



SUBJECT: Open Air Burning 2020 Pilot North Aldershot Extension

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Fire Department

Report Number: BFD-02-21

Wards Affected: Ward 1

File Numbers: 755-04

Date to Committee: February 4, 2021

Date to Council: February 16, 2021

Recommendation:

Approve an extension to the open air burning pilot in the North Aldershot area, from March 1, 2021 to December 31, 2022 as outlined in Burlington fire department report BFD-02-21; and

Direct staff to report back in 2023 to advise council on their final recommendations to revise or uphold the allowed burning areas defined in By-law 65-2019, Appendix A to Burlington fire department report BFD-02-21.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
 - Deliver customer centric services with a focus on efficiency and technology transformation
-

Background and Discussion:

Through MO-09-19 the Fire Chief was asked to investigate revising the City of Burlington's ("City") open air burning (OAB) permitted areas to consider including rural areas south of Dundas Street and report back with options.

December 2019, staff provided report BFD-05-19, where council selected the option to conduct an open air burning pilot ("Pilot"), with permitted approval issued by the

Burlington Fire Department, in North Aldershot. This Pilot began March 15, 2020 and concluded November 15, 2020.

As part of the Pilot option, staff noted that a follow up report would be provided back to council in 2021, using the performance measures listed below. This was prior to the COVID-19 pandemic, which altered services provided by the City of Burlington.

OAB Pilot 2020 Performance Measures

- 8 permit requests; 2 permits issued, and 6 permits denied
- 0 complaints,
- 0 non-compliance,
- 0 9-1-1 calls for visible smoke and required response by firefighters,
- 95 staff hours dedicated to this pilot program in 2020.

In report BFD-05-19, staff also shared some of their concerns for OAB being conducted in the North Aldershot area. The key concerns were smoke migration onto major thruways, such as the 403 and QEW, a potential increase to 9-1-1 fire calls and nuisance smoke complaints received from residents. As noted in the performance measures above, to date, staff have not received any complaints for these key concerns.

It is important to note that there has been a minimal number of requests for OAB permits during the 2020 Pilot. There are 74 properties in the North Aldershot areas that may meet the requirements for an OAB permit; however, only eight (8) permit requests were submitted, with two (2) properties meeting the restrictions of the open air burning by-law, and an approved OAB permit being issued. Currently, this equates to only 11% of the North Aldershot area submitting a request for an OAB permit and approximately 3% being approved to conduct OAB. The reason for the low number of requests is not known. Some of the suspected reasons are as follows:

1. Residents are conducting OAB without permitted approval; however, no complaints have been received by the fire department,
2. Residents may not be aware of the Pilot program. This may be due to community focus on the pandemic, which also began in March 2020.
3. Residents don't need or want to conduct OAB, as previously communicated by some residents in the North Aldershot area.

Prior to the start of the Pilot, a full communication plan was coordinated with corporate communications and the Pilot was shared with North Aldershot residents through various communication channels. The information shared, included the start and end dates of the Pilot, the required process to request an OAB permit and the implications for OAB non-compliance.

The start date of the Pilot was March 15, 2020 and on March 17, 2020 the Province of Ontario announced the enactment of a Declaration of Emergency due to the COVID-19 pandemic. Following city and public health guidelines, from March 2020 to July 2020, all OAB permit requests were postponed. In June 2020, OAB permit requests were reviewed and the mandatory fire prevention property site inspections started again, following established safety protocols. The end date of the Pilot was November 15, 2020, when all OAB permit request site inspections ended.

Section 2.4.4.4. (1) of the Fire Code, Ontario Regulation 213/07, as amended, prohibits open air burning unless approved. The City's Open Air Burning By-law 65-2019 outlines fire safety provisions for approved open air burning. All requests for OAB require a municipal address to be located within the OAB approved areas within City boundaries. Appendix A of By-law 65-2019 maps out rural properties north of Dundas Street and 407. There is no approved open air burning in the urban areas of the City. The North Aldershot area is shown on Appendix A as a Pilot. Regardless of a property being located within an approved OAB area, the property must meet the defined restrictions outlined within the OAB by-law, as amended. Some of these restrictions include the time of day, wind speed, fire site location, fire exposures, fire ban in affect and other restrictions noted by fire prevention to ensure fire risk is mitigated.

As part of the Pilot extension, staff are not recommending any revisions to the conditions and restrictions contained within the OAB by-law, only the for the North Aldershot area to be included as a Pilot for OAB burning.

Strategy/process

Staff are recommending that council extend the OAB Pilot from March 1, 2021 to December 31, 2022, for the following rationale;

- To date, there have been no major concerns or complaints received by the fire department for properties in the North Aldershot area as part of the Pilot,
- There has been a very low number of OAB permit submissions, which does not provide staff with enough information to make an informed decision.
- Staff do not know if similar timing of the OAB Pilot and the pandemic may have impacted communication of the Pilot due to community focus on the pandemic.
- Allows for additional time to communicate again with North Aldershot residents to ensure they are aware of the Pilot,
- Staff recognize that for a portion of the Pilot, fire inspection services were halted due to the pandemic, which did not provide a full OAB season as initially planned,
- An approved permit process has now been established eliminating the need for in person interactions for OAB site inspections and approved permit issuance.

Pending many unknowns during the continuation of the pandemic into 2021, at this time, staff feel extending the Pilot until December 31, 2022 will provide staff with additional time to investigate why the number of requests was lower than expected, communicate with North Aldershot residents again advising of the Pilot extension and continue to monitor OAB within the established performance measures. Staff feel this will provide a more accurate outcome and provide better information to make an informed decision; whether to recommend including or excluding North Aldershot from the approved OAB burning areas.

Options Considered

The two options provided below are for properties located within North Aldershot.

Option 1 - Extend Open Air Burning Pilot – Recommended Option

Extend the OAB Pilot from March 1, 2021 to December 31, 2022

As noted earlier in this report, due to the similar timing of the 2020 OAB Pilot and COVID-19 pandemic, the lower than anticipated OAB permit requests and the fact that there have been no major concerns reported to the fire department, staff are recommending that council approve a Pilot extension into 2021 and 2022 to allow permitted OAB in the North Aldershot area. The intent is to provide staff with additional data and time to make an informed decision.

With this option, staff request that the Fire Chief have the authority to end the pilot at any time due to significant concerns; such as smoke impacting visibility on any thruways, increased number of complaints, calls from Ministry of Transportation (MTO), a negative impact to fire resources and that the Fire Chief advise council if the Pilot program is ended.

If this is the preferred option of council, staff will provide a follow up report in 2023 noting a recommendation to either include or exclude OAB in approved areas of North Aldershot.

Option 2 - Do Not Extend Open Air Burning Pilot 2021

Based on the lack of data and evidence, at this time, staff cannot recommend any permanent revisions to Bylaw 65-2019 to allow OAB within areas of North Aldershot.

If this is the preferred option of council, staff will work with corporate communications to ensure all residents in the North Aldershot area are informed that the OAB Pilot has ended and that OAB will not be permitted in the North Aldershot area.

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Other Resource Impacts

Not applicable

Climate Implications

Any open air burning approved by the city outlines the provision that only wood, wood by-products, leaves and brush can be burned. The open air burning by-law strictly prohibits anyone from burning garbage, petroleum-based products, such as tires, shingles and/or plastics.

If a Special Air Quality Statement or Smog and Air Health Advisory is issued by Environment Canada and/or the Ontario Ministry of the Environment, Conservation and Parks, an open air burning ban is issued and remains until such time the advisory is lifted.

During any periods of drought when there is an increased risk of open air burns escaping containment and/or spreading into a wildfire. During these conditions fire bans are issued and remain in effect until such time conditions improve and allow for safe burning.

Engagement Matters:

Not applicable

Conclusion:

Staff are recommending an extension to allow OAB in some areas of North Aldershot, with permitted approval by the fire department, in keeping with the open air burning restrictions outlined in By-law 65-2019. The OAB Pilot extension will initiate on March 1, 2021 and conclude December 31, 2022. Staff will work with corporate communications to advise residents of the OAB Pilot extension.

The Fire Chief controls the authority to end this Pilot if there are any major concerns or issues reported. Staff will advise council if the Pilot is halted for any reason(s).

The Fire Chief (or designate) has the authority to revoke an approved OAB permit issued during this Pilot due to any contravention of the approved permit and/or city by-law 65-2019.

Respectfully submitted,

Karen Roche

Fire Chief

(905) 333-0772 ext.6205

Colin Lahey

Chief Fire Prevention Officer

(905) 637-8207 ext. 6217

Appendices:

- A. Map of open air burning areas

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.