

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Richard Anderson, Director of Emergency Services / Fire Chief
Date of Meeting:	10 October 2017
Subject:	FD 14-2017 Open Air Burning By-law

PURPOSE

To provide Council with a comprehensive understanding of how the current Open Air Burning By-law, By-law 17-2012, impacts the Fire Department's ability to protect St. Marys from potential fire. This report will explain the limitations of By-law 17-2012 and go further to detail how the proposed by-law would significantly aid the Department.

RECOMMENDATION

THAT FD 14-2017 Open Air Burning By-law report be received, and

THAT By-law 90-2017, to regulate the setting of open air fires, including establishing the times during which open air fires may be set, and to repeal By-law 17-2012 and all amendments thereto be approved.

BACKGROUND

It has been identified that the current Open Air Burning By-law, By-law 17-2012 needed to be amended to reflect a more descriptive and comprehensive By-law. A clear and concise By-law regulating fire prevention, including the prevention of the spreading of fires, and regulating the setting of open fires, establishing times during which open air fires may be set would allow the Town of St. Marys Fire Department the ability to enforce rules and regulations. If a person was found in contravention of the set rules the Authority Having Jurisdiction will have the authority to serve penalties for infractions under the Provincial Offences Act.

REPORT

The Fire Department has researched and completed comparison studies with other municipalities to ensure that our amended Open Air Burning By-law encompasses the most comprehensive By-law. Thus ensuring no person, within the limits of the Town of St. Marys, shall set, maintain, or permit to be set or maintain an Open Air Burn except as authorized under this By-law.

The By-law has been updated to include, but not limited some of the following items:

- Provisions around lighting and releasing Floating Lanterns
- Smog Alert references have been removed due to the fact alerts of this nature have been remodeled as Air Quality Health Index as of 2015
- Air Quality Health Index was included under definitions
- The By-law has been divided into three permitted fires categories: smaller than 46cm long x 46cm wide x 30cm high, larger than 46cm long x 46cm wide x 30cm high, and cooking fires. This by-law permits the setting and maintaining of cooking fires without a permit.

- The By-law clearly depicts conditions of all burns including size of fire, time, materials to be used, and proximity to structures
- Statement that there will be no burning during Fire Ban and that the Fire Chief may institute a Fire Ban at any time as may be deemed necessary
- By-law authorizes the Fire Chief to issue Order to Discontinue Activity and Order to Extinguish
- By-law lays out clear prohibitions
- The by-law includes ability to enforce through the issuance of fines once approved by the Attorney General and the Regional Senior Justice

SUMMARY

The Open Air Burning By-law for the Town of St. Marys is designed to regulate conditions under which fires may be set in the open air. It also allows any persons who contravenes any provisions of this by-law and is found guilty of an offence and upon conviction is liable to a fine under the *Fire Protection and Prevention Act*.

FINANCIAL IMPLICATIONS

There would be no cost variances for the education campaign as this information would be distributed through the Town of St. Marys website and social media releases.

OTHERS CONSULTED

Jenna McCartney, Corporate Administrative Coordinator
Attorney General's Office

ATTACHMENTS

By-law 90-2012
Proposed By-law 61-2017 including Schedule A (found in the By-law section of the agenda package)

REVIEWED BY

Recommended by the Department



Richard Anderson
Director of Emergency Services / Fire Chief

Recommended by the CAO



Brent Kittmer
CAO / Clerk