



## **FIRE SERVICES** *Staff Report*

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REPORT NO: FS-2024-04  
TO: Council  
SUBMITTED BY: Rod Leeson, Fire Chief  
PREPARED BY: Rod Leeson, Fire Chief  
REVIEWED BY: Sharon Chambers, CAO  
DATE: March 4, 2024  
SUBJECT: Township History of Burn Permits

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### RECOMMENDATION:

THAT Report FS-2024-02 be received for information purposes as requested by Finance and Budget Committee meeting of Thursday January 25, 2024.

### SUMMARY:

This report outlines the history of burn permits in the Township of Wilmot, how they have evolved to meet growth challenges, how safety plays a key role, and justification to update to a new bylaw that better suits community needs and future anticipated growth.

### BACKGROUND:

Wilmot Fire Department identified some items within the previous Open Air Fire Bylaw that required attention. These issues are tied to the following subjects.

Legacy Contained site permits:

The previous Bylaw requires residents to purchase a contained site permit for recreational fires. The permit is purchased at the time of application with no further financial obligation or renewal requirement. However, Fire Prevention has found inconsistencies with residents and what Bylaw information they are following. Several permit holders are following older Bylaws

that have been repealed. Fire Prevention has found that several residents are not aware of the permit conditions or what they are allowed to burn. This has created enforcement issues for residents. Residents are responsible to keep up to date with all permit requirements. Fire Prevention continues to provide public education to support residents to stay up to date on the current Bylaw and fire safety requirements. Agricultural permits are per-incident, assessed on each occurrence and found to be less problematic since each applicant is required to review and understand all open burn requirements.

#### Lot size issues:

Fully serviced urban lot areas, and consequently lot widths, are typically shrinking to achieve intensification required by the Township, Regional Official Plans, and Provincial Policy Statement while maintaining the appeal of single-family private ownership. Single family lots in recent and future developments will typically be in the 10m width range. This aligns with the traditional width of a semi lot of 9m found throughout older subdivisions and at the time of their construction constituted 'affordable' and 'intensified' housing. Given there is a range of property sizes within the Township, staff spent significant time researching methods of maintaining safety while permitting recreational fires in some of the smaller lots. Rural settings are larger and less problematic to meet requirements. The previous Bylaw had no provision to address smaller lot sizes.

#### Public Education:

Fire Prevention sends out public education and fire safety information regularly. Despite these efforts, Fire Prevention continues to deal with complaints that contravene Bylaw requirements. These are typically tied to Legacy Permits and residents who are not aware of what is allowed to be burned and, in some cases, where or what is a safe clearance to combustibles. Some residents conduct all day contained site fires which creates nuisance smoke to some residents who wish to enjoy fresh air during the summer months or hang laundry on the line to dry.

#### Administration and Enforcement:

Burn permits are cyclical, require staff time to issue permits, inspect sites, Public Education/Fire safety and enforcement. The Township wants to support a safe, effective program however, modernization of the process is required.

Fire Services engaged Wilmot residents using an online survey to gather information regarding Open Air Fires. A press release was issued to communicate the survey opportunity to Township residents in 2021, and it was posted on the Township website, Twitter, Facebook and Digital signs. A Facebook ad was purchased to boost the previously posted message from July 23-27, 2021, and resulted in the following analytics:

- Post engagement (number of times anyone engaged at all – likes, comments, shares, etc.): 484.
- Reach (the number of users who have come across this content): 7,554.
- Cost per engagement: \$.04

Paper copies were provided at the township office to assist residents that do not have digital access. Weekly reminders were sent out to residents using Twitter, Facebook, and digital

signs. The survey was released on Thursday, July 15, 2021, and ended Sunday, August 15, 2021. The survey was well received by the community with 1305 surveys completed. It is acknowledged that Bylaws can cause controversy. However, the fire services mandate is to protect lives, save property, and environment. The goal is to find balance to allow Open Air burning to continue in the Township and implement procedures that will acknowledge air quality, safe and reasonable clearance to combustibles and allow residents to enjoy their property.

We acknowledged that this Bylaw will not satisfy every situation nor allow all residents the luxury of Open Air burning on their property. As a result of growth, the Township of Wilmot continues to become a more urban setting. With urbanization comes the challenge of finding a balance between fire safety and property enjoyment. Additional research was conducted on several Open Burn Bylaws both locally and throughout the province using municipalities that resemble the urban/rural mix and similar population as Wilmot. When comparing Bylaws, it was difficult to find substantial similarities and it was evident that each municipality has their own unique needs and circumstances to address. Common themes included the requirement for annual renewals, public education reinforced during the renewal process, and the use of an online application process. This research reinforced the success of those programs and residents were kept up to date with Bylaw requirements, fire safety messaging and public education knowledge.

Several respondents commented on the lack of access to Bylaw enforcement after Township business hours. These comments were shared with By-Law Services for their information and review.

The most common themes found within the survey results include:

- Respondents were concerned that the Township would ban Open Air burning.
- Concerned with confidentiality if someone reported an issue.
- Why is the Bylaw being looked at and why now?
- Several comments that support a time frame versus no time frame.
- Did not always agree with the clearance requirements, mixed consensus.
- A clear message to ensure fire safety measures are maintained.
- Comments that indicated concerns with air quality and contaminants from burning unauthorized materials.
- Some respondents appreciated the time frame, especially those with breathing difficulties knowing they would have some fresh air enjoyment time.
- Several comments reinforcing that garbage is being burned.
- Yard waste was contributing to extended, all day fires that diminished local air quality enjoyment.
- Some residents were not interested by any form of Bylaw and suggested local government interference.
- A few residents wanted recreational fires completely banned.
- A few residents indicated they didn't care for any rules and would choose to do whatever they want on their property.

It is important to briefly discuss a few (low numbers) questions regarding the lack of injuries or fire spread caused by recreational fires. Although the Township has been fortunate enough to not have reported injuries due to recreational fires, the potential for serious injuries and accidents that could result in criminal charges has been experienced in other municipalities. The Township has had instances of unattended fires getting out of control and causing property damage and damage to crop fields. Fire Prevention and Bylaw continue to charge residents accordingly and, in some cases additional costs have been levied for Fire Department response as per the Council approved Fees and Charges Bylaw.

The following statistics are provided for reference from 2019 until August 2021 to illustrate that unauthorized fires are occurring, and that property damage has occurred. Fire Apparatus are billed based on the annual fee release from Ministry of Transportation. Firefighter rates are included in the Township Fees and Charges Bylaw.

2019 - Fire Department Response – 10  
Township Bylaw Responses – 6  
Fire Prevention Division – 3

2019 Response Cost(s) to Fire Service (not including FPO or Bylaw Labour Costs) - \$8,375

2020 - Fire Department Response – 20  
Township Bylaw Responses – 6  
Fire Prevention Division – 20

2020 Response Cost(s) to Fire Service (not including FPO or Bylaw Labour Costs) - \$14,780

2021 - Fire Department Response – 10 to August 2021  
Township Bylaw Responses – 2 to August 2021  
Fire Prevention Division – 14 to August 2021

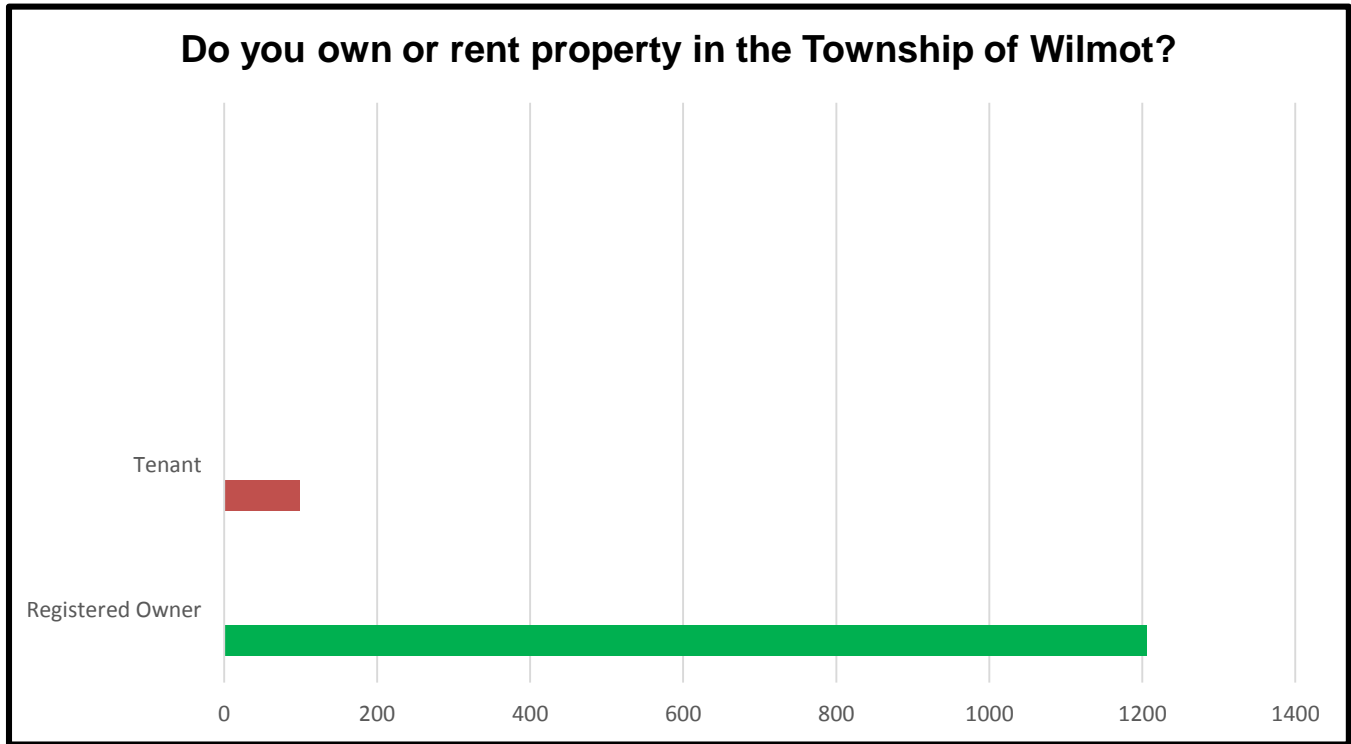
2021 Response Cost(s) to Fire Service (not including FPO or Bylaw Labour Costs) - \$11,205

During the three (3) year period Fire Services can report that five calls resulted in property damage due to extension from a recreational fire. Three calls resulted in charges and an invoice to recover costs of response to the address/property owner(s). Three calls required a three-station response to attend large wildland fires. The Fire Department mandate has been to educate and seek compliance rather than lay charges. When charges are laid, consideration is given to the severity and impact of the event on community and fire department resources.

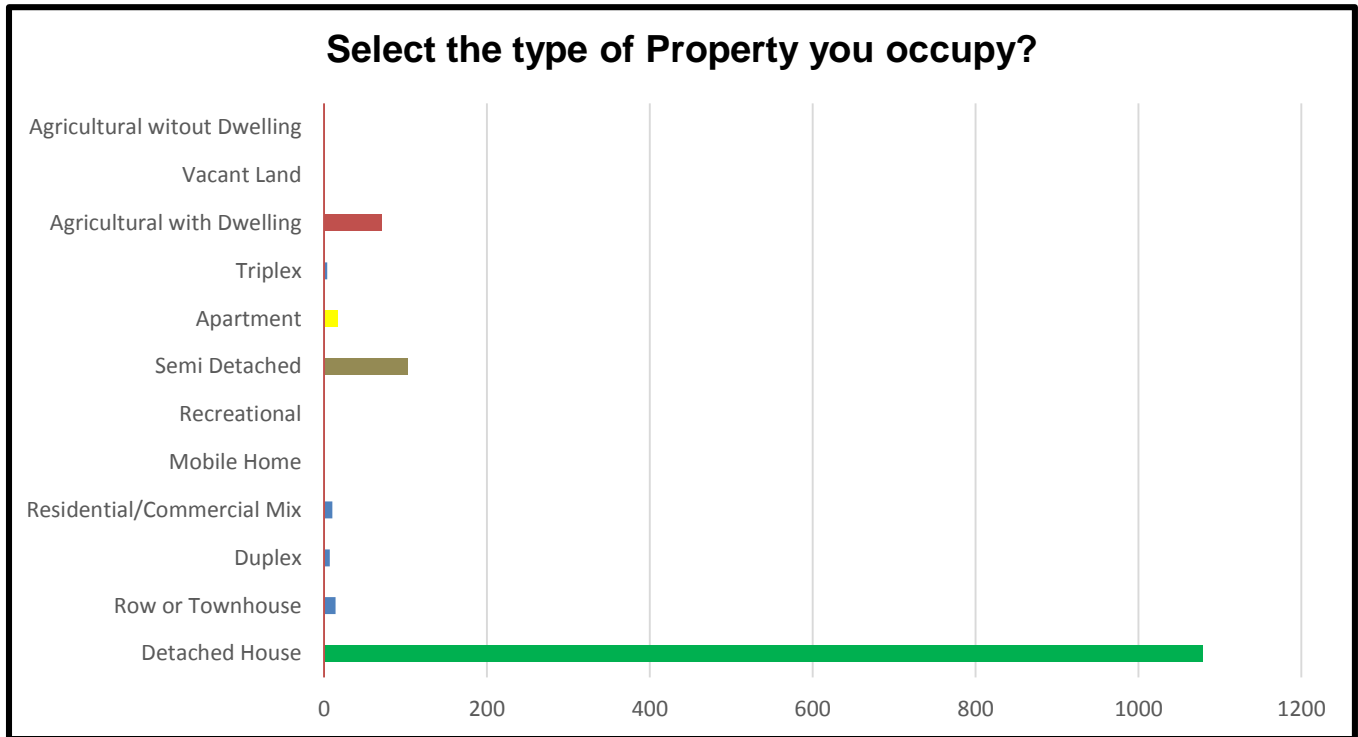
#### Survey Results:

Eight questions were included in the survey. Questions 1 to 4 required check box answers. Questions 5 to 7 had check box answers and included a comment box. Question 8 was reserved for comments only. We should note that many comments made in Question 8 duplicated many of the comments found in Questions 5 to 7.

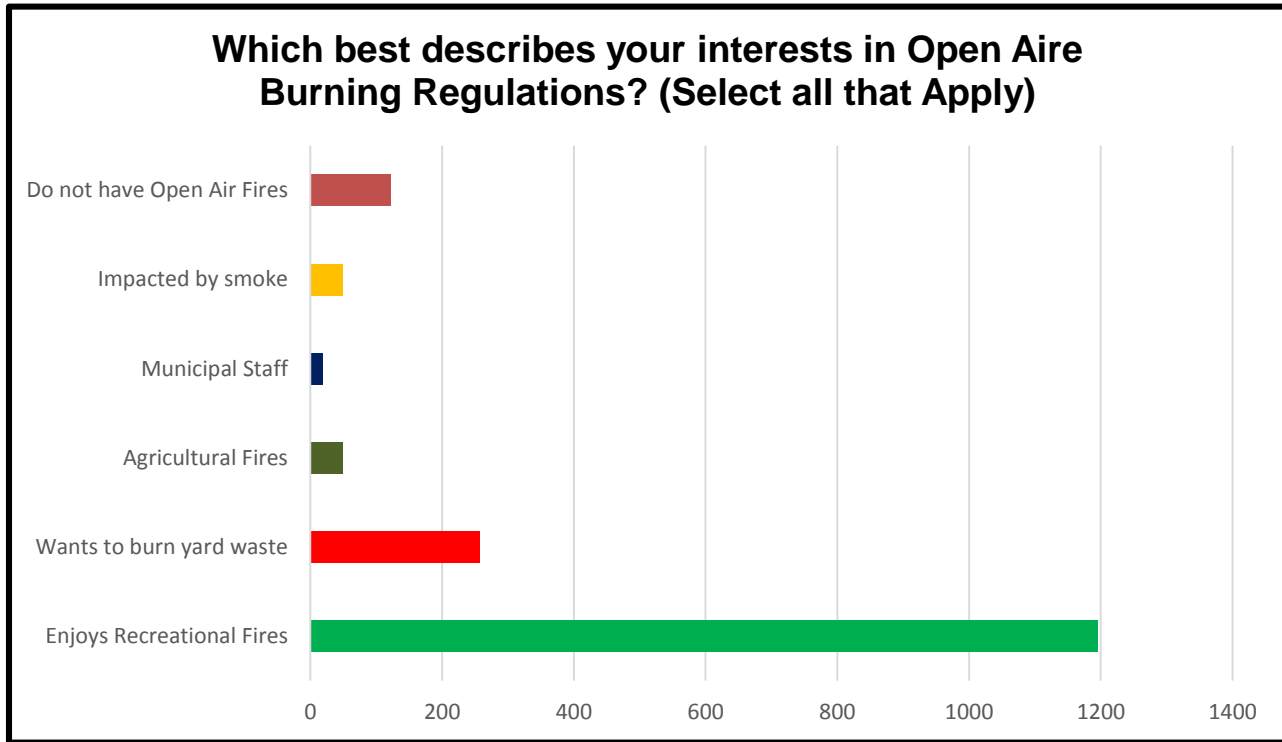
Question 1:



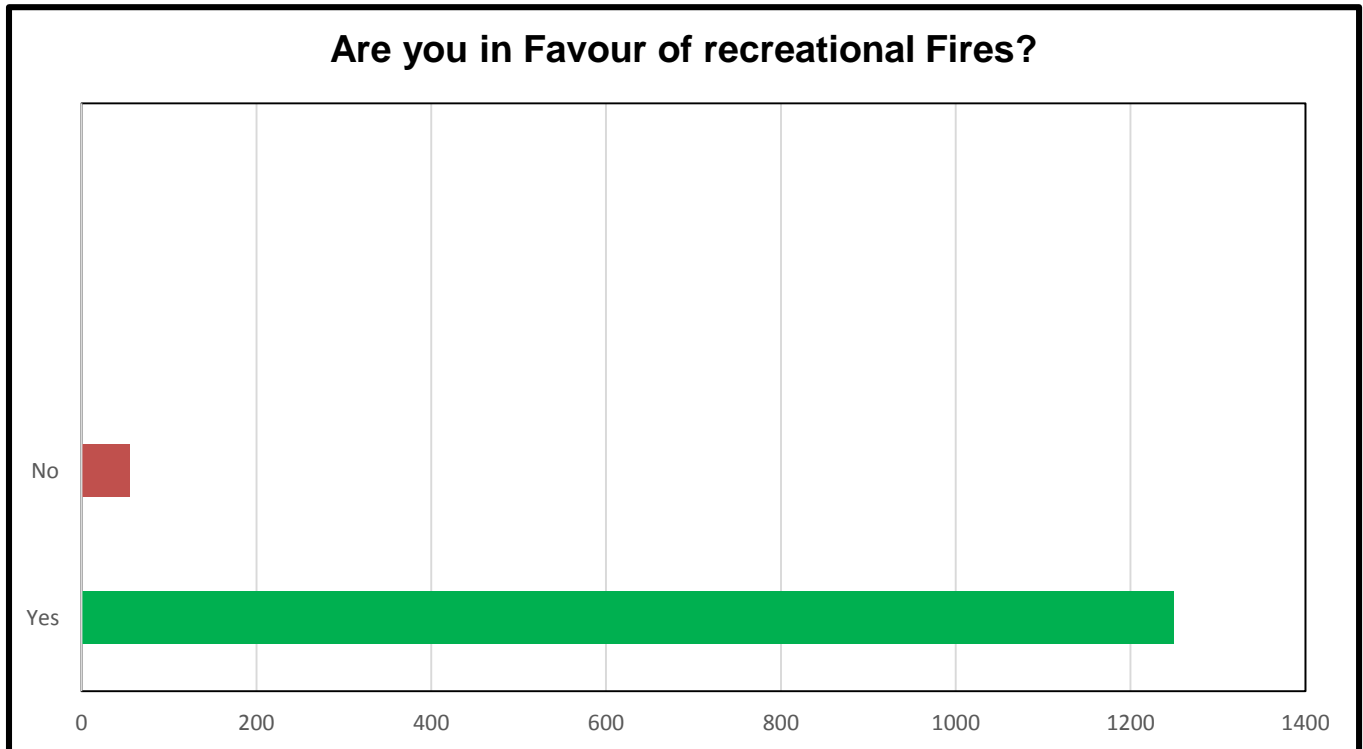
Question 2:



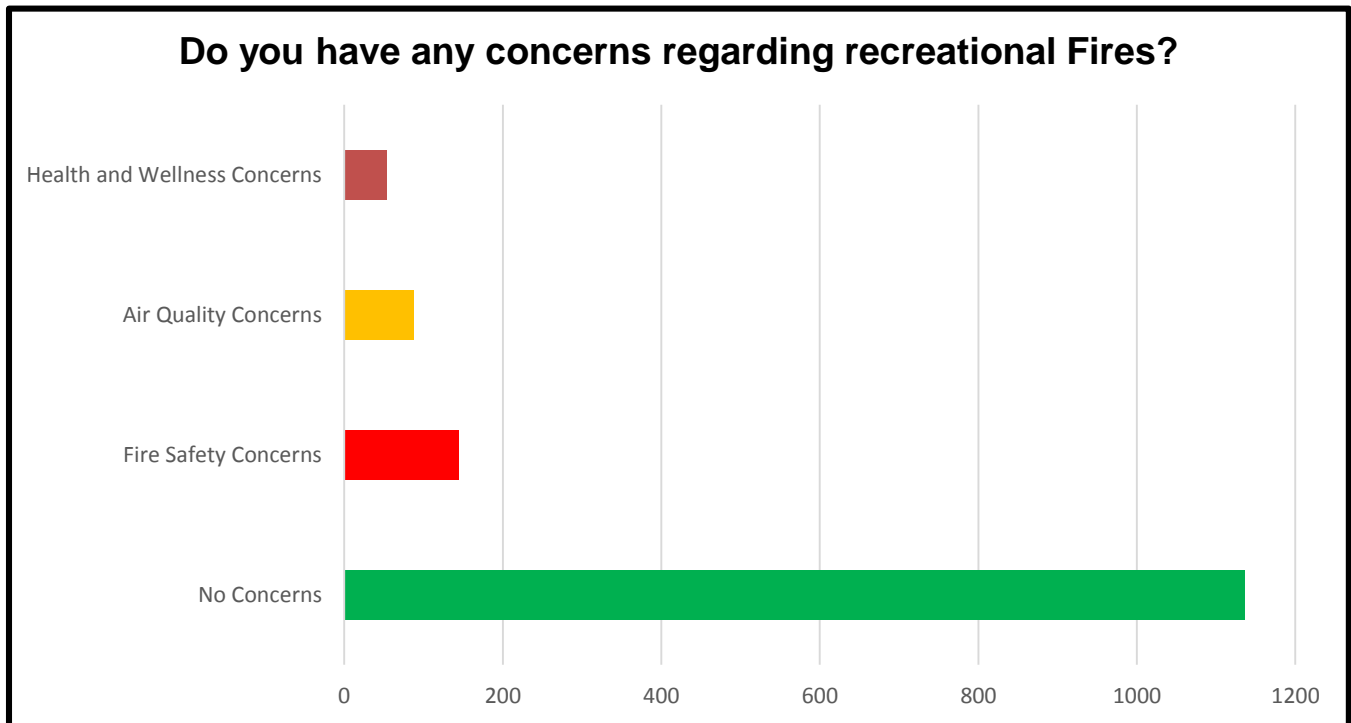
Question 3:



Question 4:

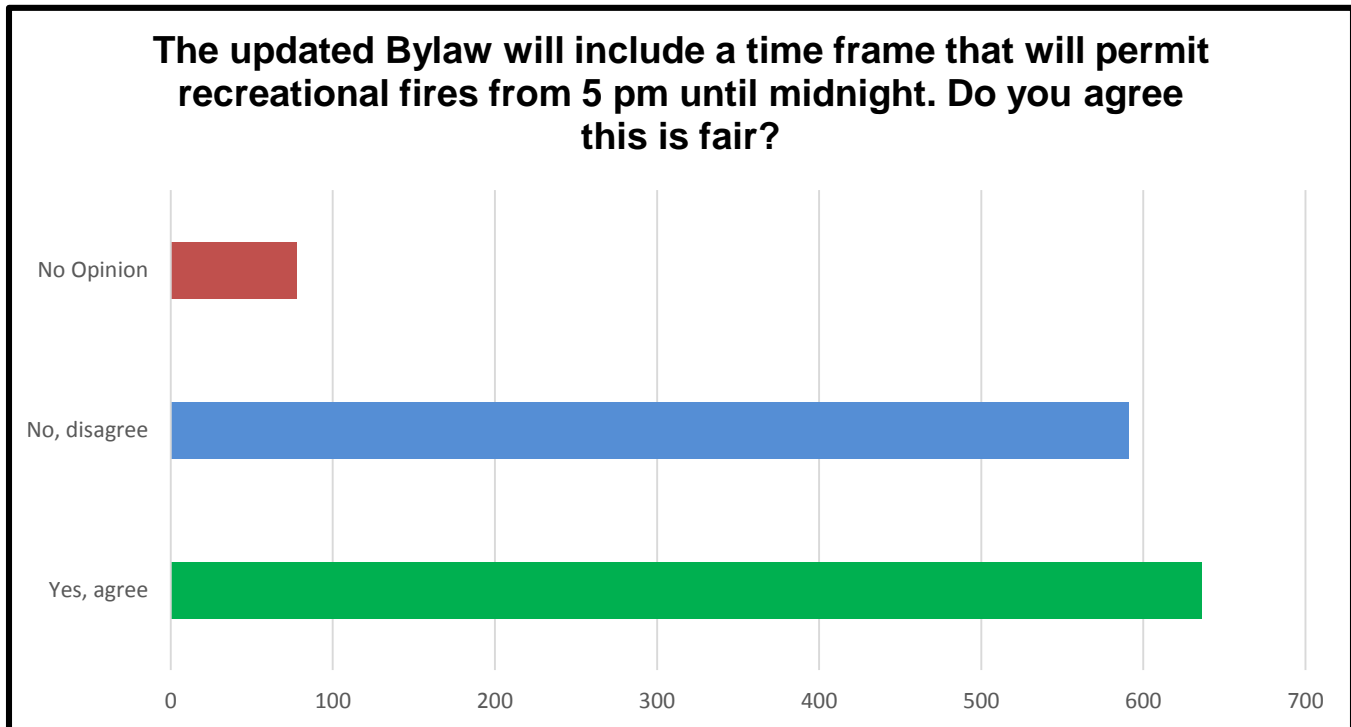


Question 5:



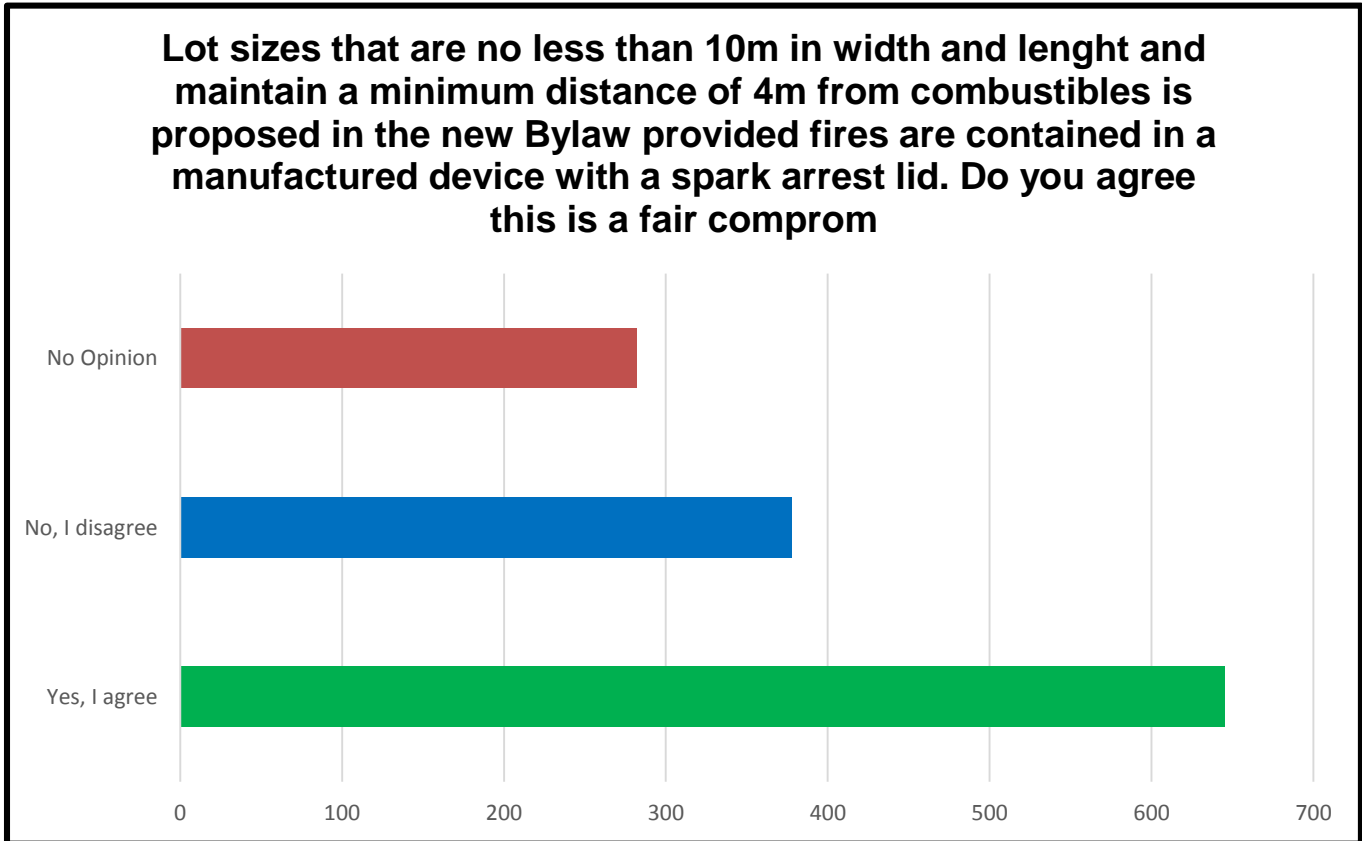
*Note: Comments are provided in the attachment.*

Question 6:



*Note: Comments are provided in the attachment.*

Question 7:



Note: Comments are provided in the attachment.

Recommended Changes to Bylaw in 2021:

Based on the survey results and extensive research, the following are proposed changes to the Bylaw:

Recreational Fires:

*Previous Bylaw: Property Size and Clearance to Combustible Safety*

The Fire Prevention Division has attended several residents that have been conducting contained site fires that do not have permits or meet the setback requirements of the current Bylaw, lot size and clearance to combustibles or buildings. This includes the entire street based on lot sizes that are less than 15m in width. Small lot sizes require particular attention to the safety of residents and property. We realize that some properties will not meet the minimum requirements however, fire safety remains the Fire Services top priority. Careful considerations have been employed to find a balance between offering options to smaller lot owners and fire safety. For those residents whose lot size will not conform to the requirements of the Bylaw, propane and/or natural gas outdoor fireplaces or fire bowls can be purchased, that would not require a permit.



*Proposed Bylaw:*

- a) if the width of the lot at the point at which the Recreational Fire is to be held is fifteen (15) metres wide or more, within seven (7) metres of any building, structure, or other combustible material, unless expressly authorized otherwise by the Fire Chief in the Permit; or,
- b) if the width of the lot at the point at which the Recreational Fire is to be held is less than fifteen (15) metres, within three (3) metres from any building, structure, or other combustible material, unless expressly authorized otherwise by the Fire Chief in the Permit.

For part a), for lot sizes that are 15m wide or more, existing fire pits that meet the specified requirements will be permitted without any changes or a spark arrest lid requirement. The Fire Department acknowledges that several residents who meet the 7m setback requirements have been safely and responsibly conducting recreational fires for years and will not be required to change the configuration. However, Fire Services will continue to recommend and encourage the use of spark arrest lids.

For part b), lot sizes less than 15m, the application process will require residents to purchase an approved device to permit a recreational fire that includes a lid with a screen to keep the fire contained. Due to the reduction in clearance requirement for smaller lots sizes, the Fire Department had to consider the safety of residences and structures.

Wilmot Fire Department utilizes NFPA standards and best practices to determine the most appropriate and safe clearances for the recommended clearance to combustibles. NFPA states that all recreation fires should be a minimum of 7m (25 ft) from any combustibles. Based on several reviewed Bylaws 7m was deemed to be too excessive. However, safety will not be compromised. Requiring manufactured fire bowls with screen lids will allow for reduced clearances on lot sizes less than 15m. Manufacturer's instructions for several manufacturers of wood burning fire bowl/pit with screen lid were carefully reviewed. Depending on the manufacturer, clearances ranged from 2.4 m (8 ft) to 4.6m (15 ft). Originally 4m was proposed in the Bylaw. On further review of the various manufacturers, it was found that most recommended 3m and therefore the recommendation for clearance on lot sizes less than 15m is set at 3m clearance to combustible materials and buildings. This compromise will permit some residents with small lots sizes to meet the requirements while maintaining a reasonable safety margin.

*Previous Bylaw: Set time to permit Recreation Fires:*

The previous Bylaw does not have any restrictions and allows residents to burn any time of the day. The Fire Prevention Division has observed that most, if not all, daytime fires consisted of yard waste or other prohibited items which is not a permitted activity. These fires lead to complaints about air quality, cause residents to head indoors and close windows. To facilitate a balance between permitting approved recreational fires and air quality during hot summer days, restricting the time recreational fires occur is a fair compromise with the density of housing the Township has and will continue to have.

*Proposed Bylaw:*

The purpose of this addition to the Bylaw is to provide residents with an opportunity to enjoy their property while balancing the enjoyment for residents that chose not to have recreational fires. Burning during the day, all day, will be limited to Agricultural fires. The survey proposed Recreational fires from 5:00 pm until midnight. The noise Bylaw requires residents to turn off any loud music and lower conversations at 11 pm. Several survey respondents indicated they have recreational fires during lunch and earlier in the day during winter months. With overwhelming support for recreational fires, the Fire Department wanted to provide some relief for residents that wanted to open windows during the day, hang out laundry or enjoy their own properties.

The survey showed a high number of people who wanted to burn yard waste all day. This type of activity is prohibited and will continue to be prohibited. The Region has an excellent waste pickup program and includes items like leaves which are composted. These types of fires lead to poor local air quality and complaints from neighbours. Based on survey feedback, the Fire Department is recommending the time frame will be set from 12 noon until 12 midnight. Eliminating all day fires that burn yard waste or garbage is our primary goal to ensure that local air quality is acceptable. This balance will provide relief to those who choose not to have recreational fires while still permitting residents to enjoy an afternoon lunch or warm up after cross country skiing using their recreational fire. Stopping at midnight allows residents an additional hour past the 11 pm noise Bylaw to ensure the fire is 100% extinguished and not left to smolder overnight which is a prohibited practice.

*Previous Bylaw:*

The previous Bylaw lists several prohibited items from burning including yard waste such as leaves, grass clippings, refuse or debris. The previous Bylaw include some environmentally sensitive materials such as tires, plastics, asphalt products, painted or stained wood, plywood and other laminates, pressure treated wood, or other hazardous substances, however, additional prohibited items have been included within the new proposed Bylaw under Prohibited Materials outlined in the definitions. The additional items will provide residents with guidance on what can and cannot be burned and enhance enforcement capabilities.

*Updated Bylaw:*

The list of items that are environmentally dangerous for burning has been expanded. The listed items will allow for enforcement and messaging that is clear and will protect the environment by preventing burning of prohibited items. The need for this provision in the Bylaw has been demonstrated numerous times during burn permit inspections. The survey did not include a question to the public regarding burning of prohibited items, as residents are responsible to learn this information and will be held accountable to be responsible stewards to the environment.

*Previous Bylaw: Agricultural Properties:*

Agricultural properties may burn with a permit within 30 m of a building provided that the fire size does not exceed 2.5m x 2.5m x 1m high (8' x 8' x 3'). Fire Prevention Division consistently finds that pile sizes far exceed the previous Bylaw requirements. Most notable, some residents while conducting larger Open-Air Burns do not monitor the fire or have suitable equipment to

control the fire despite this being a condition on the permit. Further, some piles contain prohibited materials.

*Updated Bylaw:*

The new Bylaw indicates that agricultural burns must be controlled and have safety measures in place as well as being environmentally responsible. The following items are now included;

- Distance to combustible buildings/structures increased to 50 meters.
- Pile size increased to 3m X 3m X 3m and with approval may be larger if strict measures are followed.
- Set a maximum permitted wind speed of 15 km/hr during the day and continuously monitor during the Open-Air Burn.
- Enhanced the requirement to monitor the fire and provide required equipment to control the spread of fire with a responsible person(s).
- The requirement to stay away from travelled roads as smoke can cause visibility issues for drivers.
- A comprehensive description of what is permitted and what is not permitted to be burned to ensure responsible stewardship of the environment.
- Required to burn during daylight hours only.
- Required to contact Fire Dispatch before lighting the fire and once the fire is completely extinguished.
- Sign(s) are posted at the roadway while the burn is conducted so the public knows that a controlled burn is in progress.

The survey did not include questions regarding Agricultural Open-Air Burning. However, the proposed Bylaw has improved safety measures, communications, and clarity to residents.

**Exemptions:**

Fire Services included exemptions after speaking with legal and include the following:

- by the Township or by the Region.
- within a Campground.
- at a site where a Strike is occurring.
- for any traditional, cultural, ceremonial, or religious purpose.
- in a Barbeque; or,
- for a device intended for heating, power, construction, manufacturing, or maintenance activities that is designed and certified for such purpose.

**Burn Permits and Website:**

Annual permit renewals are an effective method to remind residents of permit requirements, improve fire safety awareness, improve tracking methods, and enhance communication. Burn permit revenues cover the costs to administer and maintain the program by the users.

Residents will access a website dedicated to Open Air Fire Permits. Permits will be divided into three types. Two of the permits will require an annual renewal by the property owner. The third type will accommodate Agricultural Permits and will require an application for each event. The website will include access to permit applications, detailed instructions on how to apply for a permit, a copy of the Bylaw and public education materials. Residents will be required to follow

a step-by-step process that will require them to complete the application based on their property, including photos, review the Bylaw, and review fire safety information followed by an online payment system.

Permits will be valid for twelve (12) months and reminders will be sent when the renewal date is approaching. Fire Prevention will review all applications and approve or attend the location if required. This process will reduce the time required to process applications significantly. Residents will agree to accept responsibility to the terms and conditions of the permit. Several Fire departments across Ontario use this method with great success and resident satisfaction.

Other advantages to the web-based platform include direct access for fire crews to receive real-time information such as when Fire Prevention revokes permits, notification of Agricultural Controlled Burns and their location, issued burn bans and more. Residents will experience the same benefits of real-time information to keep them informed. For those that are not connected digitally, a process has been developed to accommodate these residents and the Township will continue to issue press releases for burn bans or air quality advisories when required.

## REPORT:

The background information provides history and justification to move to the annual permit format as provided to council in 2021. Fire prevention staff have been monitoring burn permit activities since the launch in 2022. In 2022 we issued 391 recreational burn permits. In 2023 we issued 432 recreational burn permits. Of that we can confirm that 177 permits were former contained site permits.

Legacy permits were known as “contained site permits”. These permits started in 1999 and had no expiry date. The permits were not transferable to a new property owner. The issue with these permits is that property owners did not or were not aware of changes when burn bylaw updates occurred. For example, yard waste (leaves, plant matter) was permitted in the first bylaw, however, subsequent bylaws prohibited these materials due to complaints from smoke and all-day fires. When homes sold, the new owners thought they inherited the permit and were not required to purchase a new permit, however, this is not the case. New owners were required to obtain and purchase a new permit. The first contained site permits issued cost residents \$20 per permit. In 2008 permit fees were raised to \$30 per permit, in 2010 raised to \$40 per permit, and finally in 2015 raised to \$45 per permit. Prior to 2007, Fire department records are difficult to find and, in some cases, do not exist. Fire Pro records management software was purchased and placed into service in 2007. Prior to 2007, permits were tracked on paper or in excel spreadsheets. We are unable to determine how many contained site permits were issued prior to 2007. Between 2007 and 2021, fire services issued 803 contained site permits.

We know that 803 contained site permits exist from 2007 to 2021 and that 177 contained site permit holders complied with the new bylaw requirements. This leaves 626 outstanding contained site permits plus the unknown quantity of permits issued between 1999 and 2006. Our original estimate was that we would likely achieve between 800 to 1000 permits annually. We started the new bylaw with education and tried to avoid laying charges for non-compliance.

We continued this practice throughout 2023. In 2024 we plan to target the 600 plus addresses to have these residents convert to the new system and provide increased accuracy to our records. Contained site permits (legacy permits) are no longer valid since the new bylaw was passed. We are working with corporate communications to find ways of effective communication with Township residents. The difficulty being that social media does not suit everyone and therefore does not reach all audiences.

Each new recreational permit costs the resident \$20 per year. They get reminders from the system close to the renewal date. Other alerts may be used such as Burn Bans as issued by the Fire Chief when appropriate. During burn bans no recreational fires or agricultural fires are permitted except for small cooking fires that are immediately extinguished after cooking is completed. If dry weather persists, we may ban cooking fires if the risks reach extreme levels.

Coupled with the 432 permits issued in 2023 and after canvassing the 626 legacy permits, we anticipate we should reach the minimum goal of 800 permits per year.

One of our goals/objectives was to reduce the number of burn complaints and reduce grass fires/wildland fires. As identified in the background information these types of calls, although will never be eliminated, do cost the taxpayers. In most cases these types of calls are preventable should the property owner have a permit and follow the bylaw and permit conditions.

In most cases the burn complaint led to a property that did not have a permit and was burning prohibited materials. Fire prevention attends each of these locations and works towards having the property owner comply with the burn bylaw. Up until 2024, we have been educating and not laying charges unless we attend the same location more than once. Beginning in 2024 will now start to lay charges unless there are specific circumstances that forego the requirement to lay charges.

In 2022 we attended 8 burn complaints, 5 out of the 8 calls were burning prohibited materials without a permit. One was an agricultural permit in compliance, passerby called it in. One was an outdoor BBQ, neighbor complaint, no permit required for outdoor cooking appliances (pizza oven), last was a valid permit called in by neighbor who said they saw some smoke without first having a look. Outdoor fire calls consisted of 8 total calls. 4 were caused by power lines, one caused by a baler on fire, one was an agricultural permit that was not in compliance and found burning prohibited materials (charges laid). Finally, 2 calls were reported as grass fires but no issues were found.

In 2023 we attended 10 burn complaints, 7 out of 10 calls were burning without a permit and in some cases also burning prohibited materials. 2 calls were residents burning during a burn ban and one was burning with an expired permit. We had 6 outdoor fire calls, 2 were large wildland fires because of CN trains causing fires spread over a large geographic area. Both calls were billed for fire department services. One call was due to police training in the area, one person purposely lit a grass fire for weed control, this prohibited. 2 calls were called in by passersby with no issue found. Last, two fishermen lit fire for warmth, no permit and were not cooking, fire was extinguished.

We are pleased with the progress, during 2022 and 2023 we had no recreational fires or Agricultural fires that caused any property damage or required to invoice a property owner for fire department response. Based on the two CN rail calls with 3 station responses and significant time and resources, we did invoice for these two calls. As indicated in the background section of this report, prior to this bylaw update, we were experiencing higher costs and required to invoice property owners.

#### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report highlights community engagement ensuring we communicate Township matters and the continued enjoyment to maintain quality of life through ensuring their safety.

#### FINANCIAL CONSIDERATIONS:

There are no financial considerations for Council. The narrative provides a breakdown of permit costs to the Township and residents.

Permit Fees are \$20.00 to the client, with the Township receiving \$18.22 net of system and PayPal fees.

#### ATTACHMENTS:

N/A