

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2014-273

A BY-LAW TO ESTABLISH FIRE DEPARTMENT REGULATIONS AND SYSTEM REQUIREMENTS FOR INDUSTRIAL WIND TURBINES (IWT)

Recitals

1. Section 7.1 (1) of the Fire Protection and Prevention Act, 1997 provides that a council of a municipality may pass by-laws and further that 7.1(1)(A) regulating fire prevention, including the prevention of the spreading of fires.
2. Section 8 of the Municipal Act 2001, S.O. 2001, as amended provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues.
3. It is deemed necessary and desirable that the Council of the Corporation of the City of Kawartha Lakes enact a by-law authorizing the Corporation to establish Fire Department Regulations and System Requirements For Industrial Wind Turbine proponents in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-273.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City.

“Emergency Response” includes any life or property saving activity that is unrelated to fire prevention and training.

“Fire Chief” or “Chief Fire Official” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Provisions

- 2.01 All Industrial Wind Turbine proponents shall submit a fire safety and emergency plan for the approval of the Chief Fire Official.
- 2.02 All Industrial Wind Turbine proponents shall submit plans for fire detection and suppression systems for approval by the Chief Fire Official prior to implementation and upon approval install and maintain such systems.

- 2.03 All Industrial Wind Turbine proponents shall provide site familiarization and training for emergency service personnel.
- 2.04 All Industrial Wind Turbine proponents shall obtain a contract with a third party for specialized high angle rescue emergency response as the City of Kawartha Lakes Fire Rescue Service does not provide this service. All costs related to a third party contract shall be borne by the Industrial Wind Turbine proponents.
- 2.05 All costs related to emergency response of Industrial Wind Turbine shall be borne by the proponent on a full cost recovery basis.
- 2.06 For those Industrial Wind Turbines in existence at the date of passage of this by-law, the proponents shall satisfy the requirements of 2.01 and 2.03 within 60 days of the date of passage of this by-law.
- 2.07 For all new Industrial Wind Turbines, the requirements of 2.01, 2.02, and 2.03 shall be satisfied before such Industrial Wind Turbine is made operational and begins producing electricity.
- 2.08 All Industrial Wind Turbine proponents shall provide and maintain road access for emergency response vehicles capable of supporting the weight of responding apparatus to the base of the Industrial Wind Turbine and must be connected to a maintained public road.

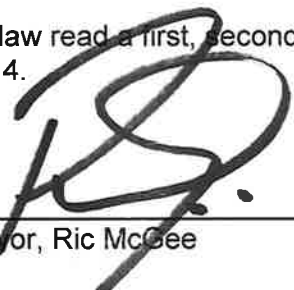
Section 3.00: Enforcement and Penalties

- 3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 3.03 Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable:
- a) on a first conviction to a fine of not more than \$10,000; and
 - b) on any subsequent conviction, to a fine of not more than \$25,000.00.
- 3.04 Any corporation which contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable;
- a) on a first conviction, to a fine of not more than \$50,000.00; and
 - b) on any subsequent conviction, to a fine of not more than \$100,000.00.

Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The City Clerk (or responsible position) is responsible for the administration of this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 14th day of October, 2014.



Mayor, Ric McGee



City Clerk, Judy Currins