

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW NO. 2026-39

A By-law to protect, prohibit, regulate and promote responsible enjoyment and use of the Beach Areas of the Town of Wasaga Beach

**WHEREAS** Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

**AND WHEREAS** Section 11(2) of the *Municipal Act* permits a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 11 of the *Municipal Act* provides that a municipality may pass by-laws respecting matter within the sphere of jurisdiction of culture, parks, recreation and heritage;

**AND WHEREAS** the Council of the Corporation of the Town of Wasaga Beach has deemed it appropriate to enact a by-law regulating activities in Allenwood, New Wasaga, Beach Area 1, and Beach Area 2 and to protect these lands on behalf of the public interest;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

### TITLE

This by-law shall be known as the "Beach By-law."

#### **1.0 DEFINITIONS**

- 1.1 **"Applicant"** shall mean either the Owner or Contractor identified on an application for a Work Permit;
- 1.2 **"Authorized Sign"** means any sign, notice, or other device placed or erected by the Town on Beach Areas or lands owned or operated by the Town;

- 1.3 **“Barbecue or Cooking Device”** means any portable or stationary device, structure, or apparatus designed or used for cooking or heating food, including grills, hibachis, and similar equipment;
- 1.4 **“Beach Areas”** means the municipally controlled beach lands designated as Allenwood, New Wasaga, Beach Area 1, and Beach Area 2 as described in Schedule A up to the water’s edge, and includes Designated Swim Areas in such beach lands;
- 1.5 **“Boardwalk”** means an elevated or ground level footpath made from wooden planks located within Beach Area 1 and Beach Area 2;
- 1.6 **“C.A.O”** means the Chief Administrative Officer for the Town of Wasaga Beach;
- 1.7 **“Construction or Maintenance Purposes”** shall mean any construction, works, repair or improvement of the Beach Areas and also includes building construction, repair or maintenance operations by the Owner or occupant of land adjoining the Beach Areas, including the storage of materials used for such construction;
- 1.8 **“Contractor”** shall mean a person, firm or corporation hired by an Owner to conduct Works on Beach Areas or property adjoining Beach Areas that require access from Beach Areas as indicated on a Work Permit;
- 1.9 **“Council”** means the Council of the Corporation of the Town of Wasaga Beach;
- 1.10 **“Designated Pathway”** means a mutli-purpose trails, whether improved or unimproved, designed for use by pedestrians and non-motorized conveyances, except for motorized wheelchairs and does not include sidewalks or Boardwalks;
- 1.11 **“Designated Swim Area”** means any area of water within or immediately adjacent to a Beach Area that has been designated by the Town for swimming purposes and is marked or indicated by Authorized Signs, buoys, ropes, or other visible boundaries, and may include areas where water-based activities are restricted for safety;
- 1.12 **“Director”** means the Director of Parks, Recreation and Facilities or his or her designate;
- 1.13 **“Domestic Animal”** means any animal that is kept by a person for companionship, household purposes, or enjoyment, and includes but is not limited to dogs and cats, and may include livestock, wildlife or reptiles;
- 1.14 **“Event Organizer”** is the Person or organization seeking permission to host a Special Event on a Beach Area;

- 1.15 **"Fire"** means a campfire, a bonfire, or open air burning, and for the purposes of this By-law, shall mean the burning of dry seasoned firewood, and shall include the embers, ashes, coals, etc.;
- 1.16 **"Fire Chief"** means Fire Chief and Director of Emergency Services or his or her designate;
- 1.17 **"Firework"** means any Prohibited Fireworks, Consumer Fireworks or Display Fireworks, but does not include sparklers as defined in the Town's By-law 2025-12, as amended;
- 1.18 **"Flying Lantern"** means a sky lantern, also known as Kongming lantern or Chinese lantern, being a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended such that a lantern will rise and float while ignited;
- 1.19 **"Litter"** means the placing or disposing of any debris, refuse, waste or any other items or materials, in any place other than designated garbage receptacles;
- 1.20 **"Manager"** means Manager of Municipal Law Enforcement or his or her designate;
- 1.21 **"Motorized Vehicle"** means a motor vehicle as defined in the Highway Traffic Act and includes any motor driven cycle, motorcycle or snowmobile, any off-road vehicle as defined in the Off-Road Vehicles Act, and includes any scooter, e-bike, golf cart or other device driven by battery or electrical power, and includes any trailer or accessory attached to the motor vehicle, but does not include devices used by a person with a disability (i.e. motorized wheelchair);
- 1.22 **"Officer"** means a Municipal Law Enforcement Officer, Police Officer, Firefighter and any person appointed by Council to enforce this By-law;
- 1.23 **"Owner"** means the registered Owner of a property, a lessee, tenant, mortgage in possession, or Person otherwise in charge of any property, acting as the authorized agent or Contractor of the Owner;
- 1.24 **"Permit"** means a written authorization issued by the Town permitting a person to carry out a specified activity in accordance with this By-law or Special Events By-law 2024-49, as amended and subject to any conditions imposed by the Town;
- 1.25 **"Person"** means any individual, association, firm, Owner, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law;

- 1.26 **“Picnic Area”** means any area within a Beach Area designated for picnicking, including areas south of the boardwalk at Beach 1 and Beach 2, as identified by Authorized Signs or other markers, and may include tables, seating, or waste receptacle;
- 1.27 **“Service Animal”**, means an animal for a person with a disability if it is readily apparent that the animal is used by the person for reasons relating to his or her disability or if the person provides a letter from a physician or nurse confirming that the persons requires the animal for reasons relating to the disability, in accordance with the Accessibility for Ontarians With Disabilities Act, 2005, as amended;
- 1.28 **“Smoke” or “smoking” or “vaping”** includes holding lit tobacco or cannabis or related inhalation products in any form (including, but not limited to: hookahs, waterpipes, pipes, e-cigarettes, or any other devices), or vaping of any substance;
- 1.29 **“Special Event”** means any exhibition, event, or function held within the Town for which a person has applied and received a Special Event Permit from the Town, with or without conditions, and includes but is not limited to weddings, parties, concerts, festivals, or other organized gatherings of persons;
- 1.30 **“Special Event Permit”** means a Permit issued pursuant to the Town’s Special Events By-law, as amended;
- 1.31 **“Tent”** means any portable structure constructed of fabric, nylon, canvas, or similar material, supported by poles, frames, or air structures, that is designed to provide shelter and is fully or substantially enclosed on all sides, including structures with four walls or walls capable of being closed or secured.

For the purposes of this By-law, the following are not considered tents:

- (a) Infant or small child sun shelters, including pop-up or dome-style coverings, that are not fully enclosed and do not exceed 1.2 metres in height or 2 square metres in floor area;
  - (b) Open-sided shade structures, including canopies, umbrellas, or similar devices, that have no more than three sides and are not designed to be fully enclosed;
  - (c) Beach shade structures commonly known as “half-moon”, “C-shaped”, or similar forms, provided they always remain open on at least one side;
  - (d) Shade structures that do not contain any sidewalls, provided that the total ground coverage does not exceed 9.3 square metres (100 square feet).
- 1.32 **“Town”** means the Corporation of the Town of Wasaga Beach;

- 1.33 **“Watercraft” or “Vessel”** means any boat, motorized vessel, or other craft capable of being used for transportation or recreation on water, including sailboats, motorboats, personal watercraft, and similar vessels;
- 1.34 **“Wildlife Attractant”** means any item or substance including food, beverages, cooking devices, utensils, garbage, or scented products likely to attract wildlife;
- 1.35 **“Wind Sports”** means recreational activities that rely on wind for propulsion, including but not limited to parasailing, kiteboarding, windsurfing, and sailboarding, and any associated equipment used for those activities, but does not include vessels powered by motors or engines;
- 1.36 **“Work Permit”** shall mean a permit issued for construction works on Beach Areas or areas abutting Beach Areas and "Permit" shall have the same meaning;
- 1.37 **“Works”** mean all proposed construction and maintenance.

## **2.0 HOURS OF OPERATION**

- 2.1 No Person shall remain in or enter any Beach Area between 10:00 pm and 6:00 am, except as a participant or spectator of a Special Event or under a valid Permit;
- 2.2 No Person shall enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

## **3.0 OPEN FIRES AND FIREWORKS**

- 3.1 No Person shall start or maintain a Fire on any Beach Area;
- 3.2 No Person shall use, display, set off or discharge, or cause or permit to be set off or discharged, any Fireworks or Flying Lanterns without a valid Permit on any Beach Area.

## **4.0 LITTERING AND WASTE**

- 4.1 No Person shall defecate, urinate, or deposit human waste outside of designated washroom facilities in any Beach Area;
- 4.2 No Person shall deposit Litter in any Beach Area except in designated receptacles;
- 4.3 No Person shall maintain or store Wildlife Attractants, including food or beverages, food preparation or storage equipment, cooking devices or utensils, garbage or recycling products, scented products or any other item in a manner that is likely to attract wildlife within any Beach Area.

## **5.0 TENTS AND CAMPING**

- 5.1 No Person shall erect a Tent on a Beach Area;
- 5.2 No person shall camp, sleep overnight, or use a Beach Area for extended habitation, including but not limited to Tents, shelters, vehicles, trailers, or other temporary structures.

## **6.0 BARBECUES AND COOKING DEVICES**

- 6.1 No person shall use a Barbecue or Cooking Device in any Beach Area except in accordance with the locations and restrictions set out in Section 6.2;
- 6.2 The use of Barbecues or Cooking Devices is restricted to the following areas:
  - 6.2.1 Permitted in Beach Areas of New Wasaga and Allenwood;
  - 6.2.2 Permitted in designated Picnic Areas of Beach Areas 1 and 2.
- 6.3 Where Barbecues and Cooking Devices are permitted by this By-law to be used, said Barbecues and Cooking Devices may only be operated with on gaseous fuels such as natural gas, propane, or similar fuels and shall not be operated on solid fuels such as charcoal, wood, pellets or any other similar fuels.

## **7.0 DOMESTIC ANIMALS**

- 7.1 No Person shall permit a Domestic Animal on the Beach Areas of New Wasaga or Allenwood between the months of May and September during the hours of 9:00am and 6:00pm except for Service Animals and animals used for law enforcement purposes by a public authority;
- 7.2 No Person shall permit a Domestic Animal on Beach Area 1 and Beach Area 2 at any time, except on Designated Pathways, and except for Service Animals and animals used for law enforcement purposes by a public authority;
- 7.3 No Person being the owner of, or having care and custody of, a Domestic Animal shall:
  - 7.3.1 Permit the Domestic Animal to be without a leash where Domestic Animals are permitted;
  - 7.3.2 Permit the Domestic Animal to make excessive noise;
  - 7.3.3 Permit the Domestic Animal to disturb or interfere with other Persons using the Beach;

- 7.3.4 Permit or accompany the Domestic Animal to be on a leash greater than 2 metres in length;
- 7.3.5 Permit the Domestic Animal to harass, chase, or disturb wildlife including but not limited to birds and fish.
- 7.4 Every Person having care and custody of a Domestic Animal shall immediately remove and properly dispose of any feces left by the Domestic Animal within any Beach Area in a designated waste receptacle.

## **8.0 MOTOR VEHICLES**

- 8.1 No Person shall drive a Motorized Vehicle, within any Beach Area, unless authorized under a Work Permit;
- 8.2 No Person shall park a Motorized Vehicle on any Beach Area except in areas authorized for parking;
- 8.3 No Person shall obstruct a signed emergency access point or utilize an access point unless authorized.

## **9.0 CONDUCT AND PROHIBITED ACTIVITIES**

- 9.1 No Person shall engage in disorderly, disruptive, or unsafe conduct within any Beach Area, including conduct that causes excessive noise or disturbs or is likely to disturb other Persons;
- 9.2 No Person shall operate or use audio devices in a manner that disturbs or is likely to disturb other Persons within any Beach Area;
- 9.3 No Person shall engage in riotous, boisterous, threatening, or indecent conduct or abusive, threatening or profane language within any Beach Area;
- 9.4 No Person shall damage, deface, remove, or otherwise interfere with any municipal property, natural feature, heritage feature, or other object located within any Beach Area;
- 9.5 No Person shall feed, attempt to feed, or leave food or other attractants for wildlife, birds, or fish within any Beach Area;
- 9.6 No Person shall disturb, cut, remove, damage, or otherwise harm any plant, dune, tree, or natural object located within any Beach Area;
- 9.7 No Person shall disturb, harass, kill, remove, or harm any animal, bird, or fish within any Beach Area, except in accordance with applicable federal or provincial

law, including the Species at Risk Act (SARA), Fish and Wildlife Conservation Act, Migratory Birds Convention Act, and Fisheries Act;

- 9.8 No Person shall disobey any Authorized Sign posted within any Beach Area;
- 9.9 No Person shall possess or consume alcohol within any Beach Area;
- 9.10 No Person shall possess glass bottles or glass containers within any Beach Area;
- 9.11 No Person shall hit, strike, or propel a golf ball within any Beach Area;
- 9.12 No Person shall Smoke in any Beach Area.

## **10.0 SWIMMING AREAS AND WATER USE**

- 10.1 No Person shall launch, park, moor, anchor, leave, or operate or possess a Vessel, boat, water ski, sailboard, Watercraft or similar thing in any Designated Swim Area;
- 10.2 No Person shall operate, launch, or use Wind Sports equipment, including but not limited to parasailing, kiteboarding, sailboarding, or windsurfing, in a Designated Swim Area or within any portion of a Beach Area;
- 10.3 Notwithstanding Section 10.2, Wind Sports, including but not limited to parasailing, kiteboarding, and windsurfing, are permitted only in the designated beach area of Allenwood, where signed, and in accordance with any safety rules, signage, or permits established by the Town;
  - 10.3.1 All participants in Wind Sports shall ensure the activity does not interfere with swimmers, other beach users, or wildlife;
  - 10.3.2 The C.A.O, Director and/or Manager may temporarily restrict or prohibit Wind Sports in Allenwood Beach for public safety, environmental protection, or Special Events.
- 10.4 No person shall fish, angle, or attempt to catch fish within a Beach Area except in the waters of Nottawasaga River.

## **11.0 CLOSURE AND EVACUATION**

- 11.1 The CAO, Director, Manager and/or Fire Chief may temporarily close or evacuate any Beach Area where necessary for public safety, overcrowding, maintenance, or environmental protection;

- 11.2 No Person shall enter or remain in a Beach Area that has been closed or evacuated pursuant to section 11.1 except where authorized by the Town.

## **12.0 SELLING AND SPECIAL EVENTS**

- 12.1 No Person shall sell, offer for sale, solicit, or distribute any goods, services, or promotional materials within any Beach Area without prior written authorization from the Town;
- 12.2 No Person shall engage in any commercial activity, including but not limited to vending, fundraising, busking or advertising, within any Beach Area without prior written authorization from the Town;
- 12.3 No Person shall host, organize, conduct, or participate in any event, gathering, or function within any Beach Area without obtaining a Special Events Permit from the Town;
- 12.4 Any Special Event conducted under a Permit must comply with all conditions specified by the Town, including but not limited to requirements related to public safety, crowd management, environmental protection, waste and recycling management and noise control.

## **13.0 WORK PERMIT**

- 13.1 Every Person conducting Work on a Beach Area shall apply for a Work Permit on the prescribed form and pay the required fees as per the Town's Fees and Charges By-law;
- 13.2 For the purpose of this By-law, the Director shall have authority to grant Work Permits, and to impose terms and conditions thereon, financial or otherwise;
- 13.3 No Person shall commence or undertake Works on a Beach Area without a Work Permit;
- 13.4 No Person shall fail to comply with the terms and conditions of a Work Permit;
- 13.5 The Director and/or an Officer shall have the authority to issue a Stop Work Order, requiring stoppage of Work on the Beach Area where a Work Permit has not been issued or where the conditions of a Work Permit, or the provisions of this By-law, have not been complied with, and to revoke a Work Permit if the Person does not meet the requirements of the Permit or of this By-law;
- 13.6 No Person shall continue work on a Beach Area following issuance of a Stop Work Order;

13.7 Except as otherwise authorized by by-law or a Work Permit issued by the Town, no Person shall do or cause to be done any of the following prohibited activities:

- 13.7.1 Place equipment or materials of any kind upon any Beach Area;
- 13.7.2 Permit oils, chemicals or substances to be deposited or spilled on a Beach Area including spillage of any substances from a vehicle;
- 13.7.3 Throw, pile, store or cause any material, including but not limited to snow, ice, leaves, garbage or debris to be thrown, piled or placed across or on a Beach Area;
- 13.7.4 Place stonework or other landscaping/ornamental features and/or plant trees or shrubs on a Beach Area.

#### **14.0 EXEMPTIONS**

- 14.1 Notwithstanding anything contained in this by-law, any Person may apply to the C.A.O. for an exemption from any of the provisions of this By-law. The C.A.O., may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period of a duration during which it is effective, and may contain such items and conditions as the C.A.O. sees fit;
- 14.2 The provisions of this By-law shall not apply to Officers, the Town of Wasaga Beach or its agents, employees or contractors or other emergency or enforcement personnel while performing their duties.

#### **15.0 ENFORCEMENT**

- 15.1 The provisions of this by-law may be enforced by an Officer;
- 15.2 Where any Person contravenes any provision of this by-law, an Officer may direct such person to comply with this By-law. Every person so directed shall comply with such direction without undue delay;
- 15.3 Where an Officer has reasonable grounds to believe that a person has contravened any provision of this by-law, the Officer may require the name, address and proof of identity of that person, and the person shall supply that information. Failure to provide sufficient or any identification shall constitute obstruction of the Officer as set out in section 16.0 of this by-law.

#### **16.0 OBSTRUCTION**

- 16.1 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.

## **17.0 PENALTY**

- 17.1 Any Person, who contravenes or fails to comply with any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended;
- 17.2 Every Person who contravenes any of the provisions of this By-law shall be subject to the Town's AMPS by-law, as amended;
- 17.3 Upon conviction any penalty imposed under this by-law may be collected under the authority of the *Provincial Offences Act*, R.S.O 1990, c. P.33, as amended;
- 17.4 Every Person who is convicted of an offence, is liable to a maximum fine of \$25,000 for a first offence and a maximum fine of \$50,000 for a subsequent offence;
- 17.5 Upon conviction, in addition to any other remedy and to any penalty imposed by this By-law, 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.

## **18.0 SEVERABILITY**

- 18.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the validity of this By-law as a whole or any part thereof, other than that part which is declared invalid, shall not be affected and it shall continue to apply in full force and effect to all other circumstances;
- 18.2 Where a provision of this By-law conflicts with a provision of any other By-law of the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the public prevails;
- 18.3 If a section of this By-law is rendered null and void, it does not affect the active By-law.

## **19.0 CONFLICTS**

- 19.1 If any provision of this By-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive shall prevail.

## **20.0 EFFECTIVE DATE**

- 20.1 This by-law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
14<sup>TH</sup> DAY OF MAY, 2026.**

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

\_\_\_\_\_  
Brian Smith, Mayor

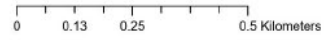
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Nicole Rubli, Clerk

# SCHEDULE "A"

## BEACH AREAS



### New Wasaga and Allenwood Beach Town of Wasaga Beach





# Beach Area 1

Town of Wasaga Beach



