

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: BOB BRADT, FIRE CHIEF
DATE: APRIL 11, 2010
RE: OPEN AIR FIRE BY-LAW

AIM:

To recommend a by-law that will regulate open air fires in the Municipality of Leamington.

BACKGROUND:

In August 2008 a draft open burning by-law was presented by the Director of Corporate Services to Council for their review and comments. (CL/20/08). The results of the submission were that Council, at their August 18th, 2008 meeting, enacted "Resolution C-300-08" approving a public meeting be scheduled for public comments on the proposed "Open Air Fire By-Law". (Report CL/20/08)

COMMENTS:

The public meeting was held on November 17, 2008 in the Leamington Council Chambers. The fire department compiled a display of burning complaints and incident pictures which were displayed for the week before and the night of the public meeting. The display was set up in the town hall entrance area and generated many discussions between residents and staff attending.

The public meeting was well attended with many in attendance asking questions and clarification of council and staff present on the proposed by-law during the meeting. The minutes of the meeting, a copy of which are attached, as well as information presented by the public, were reviewed by the fire services and resulted in changes, where possible, to the original draft of the by-law.

Open fires on land Zoned Agriculture Zones 1-4 inclusive will not require permits but will be subject to all the conditions listed in attached Schedule D. One of the conditions required, is that the Fire Department be notified a minimum of 2 hours prior to the burn commencing at which time a duty officer may elect to perform a site visit to check for compliance of Schedule D requirements.

All other properties (including Agriculture Zone 5 / Rural Residential) will require an "Open Air Fire Permit". Depending on the site conditions, an annual permit may be issued by the fire chief for an enclosed UIC or CSA approved fire pit or an unenclosed fire pit. In most urban areas, only enclosed fire pits will be issued a permit. A single event permit may be issued in agricultural areas (A1 - A4) for occasional yard clean up events.

All permits will have a site inspection from the fire service with pictures of the approved site being placed on file. Any changes to setbacks or fire pit area locations will require updates to the property file by a fire service inspector.

At the public meeting, council asked that information from other local municipalities burning by-laws be investigated to compare how they are addressing the issue. Following is a brief description of how four municipalities address crop burning and fire pits.

- Kingsville / By-Law 72-200- Agricultural crops grown, harvested or brushed with 2 hour prior Fire Department notification. No hazardous materials/Adult in attendance at all times/ Fine not exceeding \$1,000 possible. Kingsville's bylaw makes no provision to specifically permit fire pits. Only small fires used for cooking are allowed which must be extinguished immediately after cooking is completed.
- Essex / By-Law #285 - Farmers wishing to burn vegetable matter or vegetation on farm lands must receive permission minimum of 2 hours before burn from the Fire Chief on each day of the proposed fire. Smoke must not adversely affect neighbouring property owners or affect visibility on highways or roadways/ Adult on sight at all times/ Must have a means to control spread of fire/Restricts material that can be burned and pile sizes/ Fine not exceeding \$2,000. Any other burning requires Fire Chief permission.
- Tecumseh / By-Law 2007-41 - Farmers require permit/ Day light hours only burn/ Tilled area around area to be burned requirement/ Flames no higher than 1 metre / Supervised at all times by adult with equipment to control/ Liable for all cost / No hazardous materials can be burned/ No fires allowed at construction sites/ Fine not exceeding \$5,000. Tecumseh's bylaw requires a permit for all fires with the exception of small BBQs used for cooking food which must be extinguished immediately after food is cooked.
- Chatham/Kent - By-Law 193-2009 - All open burns require a permit from the Fire Chief no exceptions for farmers/ Must have equipment to control / Adult on scene at all times/ No burning on construction sites/ Owner responsible for all cost if fire department responds/ Pile and fires size limited by Fire Chief at time of permit issued/ Smoke must not bother neighbours or affect visibility on any highway or roadway/ Wind speed restrictions/ Time of burn restrictions/ Fines levied under the Provincial Offences Act. Chatham Kent bylaw allows BBQs and small fire pits, providing they meet all the requirements of section 5.2 of the bylaw (12 conditions listed)

The proposed Leamington Burning By-Law addresses many of the items included in the above By-Laws with some changes to reflect issues Leamington specific.

FINANCIAL IMPACT:

It is recommended that nominal fee (\$20.00) be assessed for a permit initially. The Fire Services will track the amount of time spent over the first 12 months after the By-Law is enacted and then report to Council upon whether the amount set, is an appropriate fee.

ATTACHMENTS:

Attached to this report are:

1. Schedule A - proposed open air burning by-law;
2. Schedule B - proposed short form wording for ticketable offences;
3. Schedule C - chart explaining permit system;
4. Schedule D - guidelines for agricultural fires that do not require a permit.
5. Minutes of the public meeting held Nov. 17, 2008.

CONCLUSION:

The fire department has tried to address, wherever possible, the information expressed during this process by the residents of Leamington. Life safety and spread of fire risks are the driving force behind the conditions that must be met to obtain a permit for an open fire. As with any process, not everyone will be happy nor will everyone benefit from the outcome. If it is found during the inspection there is not enough area to safely have an appliance or fire pit, a permit will not be issued.

The content within the by-law being presented will allow the Leamington Fire Services to approve enclosed and unenclosed fire pits when all conditions are met. Special occasion burn requests will be considered after the risk is analyzed prior to approval. It also allows fines to be levied to persons who continue to create issues for fire department and the municipal emergency services.

RECOMMENDATION:

That Council adopts the open air fire by-law, as attached, including the permit and fire structures as outlined in Report FD/XX/10;

And that the short form wording and set fines attached as Schedule "B" of Report FD/0X/10 be approved.

And that the 2010 fees by-law be amended to provide for a twenty dollar fee for an open air fire permit.

Signed: _____
Bob Bradt
Fire Chief

Signed: _____
Doug Morrish
Director of Development Services

Schedule A

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW NO. XX-10

Being a by-law restricting open air fires
within the Municipality of Leamington.

WHEREAS s.7.1 of The Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended, (FPPA), authorizes the council of a municipality to pass by-laws regulating the setting of open fires and regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS section 130 of the Municipal Act S.O. 2001, c.25 as amended, provides that municipalities may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 427 of the Municipal Act empowers a municipality to enter upon private land, take remedial action and to recover all costs from the property owner;

AND WHEREAS it is deemed expedient by the Council of the Municipality of Leamington to restrict the setting of open air fires;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this by-law;

“attended” means having present a responsible person, at least 18 years old with sufficient equipment to control or extinguish a fire;

“barbecue” means a portable or fixed device designed and intended solely for the cooking of food in open air, but does not include outdoor fireplaces and campfires;

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“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“Fire Chief” means the Fire Chief of the Municipality of Leamington Fire Services or designate;

“highway” means a common and public roadway and includes any bridge, trestle, viaduct or other structure forming part of a highway and , except as otherwise provided, includes a portion of a highway;

“hazardous materials” includes, but is not limited to, tires, plastics, asphalt products, painted or stained wood, plywood or other laminates, pressure treated wood , or any material designated as hazardous in any legislation enacted by the Ontario or Federal government;

“municipality” means The Corporation of the Municipality of Leamington or the geographic area of the Corporation of the Municipality of Leamington or the geographic area of responsibility covered by the Leamington Fire Services, as the context requires;

“municipal law enforcement officer” means police officers and any person appointed by the Council of the Corporation of the Municipality of Leamington to enforce municipal by-laws and includes the fire chief and designates;

“open air fire” means any fire set outside of a building;

“owner” means the registered owner or any person having control over, or possession, of any portion of the building or property;

“permit holder” means the person to whom a permit is issued pursuant to Section 13 of this by-law.

“rubbish” includes any waste material.

GENERAL PROHIBITION

- 2) No person shall set or permit an open air fire.

EXCEPTIONS

- 3) Section 2 does not apply to:
 - a) Open air fires for which a permit has been issued pursuant to Section 13 herein,
 - b) open air fires which consists of a small flame, supervised at all times, and used to cook food on a grill or a barbeque,
 - c) Open air fires within a natural gas or propane appliance that is in conformance with the Technical Standards and Safety Act, is for outdoor use and is installed with the manufacturer's instructions, or
 - d) Open air fires in an area designated Agriculture Zone A1 to A4 inclusive in the municipality's comprehensive zoning by-law, By-law 890-09, that burn only the remains of any crop grown on the same property as the site of the fire provided the fire is started and maintained in compliance with guidelines issued by the Fire Chief.

PROHIBITIONS FOR ALL OPEN AIR FIRES

- 4) No person shall fail to comply with a permit issued pursuant to section 13 herein.
- 5) No person shall set or permit an open air fire that burns rubbish.
- 6) No person shall set or permit an open air fire that burns hazardous materials.
- 7) No person shall fail to ensure an open air fire is attended at all times.
- 8) No person shall set or permit an open air fire which causes a nuisance by smoke or odour.
- 9) No person shall set or permit an open air fire which causes a decrease in visibility on any highway.
- 10) No person shall transport material of any kind from one site to another for the purpose of disposing of this material by burning in an open air fire.
- 11) No person shall fail to extinguish a fire when ordered to do so by the Fire Chief.

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OPEN AIR FIRE PERMIT

- 12) A person may apply to the Fire Chief to obtain a permit to allow an open air fire

- 13) The Fire Chief may issue a permit to a person to set an open air fire provided the Fire Chief is satisfied the fire will be conducted in a safe manner and is unlikely to create a nuisance. The application and permit shall be in the form of Schedule A which is attached and forms part of this by-law.

- 14) A permit issued pursuant to Section 13 is non-transferable.

REVOCAION OF PERMIT

- 15) A permit issued pursuant to Section 13 of this by-law may be revoked by the Fire Chief if, in the opinion of the Fire Chief, a dangerous condition exists in or near the site of the open air fire.

- 16) A permit issued pursuant to Section 13 of this by-law may be revoked by the Fire Chief if the permit holder fails to comply with the conditions contained on the permit or any provision of this by-law.

ORDER TO EXTINGUISH FIRES

- 17) Despite any other provision of this by-law, if on reasonable grounds the Fire Chief has any concerns for safety, then the Fire Chief may at any time order or cause to be extinguished any fire until such time as the Fire Chief determines.

RESPONSIBILITY FOR COSTS

- 18) Every person who sets a fire in contravention of this by-law or who fails to extinguish a fire once ordered to do so by the Fire Chief, shall, in addition to any penalty provided for herein, be liable to the municipality for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn including vehicles, manpower and other firefighting costs, and such expenses may be recovered by court action or in a like manner as municipal taxes.

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- 19) Any municipal law enforcement officer may enter upon any property in the municipality in order to ascertain whether the provisions of this by-law are being obeyed. A municipal law enforcement officer is hereby further empowered to enforce or carry into effect the provisions of this by-law.

OFFENCE

- 20) Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable, on conviction, to a penalty in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990 Chapter P.33, as amended from time to time.

VALIDITY

- 21) If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council that the remainder of the by-law shall continue to be in force.

SHORT TITLE

- 22) This by-law shall be known as the "Open Air Fire By-law".

EFFECTIVE DATE

- 23) This by-law shall come into force on the date of the third reading and final adoption of this by-law by the Council of The Corporation of the Municipality of Leamington.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS DAY
 OF 2010.

 JOHN ADAMS, Mayor

 BRIAN R. SWEET, Clerk

SCHEDULE A

By-law No. XX-10

OPEN AIR FIRE PERMIT

(Not Required for Burning Crops in Agricultural Areas A1 to A4)

Address of Fire: _____

Items to be Burned: _____

Method of Containment to be Used: _____

Date of Burn: _____ Expected Start Time: _____ Expected End Time: _____

Name of Owner: _____

Owner's Mailing Address: _____

Owner's Home Phone Number: _____ Owner's Cell Phone Number: _____

Signature of Applicant

THIS PERMIT IS VALID ONLY FOR DATES SPECIFIED

In accordance with the Ontario Fire Code, Ontario Regulation 388/97 Subsection 2.6.3.4.

REQUIREMENTS:

- Prior to burn, property owners must have written confirmation of open air fire approval.
- Pile not to exceed _____ while burning (will be assessed at time of issue).
- Persons supervising the fire, to be with the fire at all times.
- Burning limited to the address above.
- Weather conditions must be favourable.
- Fire Chief or designate to be notified when starting to burn.
- Any contraventions will terminate permit
- No burning of hazard materials i.e. petroleum products, roofing materials, tires, railroad ties, etc.
- There must be a method of controlling fire with fire extinguisher or other method.
- Approval must be obtained no later than 30 minutes prior to start of the open air fire.

The owner shall be solely liable for any or all damage resulting from an open air fire. A copy of the Open Air Fire By-law is available at the Municipal Office and online at www.leafington.ca

Date of Authorization: _____ Valid For: _____

Signature of Fire Chief

Schedule B

Schedule "B" to Report FD/01/10

Set Fine Schedule**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON****Part 1 Provincial Offences Act****By-law XX-10 : Being a by-law restricting open air fires within the Municipality of Leamington.**

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine |
|-------------|---|--|-----------------------------|
| 1 | Set an open air fire | Section 2 | \$125.00 |
| 2 | Permit an open air fire | Section 2 | \$125.00 |
| 3 | Fail to comply with permit | Section 4 | \$125.00 |
| 4 | Burn rubbish | Section 5 | \$125.00 |
| 5 | Permit burning of rubbish | Section 5 | \$125.00 |
| 6 | Burn hazardous materials | Section 6 | \$125.00 |
| 7 | Permit burning of hazardous materials | Section 6 | \$125.00 |
| 8 | Fail to ensure fire is properly attended | Section 7 | \$125.00 |
| 9 | Set a fire which causes a nuisance | Section 8 | \$125.00 |
| 10 | Permit a fire which causes a nuisance | Section 8 | \$125.00 |
| 11 | Set a fire which decreases visibility on a highway | Section 9 | \$125.00 |
| 12 | Permit a fire which decreases visibility on a highway | Section 9 | \$125.00 |
| 13 | Transport material to site for burning | Section 10 | \$125.00 |
| 14 | Fail to extinguish a fire | Section 11 | \$125.00 |

Penalty Provision for the offences indicated above in Section 20 of By-law XX-10, a certified copy of which has been filed.

Schedule C

OPEN AIR FIRE CHART**Note:**

1. Non-Agriculture zone and Agriculture zone refers to designations in Leamington's Comprehensive Zoning By-law 890-09.
2. Agriculture Zone five (A5) is a rural residential zone most farming activities are not permitted.
3. All by-law provisions must be complied with including, but not limited to, all fires must be of a size that can be controlled by persons and equipment on site supervised at **all times** by a responsible adult and fires must not create a nuisance to neighbours or traffic.
4. Every person must extinguish a fire when directed by the Fire Chief or his designate. This applies whether or not a permit has been issued.

| TYPE OF OPEN AIR FIRE | NON - AGRICULTURAL ZONE AND AGRICULTURE ZONE 5 (A5) | AGRICULTURAL ZONES (A1 TO A4) | COMMENTS |
|---|---|-------------------------------|--|
| 1. Small flame - cook food on grill | Permitted - see comments | Permitted - see comments | No permit required |
| 2. Outside gas fireplace (natural gas/ propane) TSSA Approved | Permitted - see comments | Permitted - see comments | No permit required - appliance must comply with technical Standards and Safety Act and be properly installed |
| 3. Outdoor enclosed fire pit or other UIC or CSA manufactured outdoor appliance | Permitted - see comments | Permitted - see comments | Requires annual permit from Fire Chief |
| 4. Unenclosed Fire Pit | Permitted - see comments | Permitted - see comments | Requires annual Permit from Fire Chief |
| 5. Burn barrels - garbage and refuse | Not permitted | Not permitted | |
| 6. Burn crop remnants grown on site. | Not permitted | Permitted - see comments | No permit required - must call Fire Chief 2 hours prior to burn |
| 7. Burn material grown on site other than crop remnants. | Not permitted | Permitted - see comments | Requires Permit from Fire Chief |

This chart is intended as a guide. Every person is obligated to comply with the provisions of By-law XXX-10. If any clarification is required, inquiries can be made at 519-326-6291.

Schedule D

**GUIDELINES FOR OPEN AIR FIRES IN THE MUNICIPALITY OF LEAMINGTON****Permissible open air fires on lands Zoned Agriculture Zones 1-4 inclusive.**

Ontario Fire Protection and Prevention Act/Ontario Fire Code (article 2.6.3.4.): "Open air burning shall not be permitted unless approved"

- An owner wishing to burn shall provide a minimum of two hours notice to the Fire Department by calling 519-326-6291. Office hours are Monday - Friday 8:00 am to 4:00 pm. The after hours phone number is 519-326-4431. Burning shall only take place between sun up and sun down. An inspection may be completed by the officer on duty and will be at their discretion.
- The burn location shall be located at least 150 feet from any building or property line. A minimum of 1000 feet from any oil well or fuel tanks.
- Burning is not permitted on the road allowance and/or below any overhead cables and wires.
- The owner shall have sufficient equipment or means of controlling the fire so it does not spread or get out of hand.
- The fire shall be continuously monitored by a "responsible person" and be completely out before the person monitoring leaves the site.
- No person shall set fire so as to cause any or all of the following:
 - Smoke or odor nuisance to neighboring residences or buildings
 - A decrease in visibility on any highway or roadway
 - A rapid spread of fire through grass, crops, brush or any wooded area
- No person shall bring material from one site to another for the sole purpose of disposing of the material by burning.
- No person shall burn any construction or building materials unless inspected and approved by the Fire Chief or his/her designate/s.
- No hazardous materials, such as plastics, rubber, oils, treated lumber or any items that could adversely affect the environment, shall be burned.

Any person who contravenes the Municipality's Open Air Fire By-law may be subject to a fine.

Complaints to the Leamington Fire Services, generated by an approved open air fire, will be investigated by the duty officer. If the duty officer finds the open air fire guidelines have been followed the complainant will be directed to contact the Ministry of Environment for information of any possible further action.

If it is found the burn does not comply with the above guidelines, it will be extinguished by the owner upon request by the Fire Chief. If the owner is unable or unwilling to extinguish the open air fire themselves, a fire crew will attend and a response charge will be assessed by the municipality. These charges will follow MTO Guidelines for Emergency Response and will not exceed \$1000 based on a standard department minimum response.

The owner shall be solely liable for any or all damage resulting from open burning.

A copy of By-law XX-10 is available at the municipal office or online at www.leamington.ca/fire

Every person is obligated to comply with the provisions of By-law XXX-10. If any clarification is required, inquiries can be made at 519-326-6291.

MUNICIPALITY OF LEAMINGTON**MINUTES - PUBLIC MEETING****PROPOSED OPEN AIR BURNING BY-LAW****HELD MONDAY, NOVEMBER 17, 2008 AT 7:05 P.M.
IN THE COUNCIL CHAMBERS**

| | |
|-------------------------|--|
| MEMBERS PRESENT: | Mayor Adams Deputy Mayor Schmidt Councillors: Atkin, Derbyshire, Enns, MacDonald, Paterson |
| STAFF PRESENT: | Bill Marck, Chief Administrative Officer Brian Sweet, Director of Corporate Services Doug Morrish, Director of Development Services John Tofflemire, Director of Community Services Bob Bradt, Fire Chief Allan Botham, Acting Manager of Engineering Services Cam McKay, Manager of Operations Chuck Parsons, Deputy Fire Chief - Public Education/Training Kit Woods, Manager of Environmental Services Mike Bradt, Deputy Fire Chief - Operations Paul Anthony, Manager of Culture and Recreation Services Peter Mullins, Manager of Accounting Services Tracey Pillon-Abbs, Manager of Planning Services Lu-Ann Barreto, Drainage Superintendent Jennifer Bavetta, Corporate Assistant |

Bob Bradt, Fire Chief, reviewed the proposed by-law for those in attendance, noting the issue of open air burning was first identified during the creation of the Fire Master Plan in 2005. Mr. Bradt explained there have been various attempts by administration to create such a by-law, dating back to pre-amalgamation.

The Fire Chief explained current legislation dictates that with a few exceptions, any open air burning within the municipality is illegal, and that recent changes to the Ontario Fire Prevention and Protection Act and the Fire Code now allow municipal councils to address the issue by by-law.

Chief Bradt explained the fire service receives numerous complaints about nuisance open fires, and that the service is required to respond to every complain and this ties up manpower and equipment, which results in increased costs to ratepayers.

The Fire Chief reviewed the various sections of the proposed by-law, noting Section 3 of the by-law provides for exceptions to the requirement for a permit, including farm operations that burn crop remnants that are grown on that property, as set out by the Ontario Fire Code.

The Fire Chief reviewed the proposed permit process, explaining that when an application for a permit is submitted, either himself or one of the deputies will visit the subject property and take pictures to be put in a file for future reference if needed. He noted that any issues that may be apparent can be addressed at the time of the visit.

Chief Bradt explained that farm operations are not able to burn any type of material they wish, and that exclusions include hazardous materials such as roofing shingles.

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Chief Bradt explained that responsible burning includes meeting permit guidelines, obeying setback requirements and consideration of neighbours. Chief Bradt stated his hope to see the introduction of a permit system in order to avoid such problems.

Brian Sweet, Director of Corporate Services, noted the proposed by-law includes suggested set fines, pursuant to the Provincial Offences Act, of one hundred and twenty-five dollars (\$125.00) for contravention of the by-law. He further noted costs could be charged for the hourly cost of firefighters and trucks, which can be levied against a property owner's taxes if left unpaid.

James Renaud, 913 Mersea Road 7, provided council with a copy of a newspaper article titled "Days of burn barrel should be numbered - for your health" from the *Ontario Farmer*. Mr. Renaud stated that as residents receive garbage and recycling collection, there is no need for backyard burning of refuse. Mr. Renaud noted that burn barrels are the third largest source of dangerous dioxins, and stated that burn barrels should be a thing of the past.

Tom Dick, 1110 Essex Road 20, expressed concern over the restrictions on burning hedgerows and wood. He suggested the current system has been successful, in that farmers called the fire department and informed them of their intent to burn. Mr. Dick stated he would prefer permits be avoided.

George Buckrell, 418 Mersea Road 6, stated his belief that there would not be an open air burning issue if council would consider collecting yard waste for all residents within the municipality. Mr. Buckrell stated that after reading the report, he learned that open air burning will only be permitted in agricultural designated areas in order to allow for burning of crop remnants, however, there is no definition of crop, remnants or crop remnants within the by-law. Mr. Buckrell suggested whomever issues the permits should be responsible for determining the date of burning based on wind direction and other factors.

Chief Bradt explained all items contained in the proposed by-law are open for discussion and for Council's direction, however, the Chief stated he would prefer that an inspection be carried out for every burning application. He further noted Fire Services is a twenty-four hour, seven day a week operation, and either himself or a deputy is available for inspection at all times.

Ed Bartel, 1430 Mersea Road D, stated that most people who burn do so in a responsible manner, however, there are cases of burning by irresponsible persons. Mr. Bartel further stated that those who are irresponsible should be penalized and those who are responsible should be left alone. He suggested that the more rules that are created, the more likely people will try and sneak around the rules. Mr. Bartel expressed concern over the need to obtain a permit for campfires, as set out in the proposed by-law, as they are a common family activity.

Walt Brown, 449 Talbot Road East, stated that the majority of agricultural lands are maintained in a neat and tidy manner, and that farmers do a good job of brushing ditches and cleaning out hedgerows when needed. Mr. Brown stated that he has attempted to cooperate with the fire department in the past, however he did not receive the same cooperation in return. He stated that he was told burning was illegal, and therefore he could not do so. Mr. Brown stated that council must be careful when considering the proposed by-law and further that it is his belief the introduction of a permit system will not satisfy the needs of residents.

Chief Bradt restated the fact that currently there is no open air burning allowed, and to do so is in contravention of the Ontario Fire Code. He further restated the fire department is attempting to address this by introducing the proposed by-law, which will allow open air burning. The fire chief noted council may impose conditions they see fit within they by-law.

Mr. Brown stated he obtained a paper outlining burning policies from the town hall which provides instructions on proper burning.

Mr. Brown stated the paper he obtained from the town hall provide instructions on proper burning.

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Bill Marck, Chief Administrative Officer, explained the municipality drafted a policy in 2000, however, legislation has changed since then. He further explained a by-law is required in order to allow and monitor open air burning.

Rick Cowan, 207 Essex Road 14, stated that he was in attendance as a farmer, and that his concerns are similar to those already expressed. He provided council with statistics on the number of nuisance trees on agricultural land, which farmers need to dispose of. Mr. Cowan suggested the landfill is unable to accommodate the disposed trees, and that in order to address the issue, burning must be continued. He stated burning has not caused a problem in the past.

Bob Sinclair, 334 Mersea Road 8, noted he is the owner of a small orchard. He inquired whether it is illegal for him to burn prunings and husks, as they are residue from this crop.

Chief Bradt informed Mr. Sinclair that as chief he authorized an exemption for his orchard in order to prevent disease from spreading between trees.

Tom Dick stated he would appreciate if the proposed by-law did not include the need for a permit for burning farm residue and campfires if all guidelines are adhered to.

Louis Marentette, 1619 Mersea Road B, stated that as a drainage commissioner, he burns material from the pumping station at various times throughout the year. He further stated that if he was required to haul the material to the landfill, a large cost to taxpayers would result.

With regard to derelict farm buildings, Chief Bradt noted council could address whether such buildings could be burned. He noted that currently, such buildings are not permitted to be burned, and that to do so creates a great hazard if shingles are allowed to burn. He stated that should a derelict building need to be removed, there are recycling companies that will do so.

Chief Bradt stated that hazardous material cannot be approved for burning in the by-law.

Brian Sweet, Director of Corporate Services, noted that when a report is forwarded to council regarding the proposed burning by-law, information on burning by-laws from other municipalities will be included for council's reference.

Chief Bradt stated that permits for burning will address minimum setbacks, required distances from highways and roads, weather conditions, the need for adult supervision, method of extinguishment and lot sizes.

Chief Bradt suggested that should council decide to allow bonfires, an inspection be carried out at the property by the fire department in order to determine appropriateness for the proposed location of bonfire. He stated that by doing so, if a complaint is received and all guidelines have been followed, the property owner will not be subject to a fine.

Chief Bradt suggested that those in attendance take the opportunity to review the pictures of fire damage that were posted in the lobby of the municipal office. He noted that all pictures were taken within the municipality and that there were many more available for viewing. He further noted that crop residue is not the problem, the plastic and other hazardous materials that are not separated from the crop residue prior to burning are in fact the problem.

Mr. Bartel suggested that the proposed by-law be amended to allow bonfires, as well as burning of fence rows, crop residue and leaves without the need to obtain a permit.

In response to an inquiry, Cam McKay, Manager of Operations, confirmed urban residential property owners pay an additional fifteen dollars (\$15.00) per year for yard waste collection.

Meeting adjourned at 7:57 p.m.

/jb