



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Monday, July 31, 2017

6:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

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Pages

1. CALL TO ORDER

2. SPECIAL IN-CAMERA COUNCIL MEETING

That Council move into an In-Camera Meeting of Council at 5:00 pm pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

ITEM A - Committee Structure Review - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(In-Camera Council Meeting Agenda Items)

4. ADJOURNMENT FROM SPECIAL IN-CAMERA COUNCIL MEETING

5. RESUMPTION OF SPECIAL COUNCIL MEETING

6. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Council Meeting Agenda items)

7. SPECIAL PLANNING REPORTS

7.1 Kingsbridge Subdivision Phase 5G - Extension of Draft Plan Approval

4

It is recommended that:

1. The report from the Manager of Planning Services dated July 17, 2017, regarding Kingsbridge Subdivision Phase 5G - Extension of Draft Plan Approval **BE RECEIVED**;
2. The request from Michael Dunn (1027579 Ontario Inc.), for a Council Resolution for a three year extension of the draft plan approval for Kingsbridge Subdivision Phase 5G (File #37-T-13003) **BE SUPPORTED**; and,
3. Administration **BE DIRECTED** to notify William J. King, Manager of Planning Services, County of Essex, of the Town's support for the extension of draft plan approval.

8. REPORTS - ENGINEERING AND PUBLIC WORKS

8.1 Placement of Underground Infrastructure, Base Asphalt, Surface Asphalt and Curbs on Maintenance - Kingsbridge Subdivision Phase 8B-1

15

It is recommended that:

1. The report from the Manager of Engineering dated July 21, 2017, regarding the Placement of Underground Infrastructure, Base Asphalt, Surface Asphalt and Curbs on Maintenance - Kingsbridge Subdivision Phase 8B-1 **BE RECEIVED**;
2. The recommendations of the consulting engineer, BairdAE **BE APPROVED**; and,
3. The underground infrastructure, base asphalt, curbs and surface asphalt on Knobb Hill **BE PLACED** on a 1 year maintenance period, commencing July 20, 2017.

9. REPORTS - CAO'S OFFICE

9.1 Draft Open Air Burning By-law and Public Consultations

20

It is recommended that:

1. The report from the Fire Chief dated July 24, 2017, regarding Draft Open Air Burning By-law and Public Consultation **BE RECEIVED**; and,
2. The Draft Open Burn By-law **BE TABLED** for information purposes attached as Document 1.

10. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Rebecca Belanger	Report Date: July 17, 2017
Author's Phone: 519-736-5408 ext. 2124	Date to Council: July 31, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Kingsbridge Subdivision Phase 5G- Extension of Draft Plan Approval

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated July 17, 2017, regarding Kingsbridge Subdivision Phase 5G-Extension of Draft Plan Approval **BE RECEIVED**;
2. The request from Michael Dunn (1027579 Ontario Inc.), for a Council Resolution for a three year extension of the draft plan approval for Kingsbridge Subdivision Phase 5G (File #37-T-13003) **BE SUPPORTED**; and,
3. Administration **BE DIRECTED** to notify William J. King, Manager of Planning Services, County of Essex, of the Town's support for the extension of draft plan approval.

2. **BACKGROUND:**

The purpose of this report is to provide Council with information on the applicant's request for a three (3) year extension to the draft plan of subdivision approval (see the attachments) which is set to lapse in September 2017.

The developer initially obtained draft plan approval in September 2014 for Kingsbridge Phase 5G. In January 2015, the developer submitted a revised draft plan of subdivision to the Town and the County of Essex for consideration. The County as the approval authority directed the Town Administration to bring forward the revised plan for Council's review. At the Council Meeting which took place on January 12, 2015, a resolution was passed indicating the Town's support for the redline plan. The changes

to the draft plan at that time included shifting the road northerly 7.5m with the intention of ensuring that the rear lot lines of the proposed future townhomes are outside of a hedgerow that runs along the southside of the proposed development. The Planning Division reviewed the redline plan to confirm that the plan adheres to the Town's Official Plan and Zoning By-law 1999-52, as amended. Based on the plan submitted for purposes of draft plan approval; sufficient lot frontage and lot areas has been confirmed. Review and compliance with setback and lot coverage will be completed during the building permit application process to ensure compliance with the Zoning By-law.

The redline revision and change in conditions was confirmed to be minor in nature by the County of Essex. A copy of the final redlined, draft approved plan has been attached to this report.

3. DISCUSSION:

The Town is in receipt of a request from Michael Dunn (1027579 Ontario Inc.) on behalf of Kingsbridge Subdivision Phase 5G for an extension to draft plan approval. During the approval process, the developer undertook the necessary background studies and work to obtain the appropriate zoning to permit the proposed residential development. Mr. Dunn has indicated in his correspondence dated July 13, 2017, that the extension is required and warranted due to a lengthy approval process with the Ministry of Natural Resources and Forestry (MNRF) which impacts the Kingsbridge Subdivision Development as a whole as opposed to only this phase. Further, the approval of the Stormwater Management Facility (SWM) required approval from the MNRF, which this phase is reliant on for outlet and detention. The SWM facility expansion has recently been finalized.

The County of Essex is the approval authority for these requests. However, a resolution from the Town in support of the extension is required as part of the applicant's submission to the Manager of Planning Services at the County of Essex.

A holding symbol has been placed on the subject lands and will only be removed as capacity in municipal servicing can be confirmed and the necessary subdivision agreement registered against the lands. The County will also need to issue final approval when all draft conditions have been satisfied.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. The conditions of draft plan approval require confirmation of servicing and the use of a holding symbol is also the planning tool utilized to confirm the timing and appropriateness for servicing matters.

At such a time in the future, and prior to the proposed Kingsbridge Subdivision Phase 5G proceeding to construction, the Town reserves the right review and confirm the adequacy of the servicing allocation to this development through the provisions in the final subdivision agreement.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. It is anticipated that approval of this extension to draft plan approval will facilitate development in this subdivision. The development of this residential subdivision will provide increased assessment of 16 lots for single detached residential and 22 blocks for townhomes proposing 90 dwelling units.

6. CONSULTATIONS:

Mr. William J. King, Manager of the Planning for the County of Essex has directed the Town to consider the extension to draft plan approval for Kingsbridge Phase 5G.

Todd Hewitt, Manager of Engineering and Operations for the Town's Engineering and Public Works Department was consulted on the request for the extension to draft plan approval.

7. CONCLUSION:

In consideration of the work that has been completed on this phase of the development to date, we would recommend supporting the request for a three year extension of the draft plan approval for Kingsbridge Subdivision Phase 5G.



Rebecca Belanger
Manager of Planning Services

RLB

DEPARTMENTS/OTHERS CONSULTED:

Name: Bill King, Manager of Planning Services, County of Essex
Phone #: 519 776-2029

Name: Todd Hewitt, Manager of Engineering and Operations
Phone #: 519 736-3664

Report Approval Details

Document Title:	Kingsbridge Phase 5 G.docx
Attachments:	- Report to Council - July 31 - Kingsbridge Subdivision Attachments.pdf
Final Approval Date:	Jul 24, 2017

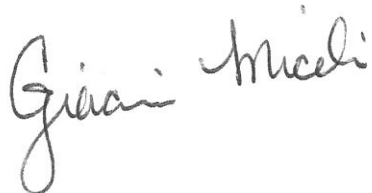
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Jul 20, 2017 - 4:22 PM



Justin Rousseau - Jul 21, 2017 - 9:48 AM



John Miceli - Jul 21, 2017 - 10:55 AM



Paula Parker - Jul 24, 2017 - 9:05 AM

1027579 ONTARIO LIMITED/ FLYNN DEVELOPMENT LIMITED

948 Albert Lane, Belle River, Ontario NOR 1A0

Phone: (519) 735-0603 Fax: (519) 735-0653

BY EMAIL bking@countyofessex.on.ca

July 13, 2017

Corporation of the County of Essex
Planning Services
360 Fairview Avenue West,
Essex, Ontario N8M 1Y6

Attention: William J. King, AMCT, MCIP, RPP, Manager, Planning Services

Dear Bill:

RE: FILE NO. 37-T-13003 – REQUEST FOR EXTENSION

Please accept this letter as our formal request for an extension to the draft plan approval for File NO. 37-T-13003.


During the period from draft approval in September, 2014 through to present we have been involved in a lengthy approval process with the Ministry of Natural Resources and Forestry (MNRF). These approvals impact the Kingsbridge Subdivision Development as a whole and also the expansion of the Stormwater Retention Facility (SWM) which the above development phase requires.

We have only recently completed construction of that SWM facility expansion..

As outlined in the draft approval, we have requested the support of the Town of Amherstburg for this extension application in the form of a Council resolution. We fully anticipate receiving this support and will have the Town of Amherstburg correspond with you directly in this regard.

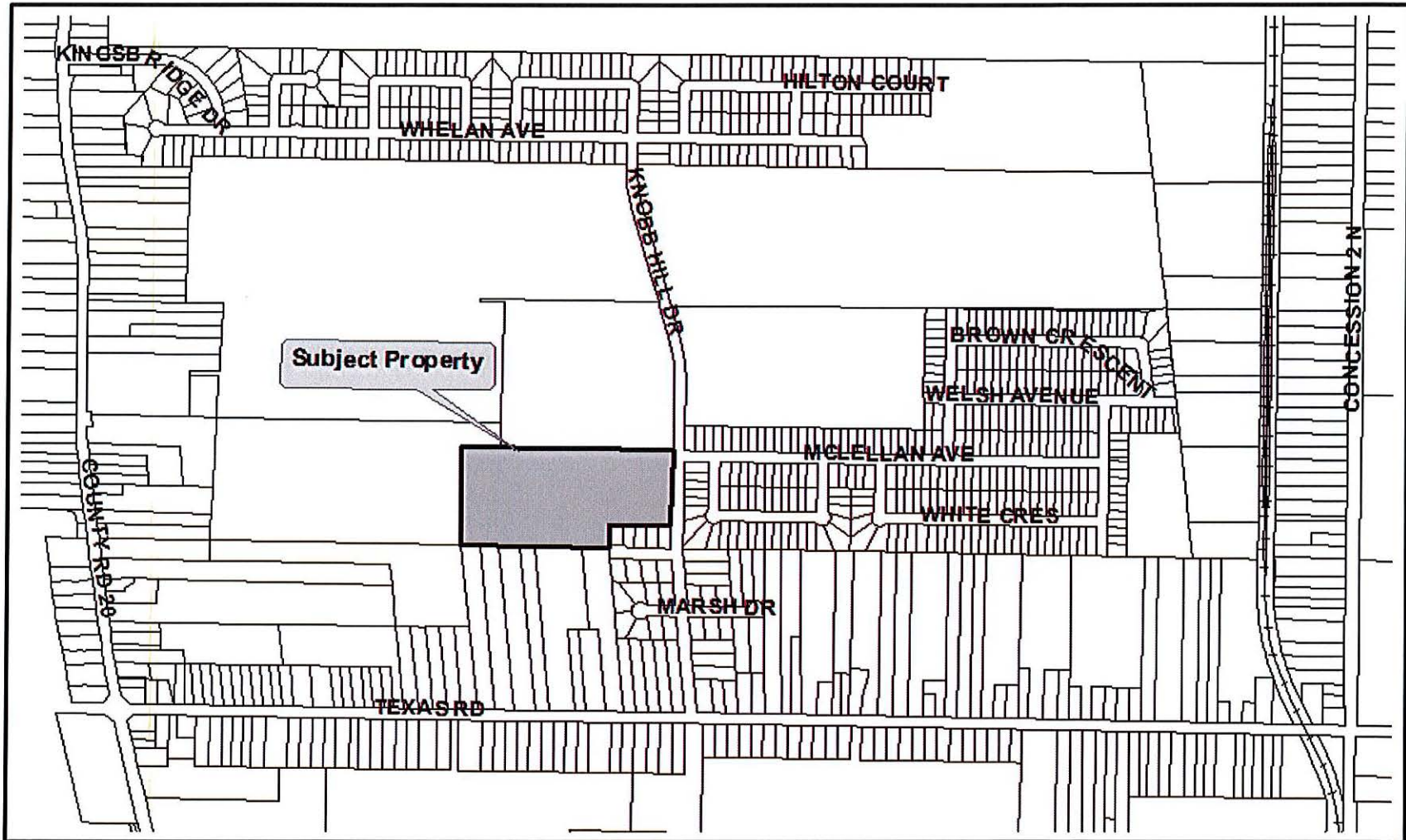
Trusting this is satisfactory, should you have any questions or if there are any further requirements, please do not hesitate to contact me.

Yours truly
1027579 ONTARIO LIMITED


Michael R. Dunn
President

cc: John Miceli, CAO – Town of Amherstburg
Rebecca Belanger Manager, Planning Services – Town of Amherstburg

Map No. 1





The Corporation of The Town of Amherstburg

271 SANDWICH ST. SOUTH
AMHERSTBURG, ONTARIO
N9V 2A5

PLANNING SERVICES DEPARTMENT
BUS (519) 736-5408
FAX (519) 736-9859
Website: www.amherstburg.ca

REBECCA BELANGER, MCIP, RPP
MANAGER OF PLANNING SERVICES
Email: rbelanger@amherstburg.ca

January 19, 2015

Mr. William King, AMCT, MCIP, RPP
Manager, Planning Services
County of Essex
360 Fairview Avenue West
Essex, ON N8M 1Y6

Subject: File No. 37-T-13003
Proposed Redline Plan to Draft Plan Approval
Kingsbridge Subdivision Phase 5

Dear Sir:

Please be advised that Council passed the following resolution regarding the above file;

"Kingsbridge Subdivision Phase 5G - Proposed redline plan to draft plan approval

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That:

- 1. The report from the Manager of Planning Services dated January 5, 2015, regarding Kingsbridge Subdivision Phase 5G- Proposed redline plan to draft plan approval BE RECEIVED;**
- 2. The minor change to the revised draft plan approval BE SUPPORTED; and,**
- 3. Administration NOTIFY the County of Essex of Council's support.**

The Mayor put the Motion.

Motion Carried

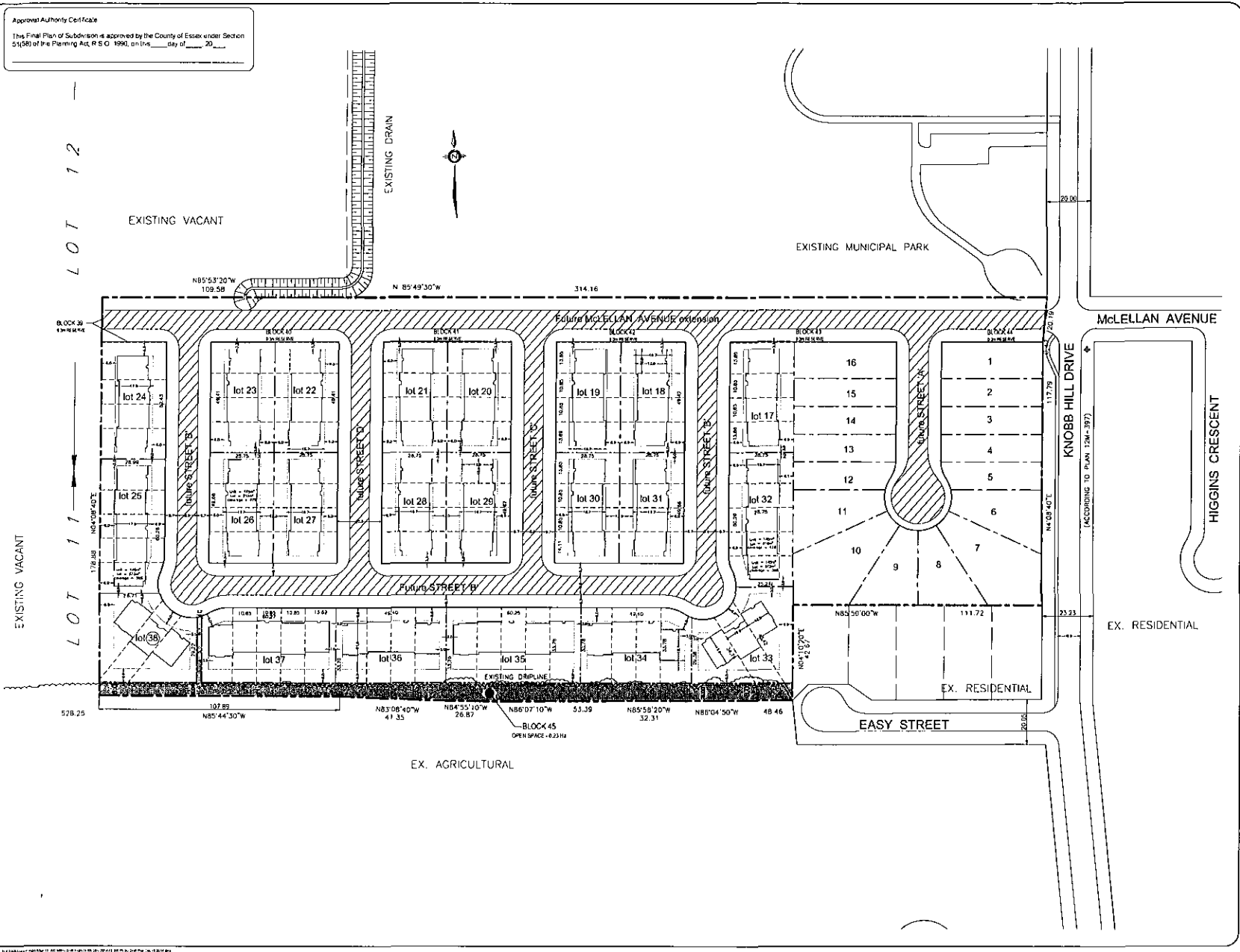
If you require further information please feel free to contact me.

Sincerely,

Rebecca Belanger, MCIP RPP
Manager of Planning Services

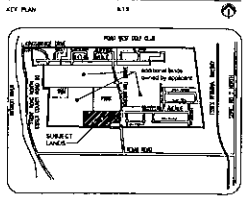
Approval Authority Certificate
 This Final Plan of Subdivision is approved by the County of Essex under Section 51(58) of the Planning Act, R.S.O. 1990, on this _____ day of _____, 20____.

Page 11



Montelth + Brown
 planning consultants
 1200 GARDNER AVE. SUITE 101
 AMHERSTBURG, ONTARIO N0H 2L0
 (519) 426-1111

**TOWNHOUSE LAYOUT FOR
 DRAFT PLAN
 OF SUBDIVISION
 PART OF LOTS 11 & 12
 CONCESSION 1,
 GEORGIAN TOWNSHIP OF AMHERST
 TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO**



- LEGEND
- SUBJECT LANDS
 - BUILDING ENVELOPE
 - POTENTIAL TOWNHOUSE
 - OPEN SPACE

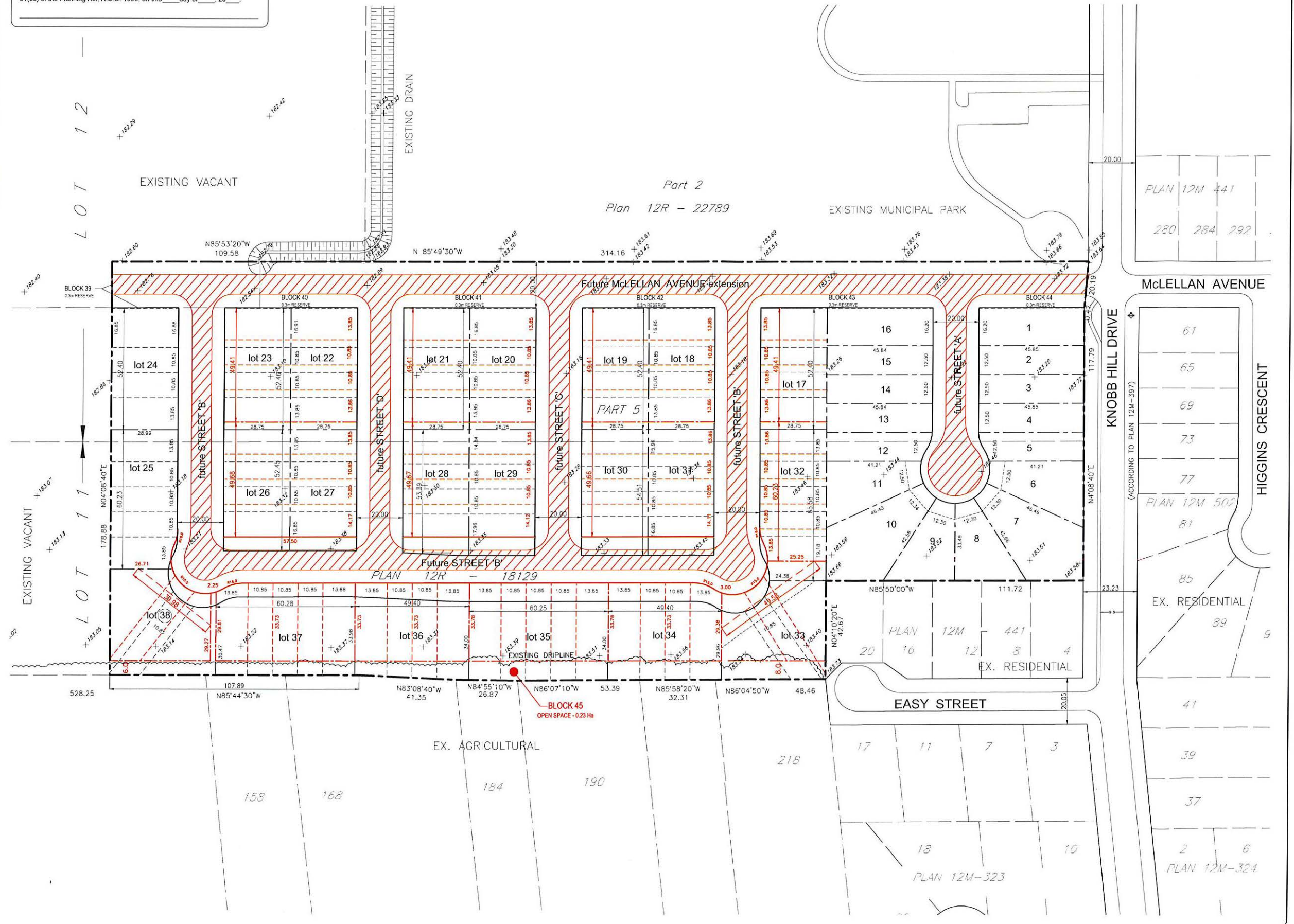


PROJECT TITLE
**Kingsbridge Subdivision
 PHASE 5G**
 AMHERSTBURG, ONTARIO

Prepared by: MB	Checked by: MB	Drawn by: MB	Surveyed by: MB
Date: 1/15/20	Date: 1/15/20	Date: 1/15/20	Date: 1/15/20
Project No.: DP	County File No.:	File No.:	13-300

Scale: 1:750. All dimensions are in meters unless otherwise specified. The information on this plan is for informational purposes only and should not be used for any other purpose without the written consent of Montelth + Brown.

Approval Authority Certificate
 This Final Plan of Subdivision is approved by the County of Essex under Section 51(58) of the Planning Act, R.S.O. 1990, on this ___ day of ___, 20__.



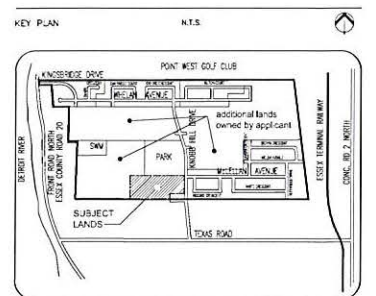
Monteith + Brown
 planning consultants
 510 PRINCESS AVENUE, LONDON, ONTARIO N6B2B9
 TEL: (519) 888-1300 E-MAIL: mbc@montebrown.ca

REDLINED DEC 2014
DRAFT PLAN
OF SUBDIVISION
 PART OF LOTS 11 & 12
 CONCESSION 1,
 GEOGRAPHIC TOWNSHIP OF ANDERDON,
 NOW IN THE
TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO

OWNER'S CERTIFICATE
 I, Jay McFlynn of Monteith Brown Planning Consultants, am authorized to submit this Draft Plan of Subdivision on behalf of the owner, 1027579 Ontario Ltd. / Flynn Development Limited.

SURVEYOR'S CERTIFICATE
 I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are correctly shown.

Andrew S. Marsha
 Ontario Land Surveyor



LAND USE SCHEDULE:

LAND USE SCHEDULE	AREA (Ha)	%
SINGLE DETACHED RESIDENTIAL LOTS - 1 to 16	1.13 Ha	15.9%
TOWNHOUSE RESIDENTIAL LOTS - 17 to 38	5.60 Ha 3.43 Ha	50.4% 47.9%
STREET A, B, McLELLAN extension and BLOCKS 39 to 44	2.45 Ha 2.35 Ha	33.7% 32.9%
OPEN SPACE BLOCK 45	0.23 Ha	3.3%
TOTAL AREA	7.14 Ha	100%

PLANNING ACT, REQUIREMENTS UNDER SECTION 51 (1) OF THE PLANNING ACT, 1990 (as amended):
 a) as shown on plan g) as shown on plan
 b) as shown on plan h) municipal water
 c) as shown on key plan i) clay loam
 d) as shown on land use schedule j) as shown on plan
 e) as shown on plan k) municipal sewer & water
 f) as shown on plan l) as shown on plan

SURVEYOR
WINDSOR VERWEGEN STUBBERFIELD LEAMINGTON
 412 Queen Street East, Suite 202 871 New Street East
 Windsor, Ontario N9A 1Y9 Windsor, Ontario N9B 1L8
 Tel: 519-252-1172 Fax: 519-252-1172 Tel: 519-252-2873 Fax: 519-252-2873
 ONTARIO LAND SURVEYORS www.onlandsurveyors.com

CLIENT:
1027579 Ontario Ltd. / Flynn Development Limited
 Amherstburg, Ontario

NOTES:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 SCALE 1:750

DRAFT PLAN REVISIONS:

No.	Revision	Date	By
1	ADD SINGLE DETACHED LOTS AND TOWNHOUSES	Nov 14, 2013	BS
2	MAINTAIN HEDGE ROW ALONG SOUTH LIMIT	Dec 2, 2014	BS

PROJECT TITLE:
Kingsbridge Subdivision
PHASE 5G
 AMHERSTBURG, ONTARIO

Prepared by: ja Drawn by: bs
 Checked by: jmc Surveyed by: VSI-BBS
 Scale: 1:750 Date: Dec 19, 2014
 Drawing No. DP County File No. - File No. 13-300

November 21, 2013

Vision • Depth • Commitment
Since 1977

Our File #: 13-300

County of Essex
360 Fairview Avenue West
Essex, ON
N8M 1Y6

Attention: Mr. Bill King, Manager, Planning Services

Reference: **REVISED Draft Plan of Subdivision**
County of Essex File No. 37-T-13003
Kingsbridge Subdivision (Phase #5G)
Part of Farm Lots 11 and 12, Concession 1
Town of Amherstburg, County of Essex

Monteith Brown Planning Consultants (MBPC) is pleased to submit the attached revised Draft Plan of Subdivision for the above noted lands on behalf of the property owner, 1027579 Ontario Ltd. / Flynn Development Ltd., for your review and consideration. Supplementing the materials provided in our original application for Draft Plan of Subdivision to the County dated June 12, 2013, please find enclosed the following:

- **Fifteen (15)** full sized copies (24"x36") of the revised Draft Plan dated November 21, 2013;
- **Two (2)** reduced copies (11 x 17") of the revised Draft Plan dated November 21, 2013; and,
- **One (1)** computer disk containing the revised Draft Plan in both AutoCAD and PDF formats.

The purpose of this submission is to revise the proposed Draft Plan dated June 13, 2013, in response to input from the public, an agreement with Mr. David Cozens representing his daughter who resides at 16 Easy Street, and to implement By-Law No. 2013-97, which re-zoned the subject lands to "h-R2 / h-RM1", allowing a full range of residential uses, including single-detached, semi-detached and street rowhouse dwellings.

The original application for Draft Plan of Subdivision contemplated the creation of 104 semi-detached units on public streets. In response to input from the resident's of Easy Street to the south, the revised Draft Plan of Subdivision proposes the creation of a total of 106 lots / units on public streets, including 16 lots for single-detached dwellings and 22 lots for the creation of 90 street rowhouse dwelling units. The proposed single-detached lots have been proposed to abut the existing single-detached dwellings on Easy Street to provide a transition of like housing form between the existing low density residential uses and the proposed higher density dwellings to the west. As a result of the loss in density from the conversion of the easterly portion of the subject lands to single-detached lots, the proponent is also proposing to increase the density of the remaining lands to the west to provide for street fronting rowhouses in place of the originally proposed semi-detached units.

The revised Draft Plan facilitates residential intensification within a settlement area on municipal services, consistent with the policies of the Provincial Policy Statement 2005, and directs new development to existing settlement areas in conformity with the County of Essex Official Plan. The proposed density of the single-detached dwellings is 14 units per hectare, which is consistent with the maximum permitted density of 15 units per hectare for low density residential uses in Section 4.3.1 of the Amherstburg Official Plan. Likewise, the proposed density of the street rowhouse dwellings is 25 units per hectare, well below the maximum permitted density of 70 units per hectare for medium density residential uses, as provided in Section 4.3.2 of the Amherstburg Official Plan. Finally, the proposed Draft Plan of Subdivision is

(Continued...)

urban & regional planners

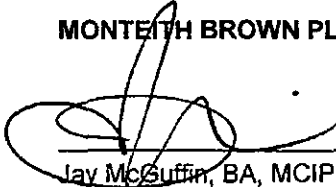
13-300 Dunn Group
Kingsbridge (Phase #5G)
November 21, 2013

consistent with the regulations of the "h-R2 /h-RM1" zone, recently approved by Town Council (By-Law No. 2013-97) now in force and effect. The holding provisions will not be removed until a subdivision agreement is in place.

We trust that the enclosed information is satisfactory to address the County's submission requirements and look forward to the timely acceptance and approval of the proposed Draft Plan of Subdivision. We look forward to working with the County on this application. If you have any questions regarding this matter or require any additional information, please do not hesitate to contact me.

Respectfully Submitted,

MONTEITH BROWN PLANNING CONSULTANTS



Jay McCuffin, BA, MCIP, RPP
Principal Planner

copies: M. Dunn, (Dunn Group of Companies)
R. Spencer (RC Spencer Associates, Inc.)
R. Belanger (Town of Amherstburg)



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Todd Hewitt	Report Date: July 21, 2017
Author's Phone: 519 736-3664 ext. 2313	Date to Council: July 31, 2017
Author's E-mail: thewitt@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Placement of Underground Infrastructure, Base Asphalt, Surface Asphalt and Curbs on Maintenance - Kingsbridge Subdivision Phase 8B-1

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Engineering dated July 21, 2017, regarding the Placement of Underground Infrastructure, Base Asphalt, Surface Asphalt and Curbs on Maintenance - Kingsbridge Subdivision Phase 8B-1 **BE RECEIVED**;
2. The recommendations of the consulting engineer, BairdAE **BE APPROVED**; and,
3. The underground infrastructure, base asphalt, curbs and surface asphalt on Knobb Hill **BE PLACED** on a 1 year maintenance period, commencing July 20, 2017.

2. **BACKGROUND:**

Kingsbridge Phase 8B-1 is the section of Welsh Avenue between Lavers Crescent and Knobb Hill Drive. It also includes the extension of Knobb Hill Drive 160m north from McLellan Avenue.

3. DISCUSSION:

Phase 8B-1 in the Kingsbridge Subdivision was recently constructed. This included installation of sanitary sewers, storm sewers, watermain, the placement of curbs, pathway, base asphalt and surface asphalt on Knobb Hill.

The Town attended a walkthrough with the consulting engineer BairdAE and the Developer on July 20, 2017, where the work was inspected. Only minor deficiencies were identified. Administration concurs with the recommendation of BairdAE to place the underground infrastructure, base asphalt, pathway, curbs and surface asphalt on Knobb Hill on a 1 year maintenance period.

4. RISK ANALYSIS:

N/A

5. FINANCIAL MATTERS:

The Town has a self-renewing letter of credit of \$670,405.00. This is equivalent to the value of the current work on maintenance. This provides the Town with financial security to ensure future maintenance is performed or the Town can exercise its letter of credit.

Once the infrastructure has been assumed by the Town, after completion of the 1 year maintenance, the Town will capitalize the cost into our Tangible Capital Assets and add the infrastructure into the asset management program for future infrastructure replacement.

6. CONSULTATIONS:

The Manager of Planning Services concurs with this report.

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7. **CONCLUSION:**

It is recommended that the underground infrastructure, base asphalt, pathway curbs and surface asphalt on Knobb Hill be placed on 1 year maintenance.



Todd Hewitt
Manager of Engineering

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Report Approval Details

Document Title:	20170731 Kingsbridge Phase 8B-1 Placement of Infrastructure on Maintenance.docx
Attachments:	- Letter of Conformance Kingsbridge Phase 8B-1 July 20 2017.pdf
Final Approval Date:	Jul 25, 2017

This report and all of its attachments were approved and signed as outlined below:



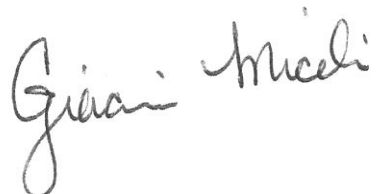
Antonietta Giofu - Jul 21, 2017 - 11:34 AM



Justin Rousseau - Jul 21, 2017 - 12:58 PM



Mark Galvin - Jul 24, 2017 - 1:43 PM



John Miceli - Jul 25, 2017 - 8:49 AM



Paula Parker - Jul 25, 2017 - 1:30 PM

Date: July 20, 2017

Town of Amherstburg
512 Sandwich Street South
Amherstburg, ON,
N9V3R2

ATTENTION: Todd Hewitt, Manager, Engineering Operations

Re: Kingsbridge Phase 8B-1

During the course of construction at the above project, personnel from our office carried out site reviews and final inspection. These reviews were conducted following the procedures described in the Professional Engineers Ontario Guideline for Professional Engineers Providing General Review of Construction.

Baird AE is not aware of any outstanding deficiencies in the construction. Our firm is of the opinion that the work is in general conformity with the drawings and specifications prepared.

Baird requests that the underground infrastructure, curbs, and base asphalt be placed on one year maintenance.

Trusting you will find the above satisfactory; however, if you have any questions please contact the undersigned, I remain.

All of which is respectfully submitted,



Matthew J. Baird, P.Eng., PMP, SCPM
President
Baird AE



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Bruce Montone	Report Date: July 24, 2017
Author's Phone: 519 736-6500 ext. 2241	Date to Council: July 31, 2017
Author's E-mail: bmontone@amherstburg.ca	Resolution #: 20170626-784

To: Mayor and Members of Town Council

Subject: Draft Open Air Burning By-law and Public Consultations

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Fire Chief dated July 24, 2017, regarding Draft Open Air Burning By-law and Public Consultation **BE RECEIVED**; and,
2. The Draft Open Burn By-law **BE TABLED** for information purposes attached as Document 1.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

Existing municipal open air fire regulations are designed to provide controls for the prevention of fires and the spreading of fires for the protection of life and property. "Open air fire" includes brush fires used to dispose of wood or brush in a controlled fashion, campfires, chimineas and outdoor fireplaces but does not include barbecues.

On July 10th 2017, Council received a report and directed Administration to move forward with Public consultations and to develop a draft By-law for the consideration of Council.

The proposed by-law establishes a Town-wide permit program for open air fires with an annual \$25 fee for the setting of open air fires, and a \$75 fee for specific event campfires and outdoor fireplaces with special circumstances, as well as minimum

application requirements. The rural farming community also requires the ability to conduct open burning as part of farming business operations and land clearing activities. Consistent with the current by-law farming businesses will not incur a fee but are required to have the site inspected and shall notify the Fire Department at least 2hrs prior to the commencement of open fire operations.

For primarily fire prevention and public safety purposes, the proposed by-law also regulates the method used to ignite an open air fire in areas where they are permitted, the size of the fire, permitted materials to be burned, permitted distances from other material and public roadways, as well as the times of day during which open air fires may be safely set and maintained. Open air fire supervision requirements and precautionary measures to be taken are also outlined in the by-law, as are additional requirements for campfires and outdoor fireplaces.

3. DISCUSSION:

Effective January 1, 2003, the authority previously contained in the Municipal Act for dealing with fire protection and fire prevention matters was transferred to the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended (the "FPPA"). Section 7.1 of the FPPA states that a council of a municipality may pass by-laws:

- regulating fire prevention, including the prevention of the spreading of fires; and,
- regulating the setting of open air fires, including establishing the times during which open air fires may be set.

The Town has in Place a By-law 1998-91 Restricting the Setting of Fires in the Town of Amherstburg, and includes rules regulating the setting of open air fires and outlining conditions under which these fires may be set. Generally, the prohibition of open air fires in urban areas, notification for setting fires in rural areas and a requirement to obtain permission.

It is the position of Administration that Open Air burning is currently taking place in all (Urban, Sub-Urban and Rural) areas of the Town of Amherstburg. The current situation where campfires are not permitted anywhere is resulting in illegal burns taking place in Spring Summer and Fall with no appropriate controls in place. Enforcement of the current By-law is not manageable with current resources. Fire Services is limited to responding to complaints with very little information often resulting in Full Station responses. Council Passed a Fees By-law (2016-11) on February 16, 2016 which included a recovery charge for responding to Open Burns. Since the implementation of the fees by-law, fire services has responded to 54 open burn calls at a cost to ratepayers of Approx. \$ 12,480.00. Of those, 19 calls were invoiced (5 in 2017 and 14 in 2016) and \$6,975.00 was recovered.

Open Air Fire By-laws are designed to control the maintenance of satisfactory conditions for the prevention and spreading of fires, for the protection of life and property.

It is recommended that the existing by-law restricting the setting of fires be replaced with an Open Air Fire By-law similar to the Draft Bylaw attached. Doing so will ensure

Fire Services is aware of where fires are conducted and will have suitable opportunity to ensure sites are safe and fires are conducted with proper safety measures in place.

GENERAL REVIEW OF OPEN AIR FIRES

Open air fire means the burning of material such as wood and brush where the flame is not wholly contained and is, thereby, open to the air, and includes camp fires, chimineas and outdoor fireplaces but does not include barbecues.

The Ontario Fire Code states that open air fires shall not be permitted unless approved by the Chief Fire Official, or unless such fires consists of a small confined fire, supervised at all times and used to cook food on a grill or a barbecue. The purpose of this requirement is to protect people and communities from the risk of being exposed to fire or related irritants.

The Fire Chief is responsible for granting approvals for open air fires at the municipal level. If necessary, Fire Services is also responsible for inspecting the proposed site.

Overview of Proposed Open Air Fire By-law

The proposed Draft Open Air Fire By-law, attached as Document 1, includes the following provisions found in the existing municipal by-law:

- an explanation of what constitutes “open air fire”;
- conditions under which open air fires may be conducted with the approval of the Fire Chief;
- geographic areas in which open air fires may be take place, in consideration of prevention of fires and public safety; and
- Provisions for registered farm operations.

Open Air Fires - Map

The proposed Draft by-law establishes a map (Document 2) that defines the regulated areas for open air fires. The proposed Draft by-law permits open air fires where such burning can be carried out safely and provides for control over open air fires. To address population density and fire safety conditions such as distance from structures however, certain geographical areas will not be permitted to have open air fires.

The map also identifies geographical areas in which open air fires are prohibited. The proposed regulations reflect the former municipal open air fire provisions, continuing the prohibition of open air fires within some urban areas.

Permit Program

The proposed by-law establishes a Town-wide annual permit program for open air fires to help identify locations where these activities are planned. A Draft Permit is attached (Document 3).

The permit program will enable the Amherstburg Fire Department to provide applicants with fire prevention information and impose safety related conditions as appropriate. The Fire Chief would only issue such permits once the applicant has met all the conditions in accordance with the municipal and provincial requirements. An open-air fire permit does not relieve the applicant of his/her responsibility to comply with all other regulations or statutes.

Processing fees of \$25 (Annual Open Air Fire Permit) and \$75 (Specific Event Open Air Fire Permit) respectively are proposed for the processing of the permits. These fees will enable the Town to recover related administration costs.

General Open Air Fire Restrictions

The proposed by-law provides that:

- there be no open air fires when a ban on open air fires is issued by the Fire Chief
- in areas where open air fires is permitted, a permit be obtained
- open air fires are permitted only in areas so designated in the attached maps and with a permit; and
- no open air fires occur before sunrise and after sunset for the burning of brush.

Open air fires are further regulated in relation to: the method used to light the fire; the size of the fire; prohibited material(s) being burned; (grass, leaves, garbage, pressure or creosote treated wood, plastics or other combustibles that produce toxic fumes are prohibited); distances from other combustible material and distances from public roadways.

At certain times of the year and as conditions warrant, the Fire Chief may issue a complete ban on open air fires. When a ban is issued, all open air fires are prohibited with the exception of actual cooking that is taking place on a barbecue. For public health and safety reasons, the Fire Chief can limit open air fires even when a permit has been issued.

Campfires and Outdoor Fireplaces

In addition to the general requirements for open air fires, additional requirements specific to campfires and outdoor fireplaces are outlined in the proposed by-law. These additional requirements recognize the differences between certain types of open air fires, while still providing for public safety.

The Ontario Fire Marshal (OFM) has stated that the use of outdoor fireplaces such as chimineas should be classified as an open air fire and be treated as such. The proposed by-law classifies outdoor fireplaces as open air fires. Outdoor fireplaces and chimineas vary in design from a steel firebox with a screened opening and short vent stack to a clay firepot with an opening for fuel loading and a short vent stack, similar in appearance to a large flower vase. Barbecues may be used outdoors in all areas of the Town of Amherstburg without prior authorization from the Fire Chief (the only exception being balconies).

Specific Events

The proposed by-law provides that camp fires or open air fires in an outdoor fireplace in an urban area, or “no burn” zone, may be authorized by the Fire Chief for cultural, religious or recreational specific events as defined in the Municipal Fees By-law and held by a legally-recognized not-for-profit organizations or religious institutions on approved sites, subject to specific guidelines for the event. A fee of \$75 is proposed for this one-time permit, which is valid only for the day or days of the specific event.

ENVIRONMENTAL IMPLICATIONS

The proposed by-law recognizes that only untreated wood may be burnt, thereby reducing any environmental concerns which may be associated with burning.

Worthy of note is that the proposed by-law is superceded by any, and all, provincial and/or federal statutes as they pertain to open air fires.

RURAL IMPLICATIONS

Rural distinctiveness recognized by the former municipal regulations has been maintained or has undergone minimal modification to help its representation in the context of the proposed by-law.

4. RISK ANALYSIS:

Open air burning and campfires will continue to take place in all (Urban, Sub-Urban and Rural) areas of the Town of Amherstburg. The current situation where illegal burns take place in spring, summer and fall with no appropriate controls in place will continue. Enforcement of the current by-law is not manageable with current resources. Fire Services is limited to responding to complaints with very little information often resulting in full station responses. Costs to ratepayers will continue to rise should Council not wish to move forward with a solution to this issue.

5. FINANCIAL MATTERS:

The fees collected from the proposed permit program will be expected to only partially offset the cost of administration and enforcement. The fees have been set at nominal rates in order to encourage compliance.

6. CONSULTATIONS:

A notice advertising the proposed by-law and the date and time of the Public Consultations at which time Comments can be provided, will appear in the Media. The notice will also be published on Social Media.

A series of three (3) evening public open house sessions will be provided on August 17th, September 12th & 26th, 2017. A brief PowerPoint presentation will be provided to

the public prior to receiving comments. A copy of the presentation is attached to this report as Document 4.

Copies of the report and proposed by-law will be forwarded to individuals and organizations that express interest in the subject matter upon request.

Consultation and review was conducted with;

- Ontario Ministry of the Environment, Model Municipal Code of Practice for Open Air Burning in Ontario (2010 ed.)
- Canadian Council of Ministers of the Environment, Guidance Document for Canadian Jurisdictions on Open-Air Burning (2016 ed.)
- Forest Fires Prevention Act R.S.O.
- Essex County Municipalities, City of Chatham Kent, City of Ottawa, City of Hamilton, City of Brandon Man.



Bruce Montone
Fire Chief

BM/bm

DEPARTMENTS/OTHERS CONSULTED:

Name: Nicole Rubli - *Manager of Licensing and Enforcement*

Report Approval Details

Document Title:	Draft Open Fires By-law and Public Consultations.docx
Attachments:	- New OpenBurnRestrictedProperties.jpg - 2017-XX - Open Burn Bylaw Draft doc.doc - Permit Amherstburg.docx - Open House Open Burning Presentation.ppt
Final Approval Date:	Jul 25, 2017

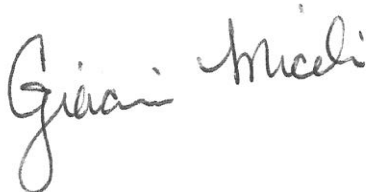
This report and all of its attachments were approved and signed as outlined below:



Justin Rousseau - Jul 25, 2017 - 11:20 AM



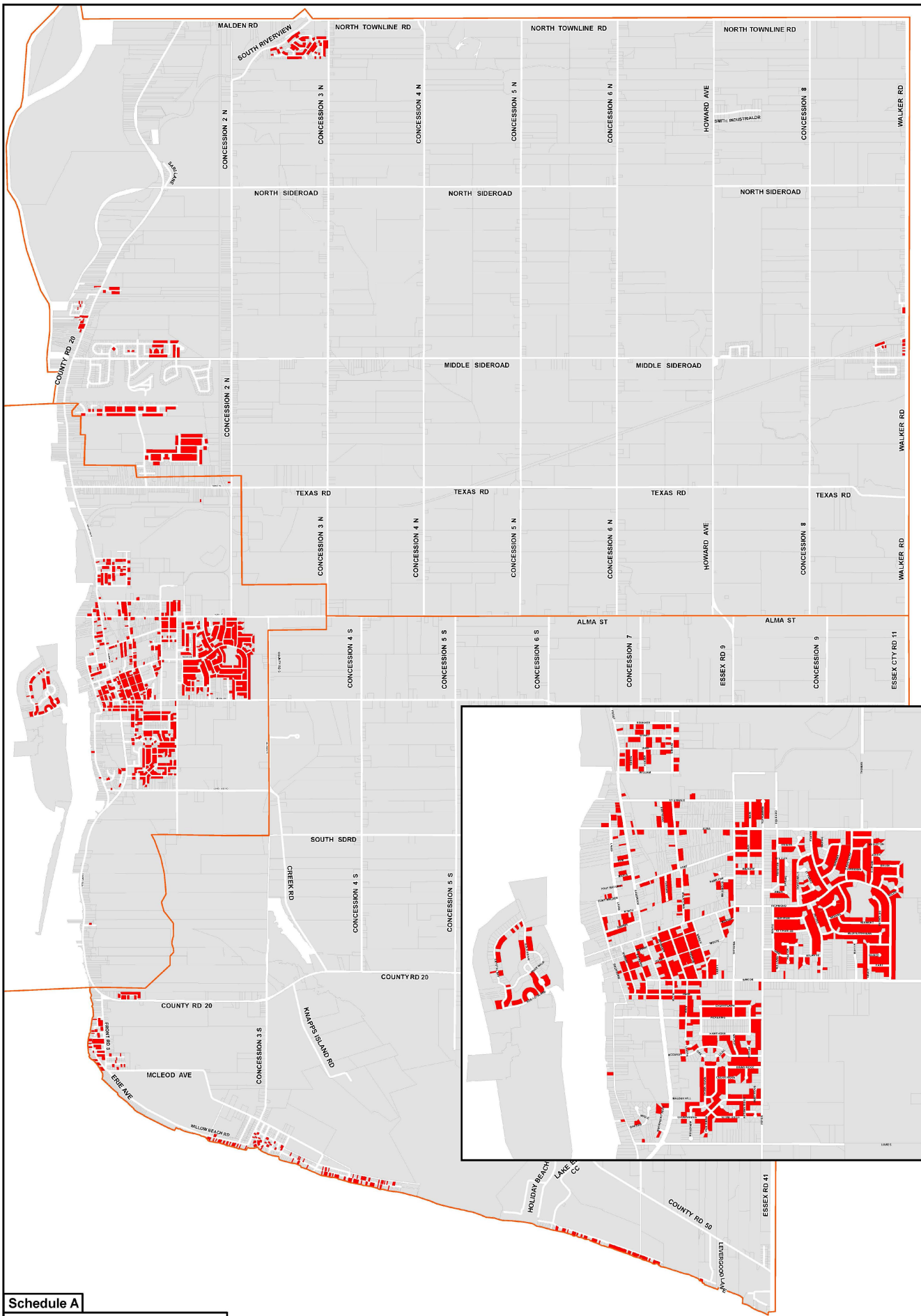
Mark Galvin - Jul 25, 2017 - 1:20 PM



John Miceli - Jul 25, 2017 - 2:01 PM




Paula Parker - Jul 25, 2017 - 9:00 PM



Schedule A

Legend

 Restricted Open Burning Properties - 3214

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2017-XX

By-law to regulate open air burning within the Town of Amherstburg

WHEREAS the Municipal Act, S.O. 2001, c. 25, as amended authorizes the municipality to regulate matters related to the health, safety and well-being of persons;

AND WHEREAS Section 7.1 (1) (a) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass By-laws regulating fire prevention, including the prevention of spreading fire;

AND WHEREAS Section 7.1 (1) (b) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass By-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 391 states that a municipality may pass by-laws imposing fees or charges on any class of Persons for services or activities provided or done by or on behalf of it; and

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it expedient to regulate the setting of open air fires, including establishing the times during which open air fires may be set.

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg enacts as follows:

1. **DEFINITIONS**

In this by-law:

- a. “**Act**” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the regulations enacted thereunder as amended from time to time;
- b. “**Applicant**” means a Person eighteen (18) years of age or more who is a registered legal Owner of the property upon which the Open Air Fire is to be burned or a Person eighteen (18) years of age or more who is the Occupier of the property upon which the Open Air Fire is to be burned and who has been provided with permission by a registered legal Owner of the property to burn an Open Air Fire;
- c. “**Barbeque**” means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires;
- d. “**Brush fire**” means an open air fire where the size of the material to be burned does not exceed 3 m in height, width and length and where the open air fire is set and maintained solely for the purposes of burning wood, tree limbs and branches;
- e. “**Building**” means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter accommodation or enclosure of persons animals or chattels;
- f. “**Burn drum**” means an open air fire set and maintained in an open top steel barrel that does not exceed 1.5 m in diameter and 1.5 m in height and where the open air fire is set and maintained for the purposes of burning wood, tree limbs, branches and non-compostable material limited to paper and sisal twine;

- g. “**Campfire**” means an open air fire where the size of the material to be burned does not exceed 60 cm in width and 50 cm in height, that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment;
- h. “**Campground**” means an area of land owned or operated by a person and that contains camp sites for the purpose of providing overnight accommodation for tents and trailers in exchange for monetary payment;
- i. “**Combustible material**” means material capable of burning including wood, paper, plastic and vegetation;
- j. “**Council**” means the Council of the Corporation of the Town of Amherstburg;
- k. “**Dangerous condition**” means any condition as determined by the Fire Chief that increases the risk of the spread of a fire or is adverse to public safety;
- l. “**Extinguish**” means an Open Air Fire that fully ceases from burning to a degree that the ashes are cold or no longer emits heat ensuring smouldering of material does not occur. (A buried fire is not considered extinguished);
- m. “**Farm**” means land devoted to the practice of farming and used primarily for the raising of livestock or the production, storage or processing of agricultural and horticultural produce or foods but does not include land used only as a residential occupancy. The Farm shall be registered as a farming business as defined in the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- n. “**Fire ban**” means a period of time during which the Fire Chief declares a total ban on Open Air Fires;
- o. “**Firebreak**” means open space that surrounds an open air fire and serves as a non-combustible obstacle to the spread of fire;
- p. “**Fire Chief**” means the person appointed by Town Council as Fire Chief for the Town or authorized designate, and for the purposes of this by-law includes Municipal Law Enforcement Officer;
- q. “**Highway**” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- r. “**Maintain**” means to allow an Open Air Fire to continue to burn, and “maintained” and “maintaining” have a corresponding meaning;
- s. “**Municipal Law Enforcement Officer**” means an individual appointed by the Town for the purpose of enforcing Town by-laws;
- t. “**Negative Impact**” means smoke that enters into a Building located on other property that may cause discomfort or loss of enjoyment to Persons;
- u. “**Occupant**” means any person or persons over the age of eighteen (18) years in possession of the property;
- v. “**Open air fire**” means the burning of material such as untreated wood, tree limbs and branches where the flame is not wholly contained and includes campfires, brush fires, burn drums, windrows and outdoor fireplaces, but does not include barbecues and personal warming devices;
- w. “**Open air fire permit (Permit)**” means a written conditional authorization issued

and administered by the Fire Chief to Set an Open Air Fire, as per any restrictions and conditions contained within this by-law or as may be specified on the Open Air Permit itself;

- x. “**Outdoor fireplace**” means a manufactured, non-combustible, enclosed container designated to hold a small fire for decorative purposes and the size of which does not exceed 1m in any direction and includes, but is not limited to a chiminea;
- y. “**Owner**” shall include any Person who is an owner of land either jointly or in common with any other Person or persons and shall include any or all of such persons;
- z. “**Permit Holder**” means a Person eighteen (18) years of age or more to whom an Open Air Permit has been issued by the Fire Chief;
- aa. “**Person**” means any individual, Owner, Occupant, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- bb. “**Personal warming device**” means a gas-fueled appliance used for personal warming that is in conformance with the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as may be amended from time to time, is for outdoor use and is installed in accordance with the manufacturer’s instructions;
- cc. “**Prohibited Materials**” includes but not limited to grass, leaves, garbage, pressure treated or creosote wood, or any combustibles that produce toxic fumes other than those produced by the burning of untreated wood, tree limbs or branches;
- dd. “**Restricted Area**” means the shaded areas shown on Schedule “A” within the Town, forming part of this by-law where Open Air Fires are prohibited;
- ee. “**Sensitive Receptor Place**” is a place specified by the Town as a place where the discharge of smoke may cause a risk to human health and may include but not limited to a health care facility, a senior citizen’s residence, long-term care facility, child care facility;
- ff. “**Set**” means to light an open air fire, and “setting” has a corresponding meaning;
- gg. “**Town**” means the Corporation of the Town of Amherstburg;
- hh. “**Windrow**” means an open air fire where the size of the material to be burned does not exceed 50 m in length, 5 m in width and 3 m in height and that is set and maintained solely for the purposes of burning wood, tree limbs and branches as part of farming practices for clearing agricultural land.

2. INTERPRETATION

- 2.1 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.2 Nothing in this by-law shall be interpreted as reducing or eliminating compliance with the provisions of all applicable Federal or Provincial statutes and regulations related to open air burning, and in particular the Fire Protection and Prevention Act.
- 2.3 In this by-law the word “metre” shall be represented by the abbreviation “m” and the word “centimeter” shall be represented by the abbreviation “cm”.

2.4 The by-law includes the Schedules annexed hereto, and the Schedules are hereby declared to form part of this by-law.

3. PROHIBITIONS

3.1 No Person shall Set or Maintain an Open Air Fire without an Open Air Permit.

3.2 No Person shall Set or Maintain an Open Air Fire in a Restricted Area.

3.3 No Person shall Set or Maintain an Open Air Fire during a Fire Ban.

3.4 No Person shall Set or Maintain an Open Air Fire that burns Prohibited Materials.

3.5 No Person shall Set or Maintain an Open Air Fire in a manner that violates a condition of the Open Air Permit in Section 6, 7, 8, or 9.

3.6 No Person shall Set or Maintain an Open Air Fire on any roadway, highway, park, easement, beach or other public property owned or operated by the Municipality without permission.

3.7 No Person shall Set or Maintain an Open Air Fire that burns any materials other than Combustible Material as defined in this by-law or other clean burning Combustible Materials approved by the Fire Chief.

3.8 No Person shall Set or Maintain an Open Air Fire where the smoke enters other property causing a negative impact.

3.9 No Person shall Set or Maintain an Open Air Fire within 100 m from a Sensitive Receptor Place.

3.10 No Person shall obstruct, hinder or otherwise interfere with a Municipal Law Enforcement Officer in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

4. EXEMPTIONS

4.1 The Amherstburg Fire Department shall be exempt from the provisions of this by law with respect to Open Air Fires for the purposes of training, educating individuals on fire safety or for research purposes.

4.2 Professional fire prevention trainers shall be exempt from the provisions of this by-law with respect to Open Air Fires set for the purposes of fire safety training pursuant to Section 2.8.2.1 of the Fire Code.

4.3 The Town shall be exempt from the provisions of this by-law with respect to Open Air Fires related to municipal works.

4.4 The use of a Barbeque or a Personal Warming Device is exempt from obtaining an Open Air Fire Permit

5. OPEN AIR FIRE PERMIT

5.1 Any Person eighteen (18) years of age or older may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire.

5.2 Any Person Owning or operating a Campground may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire.

- 5.3 Any Person Owning and operating a Farm may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire.
- 5.4 The application shall include:
- 5.4.1 the name, address, email address and phone number of the Applicant;
 - 5.4.2 the Owner's written consent to an Open Air Fire, if the Applicant is not the Owner of the property;
 - 5.4.3 the municipal address of the location of the proposed Open Air Fire;
 - 5.4.4 the Open Air Fire Permit fee;
 - 5.4.5 farming business registration number if required;
 - 5.4.6 other information as may be required by the Fire Chief;
- 5.5 A Permit is valid on the date of issue and for the balance of the calendar year in which the permit is issued.
- 5.6 The Fire Chief reserves the right to issue or deny issuing an Open Air Fire Permit.

6. OPEN AIR FIRE PERMIT CONDITIONS

- 6.1 The Permit Holder shall comply at all times with the Act and all other applicable municipal by-laws, provincial and federal laws.
- 6.2 A Permit for an Open Air Fire is not transferable to another Person or to a new location.
- 6.3 No Permit Holder shall Set or Maintain an Open Air Fire unless the Permit Holder:
- 6.3.1 Receives permission on the day of the proposed Open Air Fire;
 - 6.3.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Open Air Fire at all times from the time of the Setting of the Open Air Fire until it is fully extinguished;
 - 6.3.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 6.3.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use at the site of the Open Air Fire;
 - 6.3.5 Immediately extinguishes the Open Air Fire upon so ordered by the Fire Chief;
 - 6.3.6 Burns from sunrise to sunset on any day with the exceptions of Campfires and Outdoor Fireplaces;
 - 6.3.7 Burns only Combustible Materials or fuel permitted in a Burn Drum
 - 6.3.8 Complies to any additional conditions to a Permit imposed by the Fire Chief;

- 6.4 Where the material to be burned in an Open Air Fire is 2 m or less in length, width and height or is in a Burn Drum, no Permit Holder shall Set or Maintain and Open Air Fire:
- 6.4.1 At a distance of less than 30 m from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25 m from another Open Air Fire;
 - 6.4.2 At a distance of at least a 15 m radius where Combustible Material other than a Building, hedge, fence or overhead wiring or a highway is present;
- 6.6 Where the material to be burned in an Open Air Fire is between 2 m and 3 m in length, width and height or is in a Burn Drum, no Permit Holder shall Set or Maintain and Open Air Fire:
- 6.6.1 At a distance of less than 60 m from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25 m from another Open Air Fire;
 - 6.6.2 At a distance of at least a 15 m radius where Combustible Material other than a Building, hedge, fence or overhead wiring or a highway is present.

7. OPEN AIR PERMIT CAMPFIRE CONDITIONS

- 7.1 No Permit Holder shall Set or Maintain a Campfire unless the Permit Holder:
- 7.1.1 Receives permission on the day of the proposed Campfire;
 - 7.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Campfire at all times from the time of the Setting of the Campfire until it is fully extinguished;
 - 7.1.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 7.1.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use at the site of the Campfire;
 - 7.1.5 Immediately extinguishes the Campfire upon so ordered by the Fire Chief;
 - 7.1.6 Burns only dry firewood;
 - 7.1.7 Ensures the Campfire does not exceed 60 cm in width at the largest point or is piled higher than 50 cm in height;
 - 7.1.8 Ensures the Campfire is located at a distance of not less than 15 m from any building, hedge, fence, Highway, overhead wiring or other Combustible Material;
 - 7.1.9 Ensure the Campfire is located a distance of not less than 10 m from any Building, hedge, fence, overhead wiring or other Combustible Material or a Highway where the Campfire is surrounded by non-Combustible material to a minimum height of 30 cm.

7.1.10 Complies with any additional conditions to a Permit imposed by the Fire Chief.

8. OPEN AIR PERMIT OUTDOOR FIREPLACE CONDITIONS

8.1 No Permit Holder shall Set or Maintain an Outdoor Fireplace unless the Permit Holder:

- 8.1.1 Receives permission on the day of the proposed Outdoor Fireplace Fire;
- 8.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Outdoor Fire Place Fire at all times from the time of the Setting of the Outdoor Fireplace Fire until it is fully extinguished;
- 8.1.3 Produces his or her Permit upon being so directed by the Fire Chief;
- 8.1.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use on the Outdoor Fireplace Fire;
- 8.1.5 Immediately extinguishes the Outdoor Fireplace Fire upon so ordered by the Fire Chief;
- 8.1.6 Burns only dry firewood;
- 8.1.7 Ensures the Outdoor Fireplace Fire is located at a distance of not less than 5 m from any building, hedge, fence, Highway, overhead wiring or other Combustible Material;
- 8.1.8 Complies with any additional conditions to a Permit imposed by the Fire Chief.

9. OPEN AIR PERMIT WINDROW CONDITIONS

9.1 No Permit Holder shall Set or Maintain a Windrow unless the Permit Holder:

- 9.1.1 Receives permission on the day of the proposed Windrow;
- 9.1.2 Sets or Maintains a Windrow between Monday to Friday, inclusive;
- 9.1.3 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Campfire at all times from the time of the Setting of the Campfire until it is fully extinguished;
- 9.1.4 Produces his or her Permit upon being so directed by the Fire Chief;
- 9.1.5 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use at the site of the Windrow;
- 9.1.6 Immediately extinguishes the Windrow upon so ordered by the Fire Chief;
- 9.1.7 Ensures the Windrow is located a distance of not less than 90 m from a Building, overhead wiring or Highway;
- 9.1.8 Ensures the Windrow is located a distance of not less than 60 m from a wooden fence rail, hedge or standing timber;

- 9.1.9 Ensures the Windrow is located a distance of not less than 30 m from any other Combustible Material;
- 9.1.10 Ensures a firebreak of 5 m in width surrounds the windrow until it is extinguished;
- 9.1.11 Ensures the Windrow is constructed at right angles to the prevailing wind direction;
- 9.1.12 Ensure the Windrow is constructed on soil other than peat soil types;
- 9.1.13 Ensure there is a separation distance of at least 15 m between the ends of the Windrows and at least 25 m between parallel Windrows, of more than one Windrow is Set or Maintained at the same time;
- 9.1.14 Ensure the Windrow is Set first at its centre;
- 9.1.15 Ceases to add material to the Windrow if a Fire Ban comes into effect.

10. SPECIAL EVENT OPEN AIR FIRE

- 10.1 A community not-for-profit organization or a religious institution may apply in writing to the Fire Chief for an Open Air Fire Permit to conduct Campfires or Open Air Fire in an Outdoor Fireplace for cultural, religious or recreational specific events.
- 10.2 The Fire Chief may issue an Open Air Permit subject to compliance with Section 6, 7 or 8 as applicable and any other conditions imposed by the Fire Chief.
- 10.3 A Permit issued for a special event is valid only for the days or days of the specific event.

11. PERMIT FEES

- 11.1 The non-refundable Permit application fee is set out in of the Town's User Fee By-law as amended from time to time.

12. REVOCAION

- 12.1 A Permit issued to a Permit Holder may be revoked by the Fire Chief if in his or her opinion a dangerous condition exists in or near the site of the Open Air Fire.
- 12.2 A Permit issued to a Permit Holder may be revoked by the Fire Chief if the Permit Holder fails to comply with the requirements of the Permit and any other provisions of this by-law.

13. OFFENCES AND PENALTIES

- 13.1 Every person who contravenes any section of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence.
- 13.2 If a contravention of this by-law results in Amherstburg Fire Services being dispatched to the property, the Owner may be invoiced at the discretion of the Fire Chief for the cost of the response in accordance with the Town's User Fee

By-law as amended from time to time.

14. SEVERABILITY

- 14.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.
- 14.2 When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

15. REPEAL

- 15.1 By-law 1998-91 being a by-law restricting the setting of fires within the Town of Amherstburg is hereby repealed.

16. SHORT TITLE

- 16.1 This by-law may be referred to as the Open Air Fire By-law.

Read a first, second and third time and finally passed this XXth day of _____, 2017.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

Document 3
Town of Amherstburg
FIRE PERMIT APPLICATION

Permit No. [REDACTED]

Permit Holder: [REDACTED] New Renewal

Permit Holder Representative: [REDACTED]
(only required where Permit Holder is not an individual)

Telephone: Home [REDACTED] Cell [REDACTED] E-mail [REDACTED]

Address of Permit Holder: [REDACTED]

Burn Site Address: [REDACTED]

Rural Address Number Posted; specify [REDACTED] Temporary Site Poster Provided

Date(s) of Burn: [REDACTED] Time of Burn Start: [REDACTED] Finish: [REDACTED]

Fire and Emergency Services Contact (other than 911): [REDACTED]

Type of Permit

- Residential fires (\$25.00): single season for a small confined fire
- Outdoor Recreational Fireplace (\$25.00): annual
- Agricultural - permit recommended for farm operations (no fee)
- Special Event (\$75.00) One Time event

Note: burning of any waste materials is prohibited; fire permits are not generally issued for land clearing for commercial purposes and construction site materials when other alternatives are available for disposal. Chipping, composting and wood reuse is recommended.

Total Fee Paid \$ [REDACTED] Received by: [REDACTED]

Burn Materials :

- Hardwood
- Softwood
- Mixed (Hardwood and Softwood)

Burn Procedure: Open Pile or Burn Barrel or Both

Open Pile or Burn Barrel Maximum Dimensions are 1m x 1m x 1m unless approved below:
Length [REDACTED] m Width [REDACTED] m Height [REDACTED] m

Required Provisions for Extinguishment: Garden hose Extinguisher Other [REDACTED]
Other Site Specific Requirements/Conditions: [REDACTED]

Conditions/Requirements

Every holder of an Open Air Fire Permit must:

- Contact the Amherstburg Fire Department for permission on the day of each proposed open air fire by calling (519) XXX-XXXX & not set or maintain an open air fire when a **fire ban is in effect and Burning is not allowed.**
- ensure that a person eighteen (18) years of age or older maintains constant watch and control over the open air fire at all times from the time of the setting of the fire until the fire is totally extinguished
- produce his or her permit upon being so directed by the Fire Chief or designate
- immediately extinguish the fire upon being so ordered by the Fire Chief or designate
- have equipment capable of extinguishing the fire such as rakes, shovels, or water (Buckets or Garden Hose) immediately available for use at the site of the open air fire
- ensure that open air fires of any type are not set or maintained with the aid of flammable or combustible liquids
- use, In an open air fire, only **hard** wood, tree limbs and branches. Unless

- otherwise specified under the additional requirements for specific open air fires
- not use, in an open air fire, prohibited materials including grass, leaves, garbage, pressure treated or creosote treated wood, or any combustibles that produce toxic fumes other than those produced by the burning of untreated wood. tree limbs or branches
- not set or maintain an open air fire that exceeds the size limits set out in this permit
- comply at all times with the additional requirements set out below or
- additional conditions specified on the permit or deemed necessary by the Fire Chief.

Outdoor Fireplaces:

Outdoor fireplace means a manufactured non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1m (3ft) in any direction and includes, but is not limited to, a chiminea located a distance of not less than 5m (15ft) from any building, hedge, fence, overhead wiring or other combustible material or a highway and is equipped with a spark arrester and located on a non-combustible surface extending beyond the outdoor fireplace to a dimension equal to the height of the outdoor fireplace *use only dry firewood*

Campfires:

Campfire means an open air fire where the material to be burned does not exceed 60cm (2ft) in width and 50cm (1.5ft) in height, that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment

- the material to be burned may not exceed 60cm (2ft) in width at the largest point, or be piled higher than 50cm (1.5ft) in height
use only dry firewood
- located a distance of not less than 10m (30ft) from any building, hedge, fence, overhead wiring or other combustible material or a highway where the campfire is not surrounded by non-combustible material (i.e. Brick, Masonry, Asbestos Mill board etc.).

*** NOTE: May locate a distance of not less than 5m (15ft) from any building, hedge, fence, overhead wiring or other combustible material or a highway where the campfire is surrounded by non-combustible material a minimum of 1m from the centre to a minimum height of 30cm (1ft)**

Revocation of Permit: Be aware that the *Town of Amherstburg* may temporarily or permanently suspend this permit in the following circumstances? (Initial each to confirm applicant's awareness):

- An Air Quality Advisory, Fire Restriction or Fire Ban is issued for your area
- When high winds are forecasted which might contribute to the threat of fire spreading
- During periods of drought
- Any complaint received while burning or any other condition deemed to create an extra risk
- The undersigned acknowledges having read and understood the regulations outlined herein, and agrees to indemnify and save harmless the Town of Amherstburg from any and all claims, demands, causes of action, losses, costs or damages that the Town of Amherstburg may suffer, incur or be liable for resulting from the open air fires as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.
- Further, the undersigned acknowledges that the Town of Amherstburg Fees for Services bylaw as amended, may be imposed for response to open air fires where conditions and Requirements are not met by the applicant.

Permit Holder's Signature

Date

Witness

All permits issued expire on December 31 of the year they are issued



Town Of Amherstburg



Open House about Open Burning



Current Open Burning (By-law 1998-91)

In an Area where Farming is Conducted

- *Containment not Required*
- *Notification to AFD 2hrs. Prior to setting the fire*

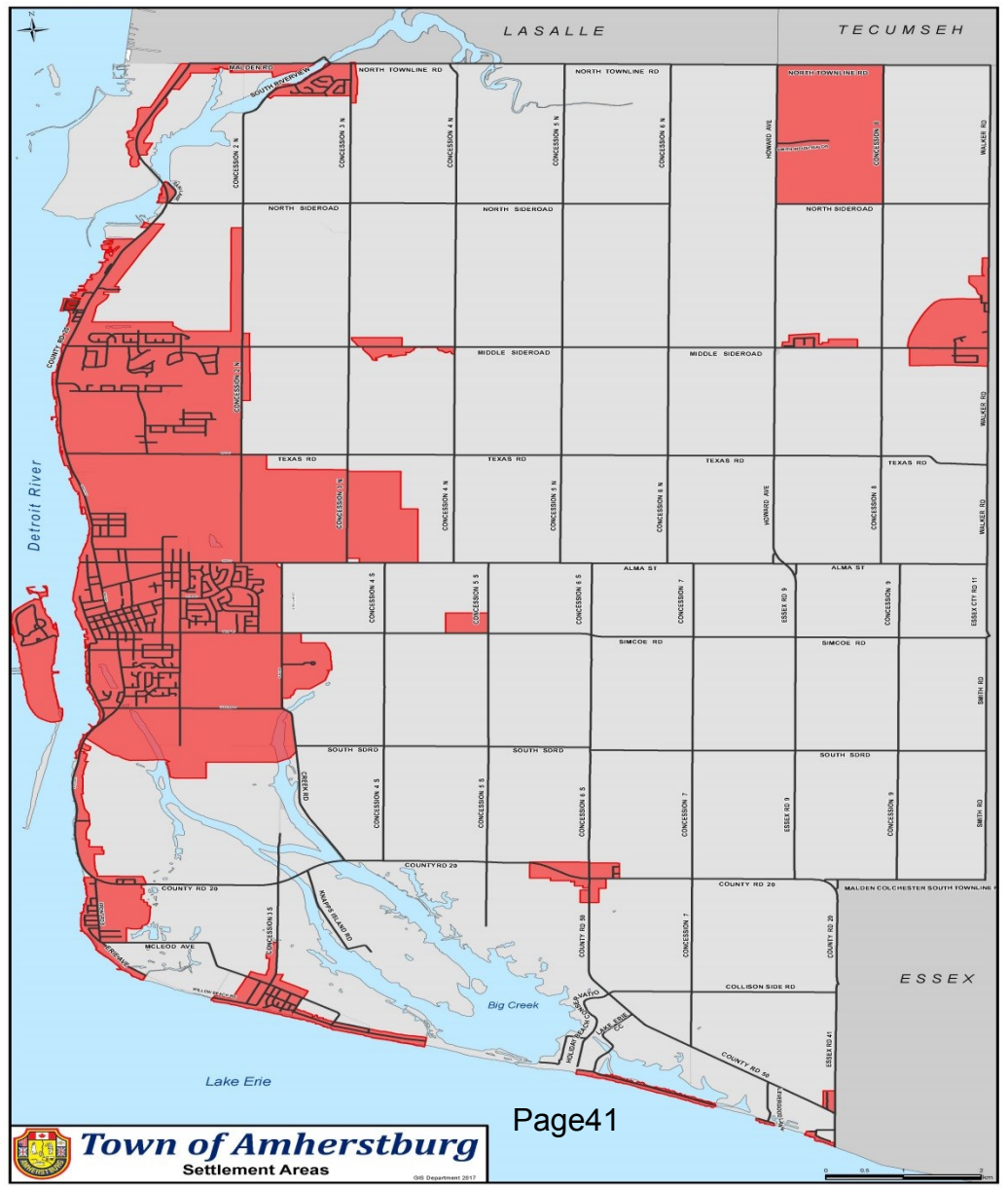
Camp Fires are permitted in camping Establishments

- *WillowWood, WildWood and Girl Guides camp*

Cooking Fires

- *A Fire wholly contained that is used for the preparation of Food shall not be deemed to be a fire for the purposes of the by-Law*

Restricted Open Burning Areas



Open Burning Rules

Materials

- ✓ Wood, Brush, sticks

Not Permitted

- Grass and Leaves

If It Doesn't Grow, Don't Burn It



It is always illegal to burn trash and other non-vegetative material

Never Burn These Materials:

- Trash, garbage
- Lumber and Pallets
- Treated wood
- Tires
- Newspapers and other paper products
- Wire and coated wire
- Structures – *standing or demolished*
- Asphalt shingles
- Plastics, synthetics
- Heavy oils
- Paints
- Household, agricultural chemicals

Residential Yard Waste Burning IS NOT PERMITTED



Land Clearing Debris Burning



Land Clearing Debris Burning

Is Only Permitted in an Area where Farming is Conducted

- Only vegetative material such as logs, stumps and limbs
- Start and add to the pile only between 8 a.m. and 6 p.m.
- Setback Requirements:
 - 250 feet (75 m) from public road (*Wind Direction and Weather Forecast*)
 - 500 feet (150 m) from occupied structure
 - Air Quality Forecast

Where is this smoke going?



Setback requirements reduce impact on surrounding areas.



County of Essex

All Municipalities Except
Amherstburg have Permissive
By-laws

City of Windsor uses the
Ontario Fire Code

Best Practices Review

- Model Municipal Code of Practice for Open Air Burning in Ontario (2010 ed.)



2016 ed. Guidance Document on Open Air Burning

- Forest Fire Prevention Act
- Essex County, Chatham Kent, City of Ottawa, City of Hamilton, City of Brandon Man.

Why Limit Open Burning?



- Smoke from Uncontrolled open burning pollutes the air and is unhealthy to breathe
- Community Air Zone Management
- Environmental Effects (can damage trees and crops)
- Nuisance problems (odours)
- Protection of Lives and Property Damage

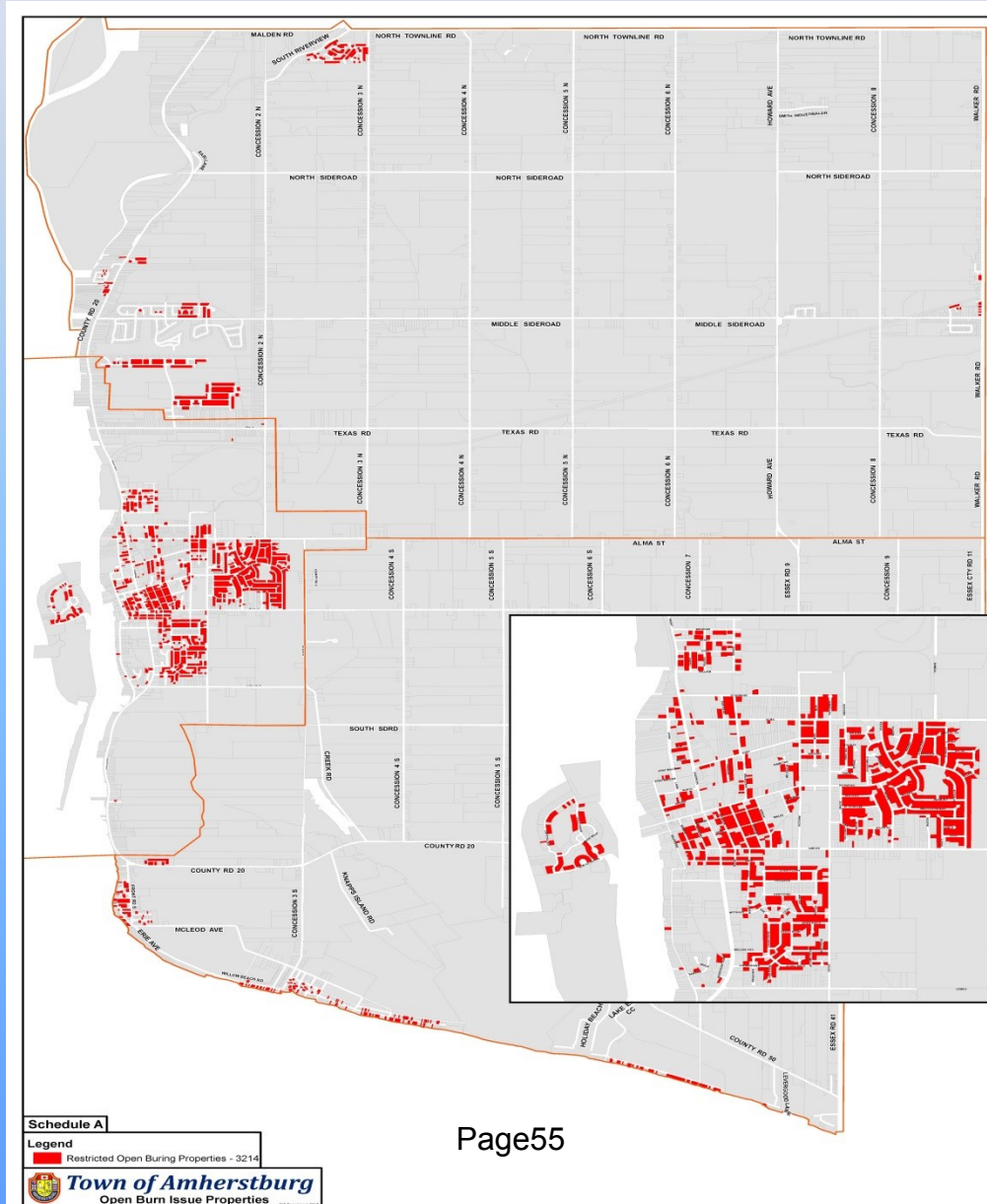
- Opportunity for Public Education
- Currently open Air Fires (Primarily Camp Fires) occur regularly in all parts of the Town without notice, regulation and marginal enforcement. (Since Feb. 2016 we have had 54 open air complaint responses at a cost of \$12,480.00 for the volunteer response)
- 54 Complaint responses produced 19 invoices for our responses for a total of \$6,975.00 in recoverable expenses
- Consider Meteorological Conditions (Wind Speed, direction, Rain, Fog Snow, Drought, Temperature And Relative Humidity
- Times of Day or Evening?
- Site Preparation
- Supervision/suppression
- Sensitive Receptors

Public Consultation-Open Houses



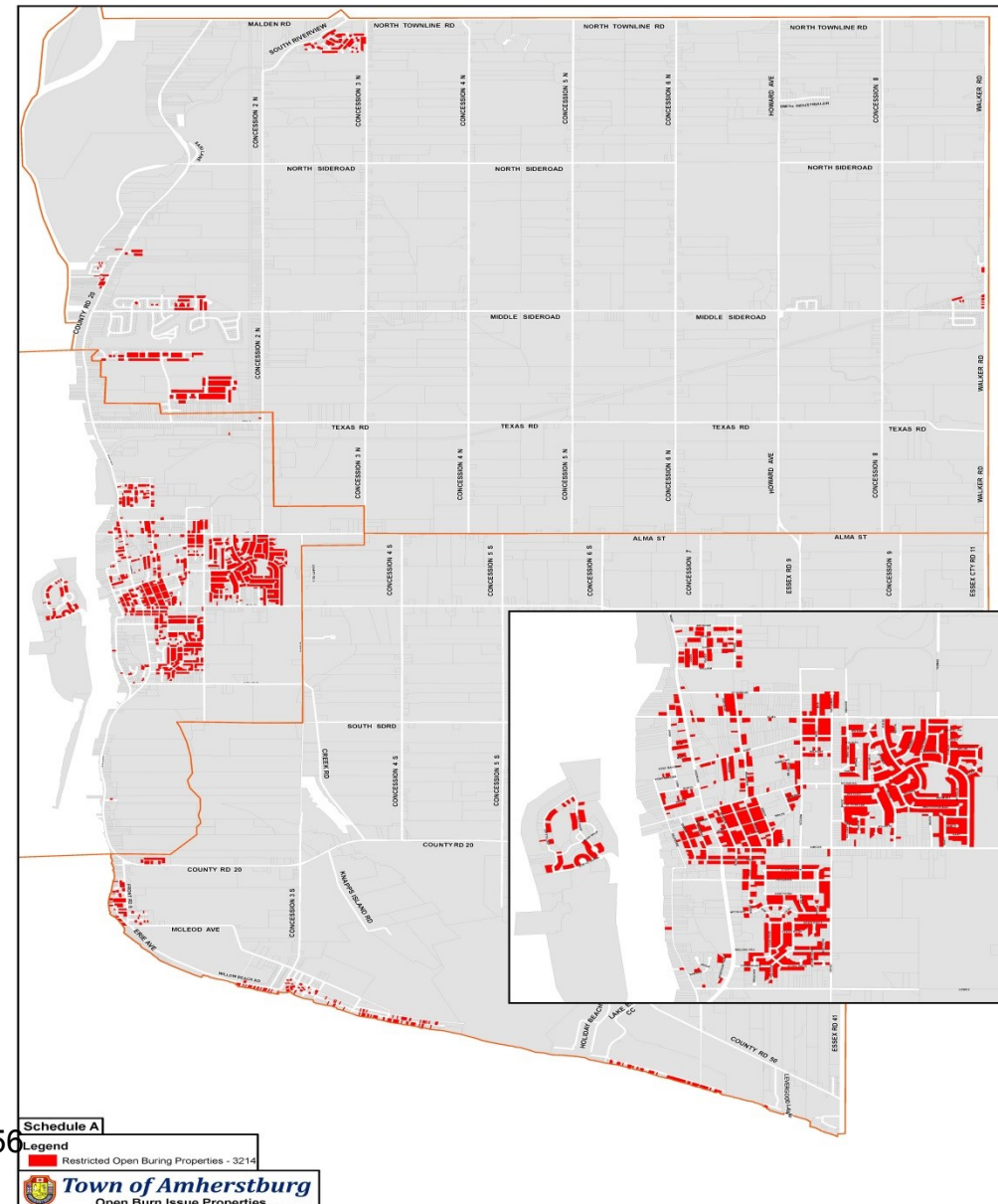
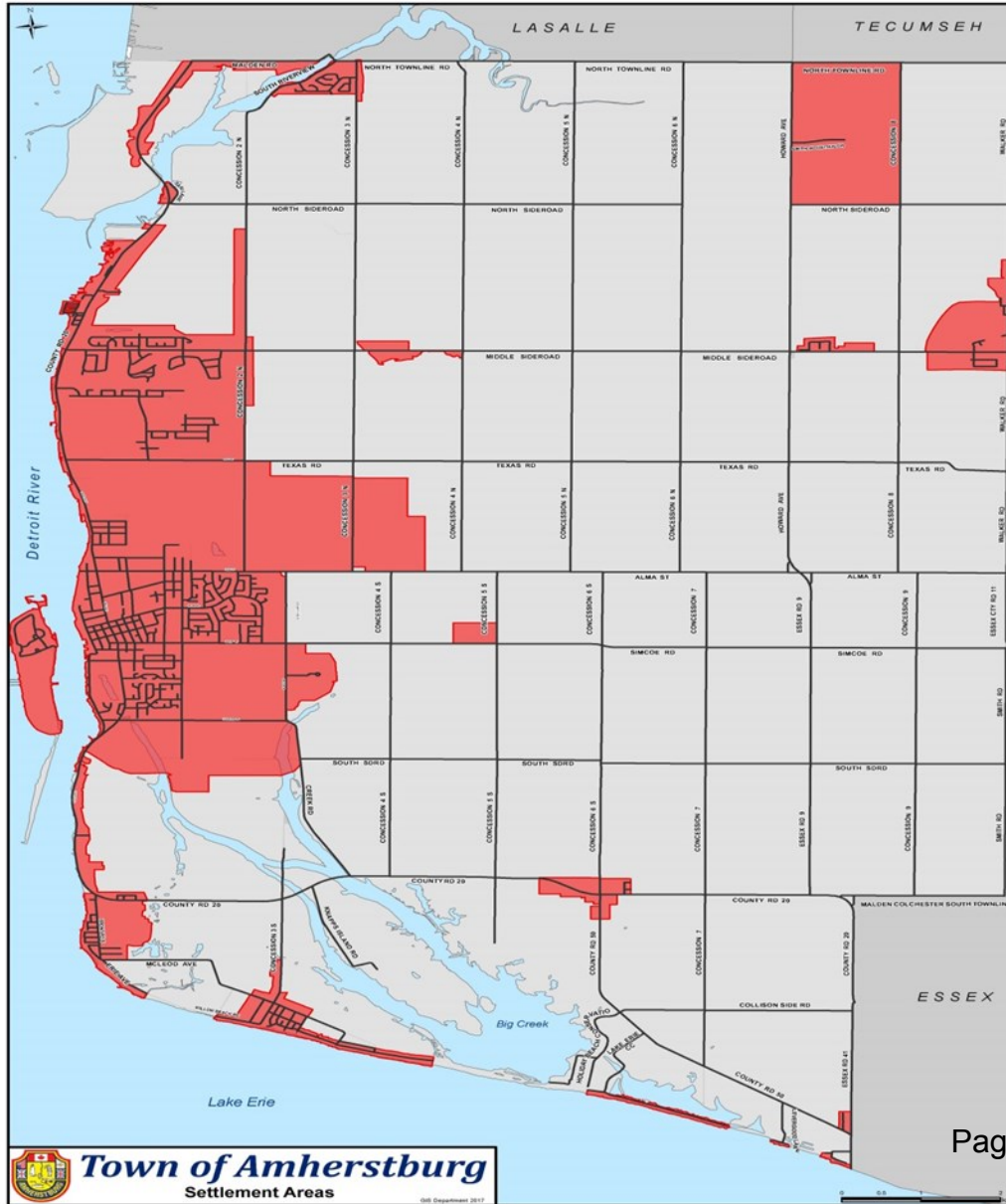
- August 17 –Libro ctr
- Sept 12 – Station #3
- Sept 26 Station #2
- On-Line Survey From August 3 – Sept 27

New Restricted Areas for fires based on required clearances



Current

NEW



Schedule A
Legend
■ Restricted Open Burning Properties - 3214
Town of Amherstburg
Open Burn Issue Properties

Proposed Allowable Burning

- Campfires (2ftX2Ft/60cmX60cm)
- Outdoor cooking
- Recreational Outdoor Fire Places
- Special Event activities (i.e. Religious, Ceremonial)
- Managing forests or wildlife habitats
- Controlling agricultural pests and diseases
- Disposing of storm debris from natural disasters (*Requires MOE prior approval*)

Complaint Investigation Process

- AFD receives complaint from:
 - Citizens
 - Other agencies (Police Dept, PWD, etc)
- All complaints are investigated by:
 - AFD Duty officer (phone, site visit)
 - Other agencies (byLaw, MOE)
- Complaints investigated by other agencies:
 - Referral of information to AFD
 - AFD may do site visit (depending on nature and severity of burn)
 - AFD addresses every complaint received

Enforcement

- If a violation is Confirmed and documented, AFD will:
 - Issue Summons (FPPA)
or
 - Issue an Invoice in accordance with Town of Amherstburg Fees By-Law
 - Assessment -\$225.00 – Duty Officer
 - \$450.00 (< 6 FF)
 - \$900.00 (6 or More FF)

If a violation cannot be Confirmed, AFD will:

- Close case – may issue an open burning information letter

Open Burning Alternatives

- Compost yard waste
- Chip tree limbs
- Land clearing debris
 - Haul to sawmill or pulpwood yard
 - Chip or tub grind remaining material
- Recycle or re-use non-vegetative material
- Contact local solid waste facility

BEFORE YOU BURN!

Do you have a permit?

Check the Town of Amherstburg Website before you burn!

- Website:
www.amherstburg.ca
- Call the Town Open Fires Permission Line
- Phone: 519-
- Call the On duty Staff at Station #2 519-736-5733
- Twitter: Town of Amherstburg or Amherstburg Fire
- Forecast will come out at 9 a.m. on the day



QUESTIONS/COMMENTS ?