



The Corporation of the Town of Tecumseh

Fire & Rescue Services

To: Policies and Priorities Committee

From: Wade Bondy, Director Fire Services & Fire Chief

Date to Council: June 22, 2021

Report Number: FIRE- 2021-05

Subject: Open-Air Burning By-law

Recommendations

It is recommended:

That Fire Services Report No. FIRE-2021-05, “Open-Air Burning By-Law”, **be received**.

And that the “Tecumseh Open-Air Burning By-Law” as appended to report FIRE-2021-05 **be adopted** at the Regular Meeting of Council of June 22, 2021.

Background

Council adopted By-law No. 2007-41 June 26, 2007, as amended by By-law No 2007-51, to regulate open burning within the Town, establishing what was permitted to be burned and the requirements for these types of fires (Open-Air Burning By-law).

Since that time, calls for service have revealed the need for:

- more clearly defined permitted activities
- restrictions with respect to the location of open-air fires and
- enforcement options to better address violations of the terms of the by-law.

Comments

Fire Services has completed a review of the Open-Air Burning By-law, in consultation with the Town Clerk and Town Solicitor and are recommending that it be repealed and replaced with the draft by-law appended to this report as Attachment 1.

The changes proposed in the draft by-law appended to this report as Attachment 1 include more clearly defined terms, including the addition of leaves and grass as prohibited materials, and the addition of a minimum four (4) metre setback for clearances from structures, fences and property lines. These changes will help residents better understand what is and is not permitted under the new by-law. Table 1 below highlights some of the key changes being proposed in the new by-law.

Table 1 – Brief Comparison of Existing Open-Air Burning By-law vs Proposed Open-Air Burning By-law

Item	Existing Requirement	Proposed Requirement
Enforcement:	Fire Chief, Bylaw Officer, Police Officer, Firefighter	Fire Chief, Deputy Chief Fire Prevention Officer
Fines for Contravention:	Cost recovery of expenses	Set fines for tickets and/or Cost recovery of expenses
Permitted Fires, residential:	1m x 1m max. size extinguished by 2:00am no permit required	1m max. dimension 11:00am to midnight no permit required
agricultural:	1 hectare max. size daylight hours only permit required	100m x 5 m max. size daylight hours only permit required
other:	3m x 3m max. size permit required	4m max. dimension permit required
Location (on property):	no restrictions	4m setback from property line, fence or buildings
Air quality restrictions:	No burning during “smog alerts”	Prohibited when Environment Canada Air Quality Health Index is 7 or greater
Prohibited materials:	Asphalt products, tires, treated wood, construction materials, garbage, trash rubber and plastics	Existing list plus grass, leaves, and hazardous materials
General prohibitions:	Smoke that causes annoyance or irritation to neighbours	Any fire that poses a hazard in in the opinion of the Fire Chief

With respect to enforcement, the proposed by-law includes set fines for violation of certain terms of the by-law, providing an additional enforcement method and ensuring residents know what the potential fines are for contravention of the by-law, with the intent always being education prior to enforcement.

The proposed by-law maintains the ability of farmers and owners of agricultural lands to continue to employ normal farm practices and is flexible enough to accommodate those practices.

Overall, the proposed by-law is organized in a way that is straightforward, while maintaining the necessary authority to reduce the risks associated with open-air burning within the Town.

Consultations

Corporate Services & Clerk
Town Solicitor

Financial Implications

While the changes in the proposed by-law should not have direct financial implications to the Town, it is the intent that the proposed by-law will reduce required enforcement activities through clear requirements, and in conjunction with public education.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Wade Bondy
Director Fire Services & Fire Chief, C.E.M.C.

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	DRAFT By-law No 2021-50 Open-Air Burning By-law