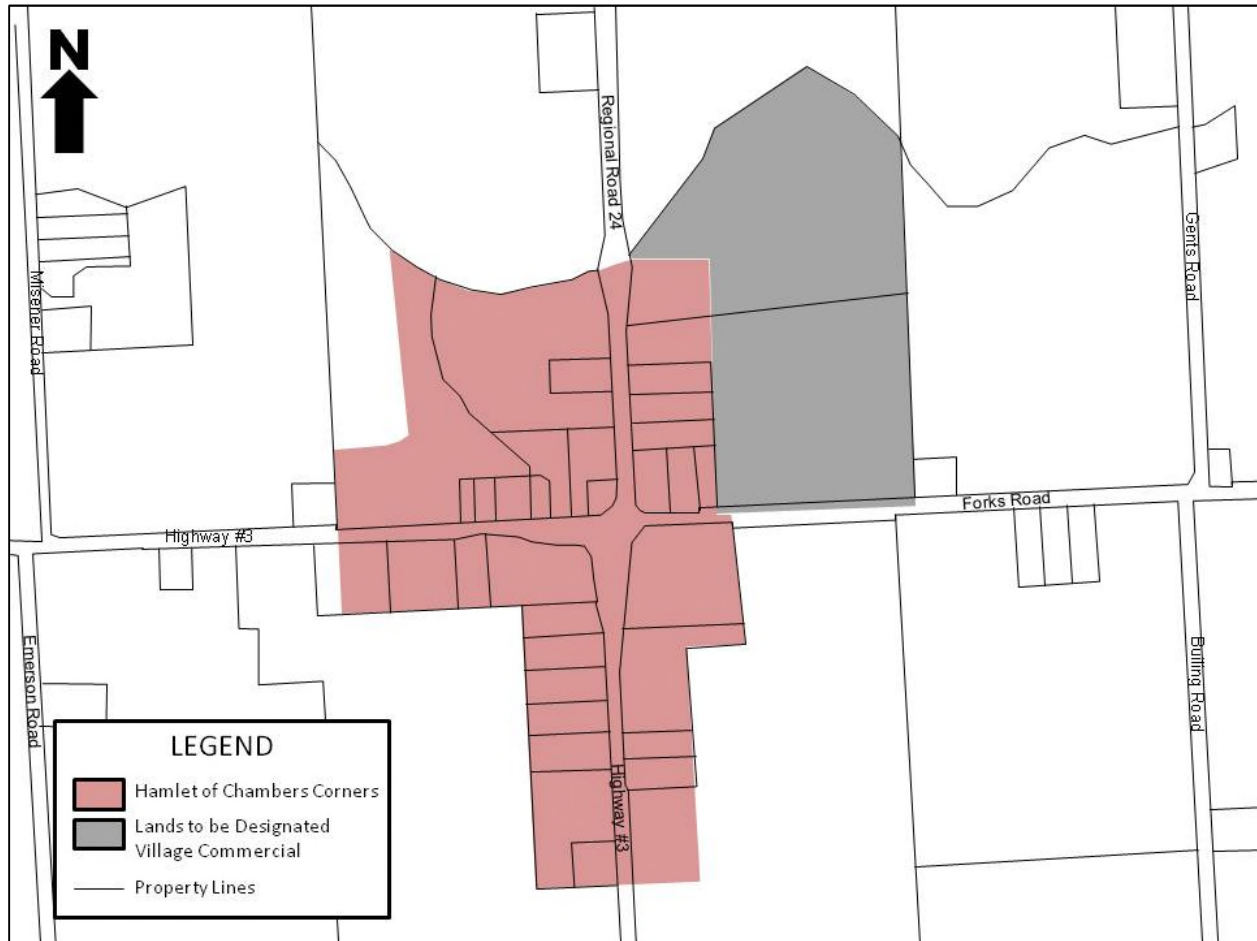
| | |
|------------------------|--|
| Amendment: | <p>Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Rural Area to the following lands, shown in Map 1 of Schedule A to this Official Plan Amendment:</p> <ul style="list-style-type: none">a) 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1;b) Part of 73965 Regional Road 45, CON 7 PT LOT 39;c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2; <p>Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Village Commercial to the following lands, shown in Map 2 of Schedule A to this Official Plan Amendment:</p> <ul style="list-style-type: none">a) Part of 52015 Regional Road 24, CON 5 PT LOT 19;b) Part of 52017 Regional Road 24, CON 5 PT LOT 19. <p>Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Rural Area to the following lands, shown in Map 3 of Schedule A to this Official Plan Amendment:</p> <ul style="list-style-type: none">a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15;b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1. <p>Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Rural Area to the following lands, shown in Map 4 of Schedule A to this Official Plan Amendment:</p> <ul style="list-style-type: none">a) Part of 51250 Tunnacliffe Road, CON 5 PT LOT 12 |
| Implementation: | <p>This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet.</p> |
| Interpretation: | <p>This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.</p> |

SCHEDULE "A" to Official Plan Amendment 02

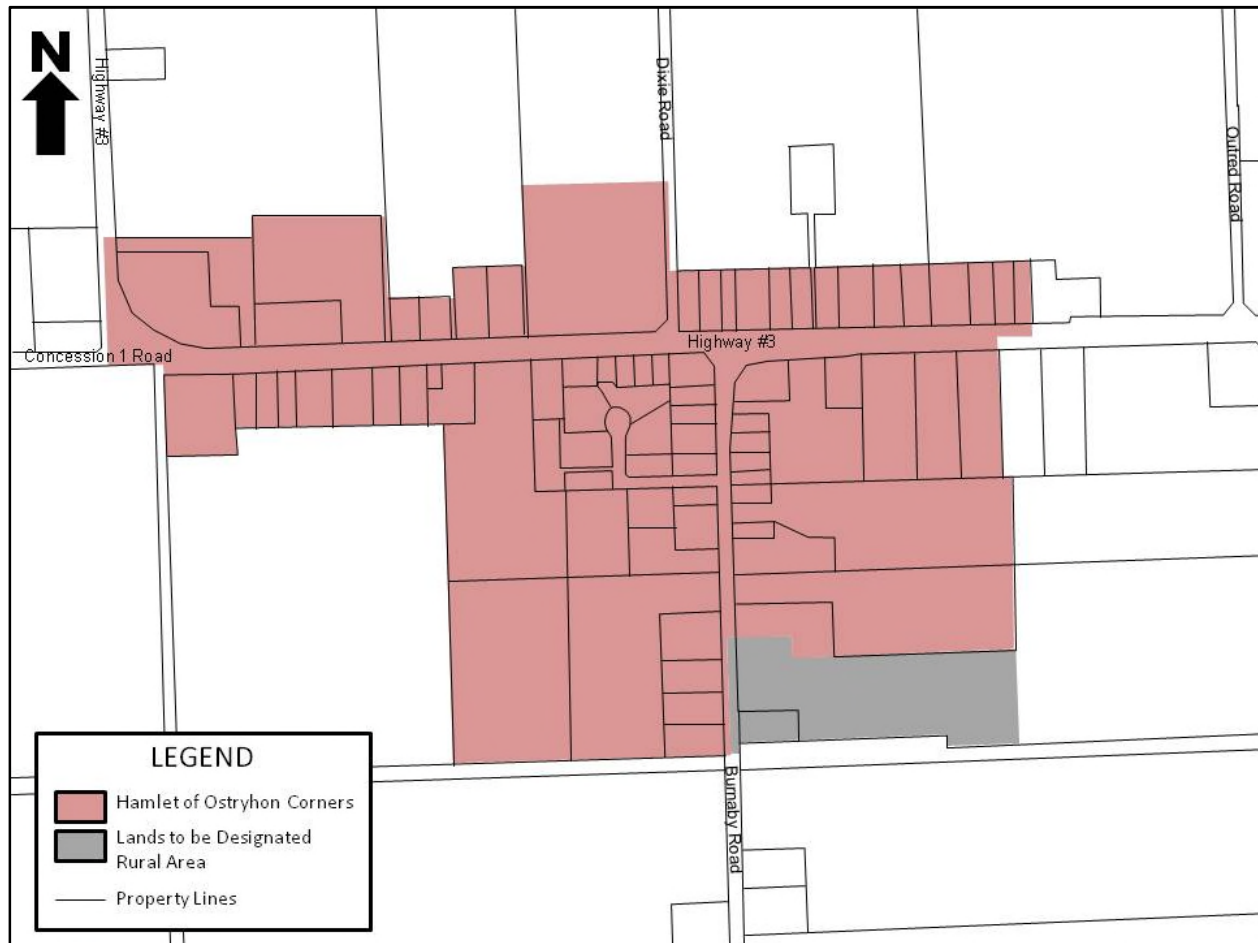
MAP 1 – Lands Adjacent to the Hamlet of Wellandport



MAP 2 – Lands Adjacent to the Hamlet of Chambers Corners



MAP 3 – Lands Adjacent to the Hamlet of Ostryhon Corners



MAP 4 – Part of 51250 Tunnacliffe Road South



CORPORATION OF THE TOWNSHIP OF WAINFLEET
BY-LAW NO. 004-2020

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 16 & 17, Concession 3 in the Township of Wainfleet, known municipally as 21646 Garringer Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 12 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 2 of the subject property from Agricultural – A2 to Agricultural A2 – 1,68 as shown on Schedule “A” attached hereto, while maintaining the Fish Habitat Overlay.

THAT Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the heading A2 - 1:

| Zone | # | By-Law # | Address | Additional Permitted Uses | Sole Permitted Uses | Excluded Uses |
|------|---|----------|-------------------------|---------------------------|---------------------|---------------|
| A2 | 1 | 004-2020 | Pt. Lot 16 & 17, Con. 3 | | | Dwellings |

THAT Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the A2 section:

| Zone | # | By-Law # | Address | Additional Permitted Uses | Sole Permitted Uses | Excluded Uses |
|------|---|----------|-------------------------|---------------------------|---------------------|--------------------------------|
| A2 | 1 | 004-2020 | Pt. Lot 16 & 17, Con. 3 | | | Livestock in the existing barn |

THAT Table 8 of Section 6.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the A2 section:

| Zone | # | By-Law # | Address | Description of Special Provision |
|------|----|----------|-------------------------|----------------------------------|
| A2 | 68 | 004-2020 | Pt. Lot 16 & 17, Con. 3 | Minimum Lot Area: 17.4 ha |

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

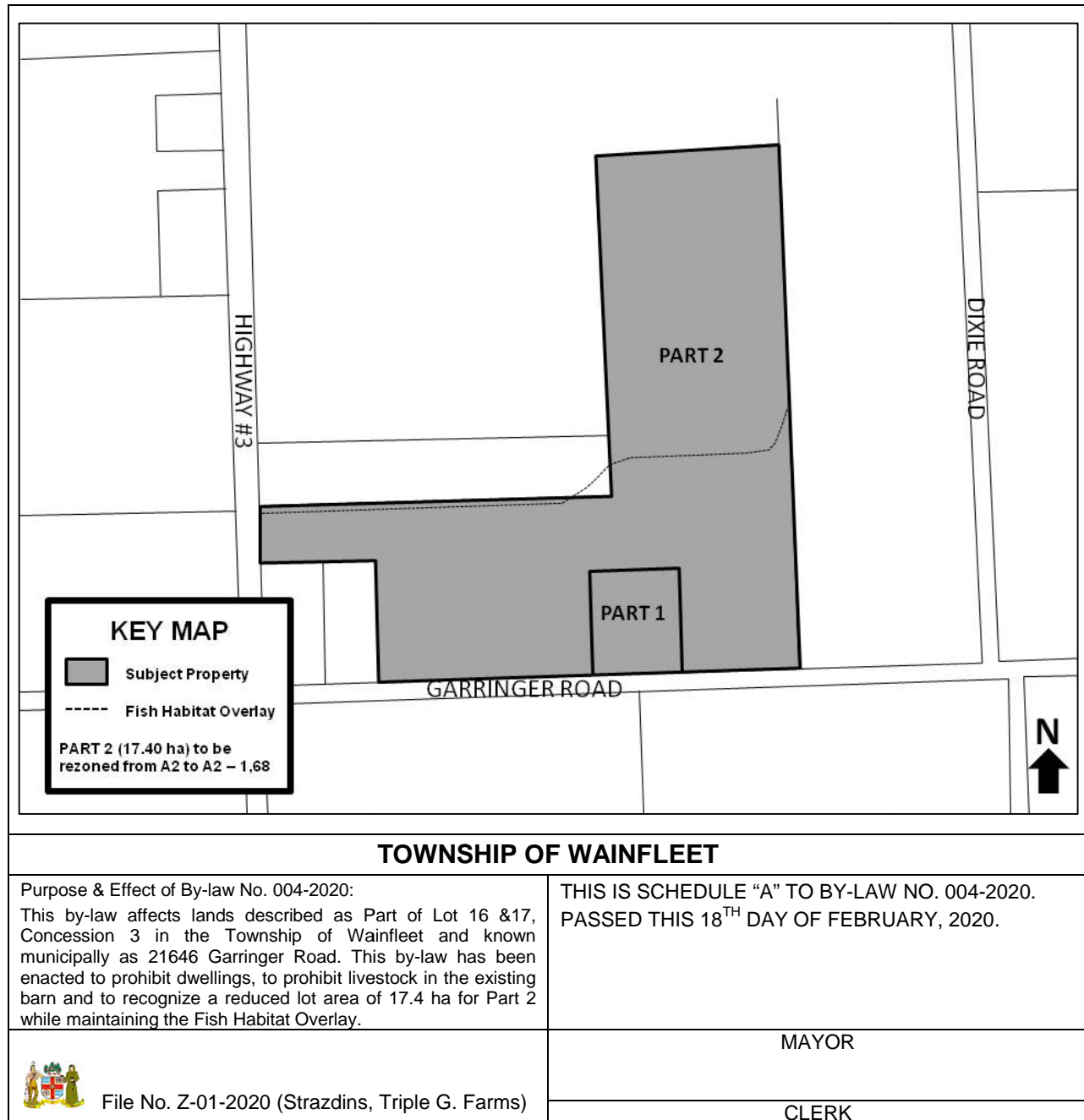
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BY-LAW 004-2020



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 004-2020:

This by-law affects lands described as Part of Lot 16 &17, Concession 3 in the Township of Wainfleet and known municipally as 21646 Garringer Road. This by-law has been enacted to prohibit dwellings, to prohibit livestock in the existing barn and to recognize a reduced lot area of 17.4 ha for Part 2 while maintaining the Fish Habitat Overlay.

THIS IS SCHEDULE "A" TO BY-LAW NO. 004-2020.
PASSED THIS 18TH DAY OF FEBRUARY, 2020.



File No. Z-01-2020 (Strazdins, Triple G. Farms)

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 005-2020

Being a By-law to amend By-law No. 027-2019
being a by-law to establish an Administrative
Monetary Penalty System of Non-Parking
Related Offences in the Township of Wainfleet.

WHEREAS the Council of the Township of Wainfleet enacted By-law No. 027-2019 to establish an Administrative Monetary Penalty System for Non-Parking Related Offences in the Township of Wainfleet;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 027-2019 to provide for enforcement of unpaid administrative monetary penalties issued under said by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1) **THAT** section 7.2 a) of By-law No. 027-2019 be amended to read as follows:

7.2. An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Township owed by the Person.

a) Pursuant to Section 434.2(2) of the Municipal Act, where an administrative penalty is imposed under the Municipal Act remain unpaid after the day that it becomes due and payable, as specified in the Penalty Notice, the administrative penalty shall be added to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collected it in the same manner as municipal taxes.

2) **AND THAT** this By-law shall come into force and take effect on the date of final passage thereof.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 006-2020

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 18th day of February, 2020.

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its meeting held on the 18th day of February, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 18TH DAY OF FEBRUARY, 2020

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK