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Date: May 1, 2018
To: Mayor and Council
Author: Chuck Parsons, Fire Chief
RE: Open Air Burning Bylaw
Report No.: FD-2018-003

AIM

To rescind the current Open Air Burn Bylaw # 69-2015 and replace with Open Air Burn Bylaw # 70-2018

BACKGROUND

The Ontario Fire Code 2.6.3.4 does not permit open burning unless approved (meaning by the Chief Fire Official) or for the sole purpose of cooking with conditions. The approval by the Chief Fire Official is guided by the contents of the Open Air Burning bylaw (currently Bylaw # 69-2015).

The current bylaw is limited in its scope and has caused confusion and excessive response to open air burning related calls. The department responded an average 18 times per year since 2015 to open air burn related calls. This does not include complaint calls to both the fire department and the OPP that are often called in after business hours. There is confusion that the agricultural community has no restrictions on what can be burned or that residential fires are permitted as long as food is available.

The fire department does agree that there is a use for fire, both for disposal of materials and for recreation and fires should be allowed if the activity is conducted safely, does not affect the persons surrounding the property and that fire department emergency resources are not activated.

The bylaw is currently solely enforced by the OPP; however, the fire department is usually the agency contacted and the public has often expressed that they feel it is the fire department's role to enforce the bylaw.

The current bylaw has a requirement for persons conducting agricultural open air burning contact LaSalle Police Dispatch (who is contracted by Kingsville Fire Department for dispatch services) prior to lighting the fire. Dispatch has no mechanism to ensure that the fire is solely for agricultural materials and is safely being conducted. The fire department does not know if the fire has been called into dispatch when a complaint has been received.

Unless a fire permit is requested, there is no education for persons conducting open air burning.

DISCUSSION

The proposed bylaw would still allow all current fires in addition to allowing residential recreational fires. All open air burning would require a permit prior to any burning commencing. The location would require an inspection and if it met the conditions of the bylaw, a permit would be issued at the site and recorded.

Under the proposed bylaw, there would be three types of permits issued for open air burning. They would be an annual agricultural permit, a single use agricultural permit and a residential permit. The conditions would be as follows:

Permit Type	Time Valid	Time of Burn	Contact to Dispatch Prior to Burn	Special Conditions
Agricultural Annual	1 Year from Approval	Daytime Hours Only	Yes	Pit or approved permanent area, method of containment
Agricultural Single Event	Specific Burn Period	Daytime Hours Only	Yes	Method of containment
Residential	1 Year from Approval	No restrictions	No	Contained steel ring or commercial device

Public education of the new requirements would commence for the balance of 2018 and 2019 with no costs for permits. Beginning in 2020, the fees for a permit would be added to the fees and charges bylaw. Education would be conducted through local traditional media in addition to our social media networks. On first infractions, education of the bylaw will be the primary approach.

The bylaw also addresses the enforcement of the bylaw. The OPP will continue to have the power to enforce the bylaw but there is an addition of adding the Chief Officers and Prevention Officers to be Bylaw Officers for the purposes of enforcement of the conditions of the bylaw. Senior fire staff are currently Provincial Offences Officers for the purposes of the *Fire Prevention and Protection Act*. This would answer the expectation of the public that fire has full control of open air burning.

Other municipalities that have enacted similar Open Air Burning Bylaws have had great success. They have seen a reduction of emergency responses, neighbour complaints, confusion of the open air burning requirements and have seen a revenue stream for permits to reduce staff costs.

LINK TO STRATEGIC PLAN

Promote the betterment, self-image and attitude of the community.

To promote a safe community.

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

No revenue impact until 2020

CONSULTATIONS

Jeff Dean, Deputy Chief
Scott Moore, Fire Prevention Officer
Jennifer Astrologo, Director of Corporate Services
Municipality of Leamington
Township of North Kawartha
Management Team

RECOMMENDATION

That council adopt the Open Air Burning Bylaw # 70-2018 as presented.

Chuck Parsons

Chuck Parsons, CMM III
Fire Chief/C.E.M.C.

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer