

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2014-XXX

A By-law to regulate the setting of Open Air fires
and to repeal By-law 54/2007

WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides authority to the Council of a municipality to pass by-laws to regulate fire prevention including the prevention of the spreading of fires; and

WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides authority to a Council of a municipality to 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 128 of the Municipal Act, S. O. 2001, as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances; and

WHEREAS Council considers excessive smoke, smell, airborne sparks or embers to be or could become or cause public nuisances by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties and generating false fire alarms;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch enacts as follows:

1. **DEFINITIONS**

In this By-law:

“Barbeque” includes any portable appliance, hibachi or grill intended for cooking food;

“Chimineea” means a clay, porcelain or metal receptacle used for the purposes of burning;

“Cooking Fire” is used for the purposes of cooking food on a grill contained by non-combustible material such as cement blocks and rocks;

“Outdoor Fireplace” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than 1 meter in diameter and includes a Chimineea;

“Council” means the Council for the Corporation of the Township of Puslinch;

“Extinguish” means to put out or quench a fire completely, no smoke, hot or glowing embers remain;

“Fire Chief” means the Fire Chief for the Township or his/her designate;

“Gas-fired Outdoor Campfire Devices” means listed ULC or CSA gas (natural, propane) appliances;

“Ground Cover” includes leaves, tree needles or wood chips;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Officer” means a police officer, Fire Chief, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this By-law;

“Open Air” means any open place, yard, field or construction area which is not enclosed by a building or structure;

“Permit” means a Permit issued pursuant to this By-law by the Township;

“Person” includes a corporation and their heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

“Nuisance” as determined by the Fire Chief or their designate, or By-law, means excessive smoke, smell, airborne sparks or embers, and airborne particles or burnt materials by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties and generating false fire alarms;

“Smog Alert” means an alert issued by the Ministry of Environment with respect to air quality for the County of Wellington;

“Township” means the Corporation of the Township of Puslinch or the land within the geographic limit of the Corporation of the Township of Puslinch as the context requires.

2. GENERAL PROHIBITIONS

- (1) No Person shall set or permit a fire in Open Air in the Township without a current valid Permit.
- (2) No person shall set or maintain an Open Air fire in the Township other than in accordance with the terms and conditions of a Permit and the provisions of this By-law.
- (3) No person shall set or permit an Open Air fire upon any land owned by the Township without having obtained permission from the Township.
- (3) An owner of property on which an Open Air fire has been set or permitted to burn shall be deemed to have permitted the Open Air fire and assumes all responsibility.
- (4) No person under the age of eighteen (18) shall light or ignite an Open Air fire.

3. PERMIT – OPEN AIR FIRE

- (1) Every Person making an application for a Permit for an Open Air fire shall:
 - (a) submit a complete application in the form provided by the Township at least one (1) day prior to the Open Air fire;
 - (b) submit written permission of the property owner, if applicable;
 - (c) submit any other documents as may be required to substantiate compliance with any other legislation to the satisfaction of the Township;
 - (d) submit the required Permit fee in accordance with the Township’s Fee By-law.
- (2) A Permit is valid for the current calendar year in which it is issued.
- (3) A Permit is not transferable.
- (4) The Fire Chief may refuse to issue a Permit where a Person has previously failed to comply with the terms and conditions of a Permit or the provisions of this By-law.

4. TERMS AND CONDITIONS OF PERMIT

- (1) Any Person who is issued a Permit shall not set or permit a fire in Open Air:
 - (a) when the wind speed exceeds sixteen (16) kilometers per hour;
 - (b) during a Smog Alert;
 - (c) other than between the hours of 7:00 a.m. through 9:00 p.m., unless otherwise permitted by this By-law or expressly authorized by the Fire Chief;
 - (d) that creates a nuisance or has an adverse effect on a neighbouring property owner;
 - (e) that creates excessive smoke;
 - (f) that exceeds one (1) metre in diameter and height;
 - (g) other than burning unpainted wood, organic materials, ground cover and paper products;
 - (h) that is within fifteen (15) metres of any building, structure, hedge, fence, Highway or overhead wire;
 - (i) without a five (5) metre radius around the perimeter of the Open Air fire that is free and clear of combustible article and ground cover;
 - (j) other than in accordance with the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended;
 - (k) without maintaining constant watch over the Open Air fire until the fire is extinguished;
 - (l) without appropriate extinguishing agents on-hand at all times during the preparation of the fire, while the fire is underway, and until the fire is fully and completely extinguished;
 - (m) when a fire ban is in effect.
- (2) The Fire Chief may impose any additional terms or conditions that he considers necessary in the interest of public safety.
- (3) A Permit is automatically revoked when a Person fails to comply with the terms and conditions of a Permit or the provisions of this By-law.
- (4) The Fire Chief may vary the terms and conditions of a Permit upon conducting an inspection and determining safety is maintained through any approved site specific terms and conditions.

5. PERMIT – EXCEPTION

- (1) A Permit for an Open Air fire is not required for supervised cooking food on a Barbeque, Gas-Fired Outdoor Campfire Devices, Cooking Fire and Outdoor Fireplace.

6. OUTDOOR FIREPLACE

- (1) Notwithstanding any other provision contained in this By-law, no Person shall set or permit a fire in Open Air using an Outdoor Fireplace other than between the hours of 7:00 a.m. through 11:00 p.m.
- (2) Notwithstanding any other provision contained in this By-law, no Person shall set or permit a fire in Open Air using an Outdoor Fireplace within ten (10) metres of any building, structure, hedge, fence, Highway, overhead wire or other combustible article - obstruction of any kind or nature whatsoever.

7. COOKING FIRE

- (1) Notwithstanding any other provision contained in this By-law, no Person shall set or permit a Cooking Fire in Open Air other than between the hours of 7:00 a.m. through 11:00 p.m.

- (2) Notwithstanding any other provision contained in this By-law, no Person shall set or permit a Cooking Fire in Open Air within ten (10) metres of any building, structure, hedge, fence, Highway, overhead wire or other combustible article - obstruction of any kind or nature whatsoever.

8. CAMPGROUNDS

- (1) For the purpose of this section the following definitions apply:

“Camp Fire” means an open fire where the size of the open air fire is limited to the size of the device or area provided by the Campground and is solely for the purpose of cooking food, warmth and recreational enjoyment;

“Campground” means a travel trailer park with a Resort Commercial designation under the Township’s Zoning By-law.

- (2) No person shall have a Camp Fire in a Campground other than in a location approved by the Fire Chief.
- (3) No person shall have a Camp Fire in a Campground unless it is a safe distance from combustible structures or objects.
- (4) No person shall have a Camp Fire in a Campground except in accordance with the Campground rules and regulations.
- (5) Every owner of a Campground shall submit their Camp Fire rules and regulations to the Fire Chief for approval.

9. ENFORCEMENT AND PENALTY PROVISIONS

- (1) The enforcement of this By-law shall be conducted by an Officer.
- (2) No person shall hinder or obstruct an Officer in the enforcement of this By-law.
- (3) Any person who is alleged to have contravened any section of this By-law shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his duties.
- (4) An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- (5) Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
 - (a) on a first offence, to a fine of not less than \$250.00 and to a fine of not more than \$50,000.00; and
 - (b) on a second and each subsequent offence, to a fine of not less than \$500.00 and a fine of not more than \$100,000.00
- (6) Any person who is issued a Part I offence notice and is convicted of an offence under this By-law shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- (7) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.

10. SEVERABILITY

- (1) If a court of competent jurisdiction declares any section or part of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

11. SINGULAR AND PLURAL USE

- (1) In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

12. EXEMPTION

- (1) The Township is exempt from the provisions of this By-law for the purpose of conducting training, education or research for the Fire and Rescue Services Department and for operations associated with the Public Works Department.

13. REPEAL

- (1) By-law 54/2007 is hereby repealed.

14. EFFECTIVE DATE

- (1) This By-law shall come into effect on July 2, 2014.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18th DAY OF JUNE, 2014.

Dennis Lever, Mayor

Karen M. Landry, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER XX/14

Being a by-law to establish a Joint Municipal Election Compliance Audit Committee.

WHEREAS subsection 81.1(1) of the Municipal Elections Act, 2006, as amended requires Council to establish a Compliance Audit Committee;

AND WHEREAS the County of Wellington has passed By-Law 5396-14 to establish a Joint Municipal Election Compliance Audit Committee for all municipalities in the County of Wellington;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

- 1) THAT the Township of Puslinch establish a Joint Municipal Election Compliance Audit Committee with the County of Wellington in accordance with the terms of reference, attached as Schedule "A".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18th DAY OF June, 2014.

Dennis Lever, Mayor

Karen Landry, C.A.O./Clerk

Schedule A
TERMS OF REFERENCE
JOINT
MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

Name

The name of the Committee is the "Joint Municipal Election Compliance Audit Committee".

Term of the Committee

The term of the Committee shall be from December 1, 2014 to November 30, 2018.

Meetings

The Committee will meet as needed, with meetings to be scheduled by the Clerk, or designate of the host municipality when a compliance audit application is received.

Mandate

The powers and functions of the Committee are set out in subsection 81 of the *Municipal Elections Act, 1996* (MEA). The mandate of the Committee is as follows:

- a) review and consider a compliance audit application received by an elector and decide whether it should be granted or rejected;
- b) if the application is granted, appoint an auditor to conduct a compliance audit;
- c) receive the auditor's report;
- d) consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the MEA relating to election campaign finances, the committee may commence legal proceedings against the candidate for the apparent contravention.
- e) if the report indicates that there were no apparent contravention and the committee finds that there were no reasonable grounds for the application, the council is entitled to recover the auditor's costs from the applicant.

Composition

The Committee will be composed of three (3) members, with membership drawn from the following groups:

- a) accounting and audit- accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- b) academic- college or university professors with expertise in political science or local government administration.
- c) legal profession with experience in municipal law, municipal election law or administrative law;
- d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and
- e) other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

Members of Council, employees or officers of the municipality or any persons who are candidates in the election for which the committee is established are not eligible to be appointed to the Committee, pursuant to clause 81.1(2) of the *Municipal Elections Act, 1996*.

The Chair will be determined at the Committee's first meeting.

Appointment Process:

All applicants will be required to complete an application outlining their qualifications and experience.

Members will be selected on the basis of the following:

- a) demonstrate d knowledge and understanding of municipal election campaign financing rules and knowle dge of the *MEA* and related regulations;
- b) proven analytical and decision-making skills;
- c) experience working on a committee, administrative tribunal, task force or similar setting;
- d) availability and willingness to attend meetings;
- e) excellent oral and written communication skills;

Compensation

Members shall receive an honourarium of \$100.00 per meeting.

Staff Support and Funding

The Clerk or designate of the host municipality shall provide administrative support for the committee and shall carry out any other duties required under this Act to implement the committee's decisions.

Meetings

Meetings shall be conducted in accordance with the open meeting requirements of the provisions in the *Municipal Act, 2001*. The host municipality's website will be used to communicate meeting notices and agendas.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 47/14

**A BY-LAW TO AMEND BY-LAW NUMBER 19/85, AS AMENDED,
BEING THE ZONING BY-LAW OF THE TOWNSHIP OF PUSLINCH**

WHEREAS, the Council of the Corporation of the Township of Puslinch deem it appropriate and in the public interest to amend By-Law Number 19/85 pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PUSLINCH ENACTS AS FOLLOWS:

1. That Schedule 'A' (Map A-3) of Zoning By-law 19/85 is hereby amended by rezoning Part of Lot 20, Concession 7, from AGRICULTURAL (A) ZONE to a site specific **HIGHWAY COMMERCIAL (C2-7) ZONE**, as shown on Schedule "A" of this By-law.
2. That subsection 12(4) SPECIAL PROVISIONS is amended by adding the following new exception:

"(g) C2-7 Ren's Pets Depot – Expansion

Notwithstanding any provisions of this By-law to the contrary, for the land zoned C2-7 on Schedule 'A' and Map A-3, the following special provisions shall apply:

(i) Uses Permitted

- (a) A warehouse use in association with existing retail and office uses.
- (b) Buildings and structures accessory to the uses permitted in this Zone.

(ii) Zone Requirements

The applicable provisions of the C2 Zone shall apply to the subject land together with the following special regulations:

- | | | |
|-----|---------------------------|--|
| (a) | LOT AREA & LOT FRONTAGE | Any building or structure on in the C2-7 Zone shall only be constructed as an addition to existing buildings within the C2 Zone and such land shall be merged with the abutting 20 Brock Road property (C2 zoned land). |
| (b) | BUILDING HEIGHT (MAXIMUM) | 10 metres for warehouse buildings |
| (c) | BUILDING AREA (MAXIMUM) | The maximum building area expansion for a warehouse use in the C2-7 Zone shall be 2323 metres square. The total floor area devoted to all warehouse uses, including the C2-7 Zone and the existing building, shall be a maximum of 4645 metres square. |
| (d) | LOT COVERAGE (MAXIMUM) | 35% |
| (e) | OUTDOOR STORAGE | The outdoor storage of raw materials and finished products is prohibited. |

(iii) Additional Zone Requirements for C2-7 Zone

SITE ACCESS	Truck and vehicular access to the C2-7 Zone shall only be permitted from Brock Road (Wellington Road 46). No commercial vehicular access shall be permitted to the C2-7 Zone from Wellington Road 34.
MINIUMUM SETBACKS	All buildings shall maintain a minimum 20 metre setback to the limit of a NE Zone. Any stormwater management infrastructure shall maintain a minimum setback of 12 metres to the limit of the NE Zone and a minimum 15 metres to an adjacent stream.
LANDSCAPED AREA	A landscape planting area shall be established along the stream corridor.

Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the C2-7 Zone.”

3. This By-law shall become effective from the date of passage by Council and come into force in accordance with the requirements of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST SECOND AND THIRD TIME THIS 18TH DAY OF JUNE, 2014.

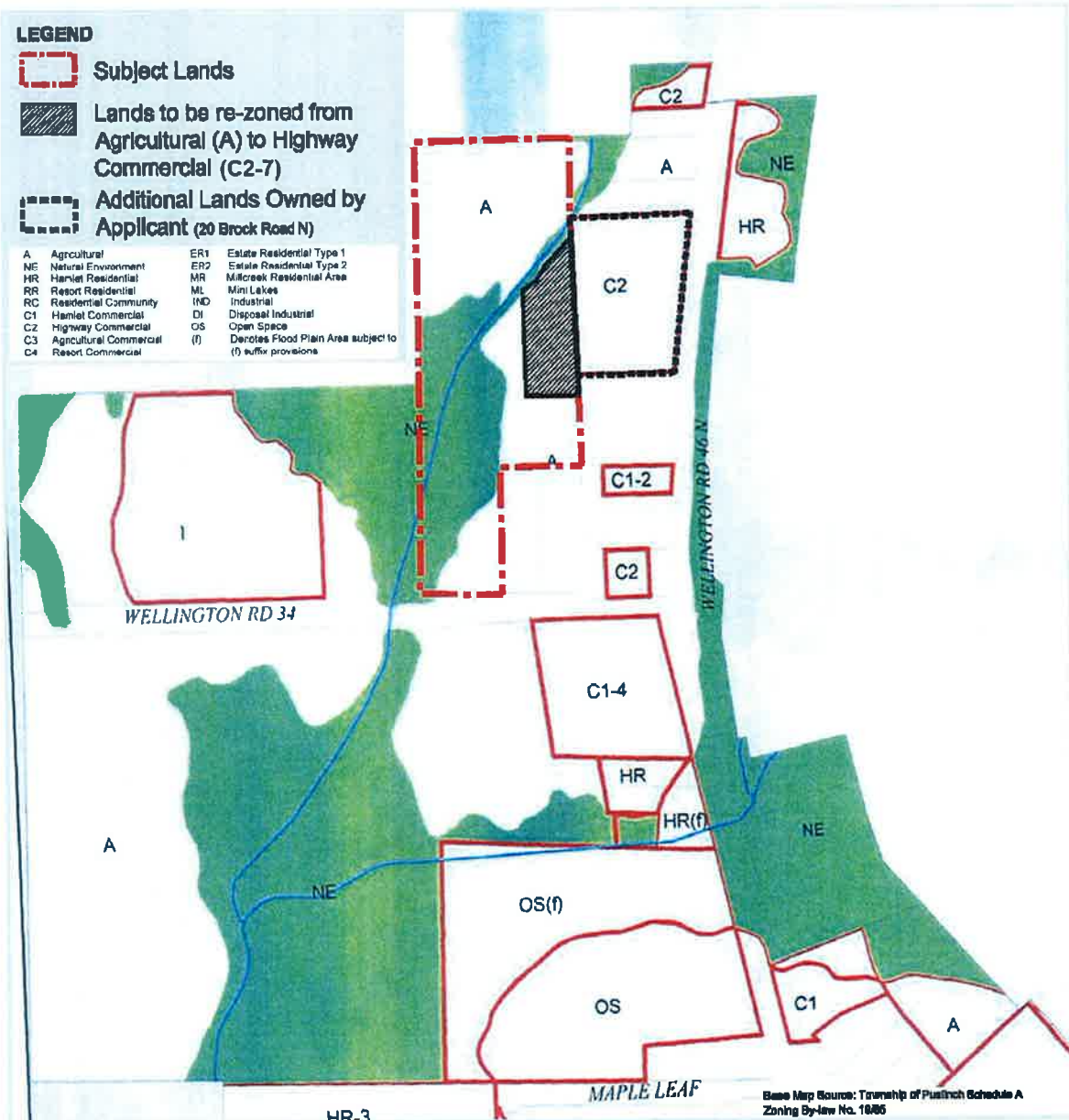
Dennis Lever, Mayor

Karen Landry, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NO. 47/14

SCHEDULE "A"



This is Schedule "A" to By-law No.47/14

Passed this 18th day of June, 2014.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

EXPLANATION OF BY-LAW NO. 47/14

By-law Number 47/14 amends the Township of Puslinch Zoning By-law 19/85 by rezoning Part of Lot 20, Concession 7 from the current Agricultural (A) Zone to the HIGHWAY COMMERCIAL (C2-7) ZONE as shown on Schedule "A" of this By-law.

The purpose of this Zoning By-law amendment is to allow for the expansion of an existing highway commercial use in Aberfoyle. Ren's Pets Depot is located at 20 Brock Road North in Aberfoyle. The existing Ren's site contains a building used for retail sales and a separate warehouse building. It is the owner's intent to expand the existing warehouse building immediately west of the Ren's site onto the subject property. Amendments to both the County Official Plan and Township Zoning By-law are required in order to permit the proposed building expansion. Consent for lot line adjustment (change to property boundaries) is also necessary from the County of Wellington Land Division Committee to allow for the proposed site to be added to the existing Ren's commercial property.

The related Official Plan Amendment (OPA 90) was approved by County Council and is now in effect. An application for a lot line adjustment was filed and granted provisional consent by the Land Division Committee.

The existing Natural Environment (NE) Zone is to remain unchanged.

Redevelopment of the property will be subject to Site Plan Control.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER XXX/14

Being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Puslinch at its meeting held on June 18, 2014.

WHEREAS by Section 5 of the *Municipal Act, 2001, S.O. 2001, c.25* the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Section 5, Subsection (3) of the *Municipal Act*, a municipal power including a municipality's capacity, rights, powers and privileges under section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Township of Puslinch at its meeting held June 18, 2014 be confirmed and adopted by By-law;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

- 1) The action of the Council of the Corporation of the Township of Puslinch, in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by the Council at said meeting are hereby adopted and confirmed.
- 2) The Head of Council and proper official of the Corporation are hereby authorized and directed to do all things necessary to give effect to the said action of the Council.
- 3) The Head of Council and the Clerk are hereby authorized and directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and the Clerk authorized and directed to affix the seal of the said Corporation to all such documents.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18th DAY OF June, 2014.

Dennis Lever, Mayor

Karen Landry, C.A.O./Clerk