

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW NO. 2014-48

**A BY-LAW TO AMEND BY-LAW NO. 2007-64,
BEING A BY-LAW TO REGULATE OPEN FIRES**

WHEREAS Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein, including the health, safety and well-being of persons;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, as amended, provides that the 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 Council of The Corporation of the Town of Wasaga Beach passed By-Law No. 2007-64, a by-law to regulate open fires within the Town of Wasaga Beach, and deems it expedient to amend the said by-law regarding provisions to allow the Fire Chief the ability to authorize exemptions or variance;

NOW THEREFORE this Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT By-Law No. 2007-64, is hereby amended, by inserting the following section; "Fire Chief Exemptions" between Sections 2 and Section 3:

2.2 Fire Chief Exemptions

2.2.2.1 The Fire Chief may exempt any person(s) or organizations from any provisions of Section 2 of this By-law (General Provisions Applicable to All Properties), on such terms and conditions deemed appropriate to maintain the intent of the By-law, where:

- a) such request is submitted in writing and contains sufficient particulars for a proper review and decision, and;
- b) such request is for a temporary exemption, that does not exceed a six-month duration.

2.2.2.2 The Fire Chief or an Officer may vary, cancel or rescind at any time, any exemptions issued.

- 2.2.2.3 Such notification under 2.2.2.2 above may be given orally and/or in writing.
 - 2.2.2.4 The Fire Chief shall issue such exemptions, in writing, and shall maintain a record of such exemptions and shall forward a copy of the exemption to the Clerk and the Municipal Law Enforcement Department.
 - 2.2.2.5 The decision by the Fire Chief to not refuse an exemption request shall be final and not subject to an appeal process.
 - 2.2.2.6 Any person(s) or organization that receives an exemption, shall comply with any terms and conditions, if any, that are established with exemption, and shall comply with all other provisions of the By-law for which an exemption was not granted.
 - 2.2.2.7 Any person(s) or organization that receives an exemption shall maintain a copy at any time/location the exemption applies and shall immediately produce a copy of such exemption, on request of the Fire Chief, an Officer or Police Officer, for examination.
- 2. THAT where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provision of this by-law shall prevail.
 - 3. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF MAY, 2014.

Cal Patterson, Mayor

Twyla Nicholson, Clerk

