

## THE CORPORATION OF THE TOWNSHIP OF PUSLINCH PUBLIC MEETING MINUTES

**DATE:** Wednesday, April 1, 2014

**TIME:** 7:00 p.m.

**PLACE:** Puslinch Municipal Complex  
7404 Wellington Rd. 34

**FILE NUMBER:** CO1-FIR

**MEMBERS:** Mayor Dennis Lever – Chair  
Councillor Ken Roth  
Councillor Wayne Stokley

The Chair reminded attendees to ensure that they have signed in and provided their contact information.

The Chair advised the attendees that those who wished to make comments should stand, state their name for the record and address their comments to those in attendance.

### **Presentations**

The Chair introduced Mr. Steve Goode, Fire Chief for the Township of Puslinch.

Chief Goode advised that this was a proposed Open Air Burning By-law.

Chief Goode advised that the Township passed the present By-law 54/2007 on November 7, 2007 to regulate the setting of open air fires in the Township.

Chief Goode advised that at the Fire and Rescue Committee (“Committee”) held on November 20, 2013, the Committee discussed the need to review the open air burning By-law to update the requirements related to open air burning and amendments to the permit process.

Subsequently, on January 15, 2014, the Fire and Rescue Committee reviewed the proposed by-law and requested that Council direct staff to hold a public meeting for the purpose of seeking input on the proposed open air burning by-law.

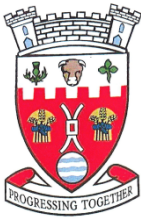
Chief Goode made a presentation advising of the proposed changes to the open air burning by-law.

Chief Goode advised that with respect to the requirement to apply for and obtain a permit changes contained within the proposed by-law would include:

- a minimum 1 day prior to event.
- the Fire Chief may refuse to issue a Permit
- No person under the age of eighteen (18) shall light or ignite an Open Air fire.

Chief Goode advised that the proposed by-law includes criteria established for obtaining a permit including:

- Completion of an application form
- Fee - \$20.00
- Non transferable
- Valid for the current calendar year
- Written permission of property owner



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- Any other documents that may be required by staff to satisfy any concerns

Chief Goode advised that the proposed by-law does not permit open air fires under the following conditions:

- wind speed exceeds sixteen (16) kilometers per hour;
- Smog Alert;
- other than between the hours of 7:00 a.m. through 9:00 p.m.,
- creates a nuisance or has an adverse effect;
- excessive smoke;
- exceeds one (1) metre in diameter and height;
- other than burning unpainted wood, organic materials, ground cover and paper products;
- within fifteen (15) metres of any building, structure, hedge, fence, Highway or overhead wire;
- without a five (5) metre radius around the perimeter of combustible article and ground cover;
- without maintaining constant watch
- without appropriate extinguishing agents on-hand at all times
- when a fire ban is in effect.

The Fire Chief may impose additional terms or conditions and has the authority to revoke the permit.

Chief Goode advised that with respect to Outdoor Fireplaces and Cooking Fires the proposed by-law includes:

- that a permit is not required for cooking food on a Barbeque, Gas-Fired Outdoor Campfire Devices, Cooking Fire and Outdoor Fireplace.
- Outdoor Fireplace and Cooking Fire is permitted between the hours of 7:00 a.m. through 11:00 p.m.
- Outdoor Fireplace and Cooking Fire shall have a minimum distance ten (10) metres from any building, structure, hedge, fence, Highway, overhead wire or other combustible article - obstruction of any kind or nature whatsoever.

Chief Goode advised that with respect to campgrounds the proposed by-law includes the following:

- “Camp Fire” means an open fire where the size of the open air fire is limited to the size of the device or area provided by the Campground and is solely for the purpose of cooking food, warmth and recreational enjoyment;
- “Campground” is a use permitted in the Township’s Zoning By-law.

### Listed Campgrounds:

- Slovenski Park LTD
- Sunset Villa Association
- Puslinch Beach and Marina Ltd. (McClintock’s)
- 2198619 Ontario Inc. (Riverbend)
- Emerald Lake Inc.

### Terms and Conditions

- Camp Fire location approved by the Fire Chief.
- Safe distance from combustible structures or objects.
- Campground rules and regulations.



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- Every owner of a Campground shall submit their Camp Fire rules and regulations to the Fire Chief for approval.

Chief Goode advised that the next steps were to gather the comments and concerns raised at this public meeting. Staff would prepare a report to Council on June 18, 2014, on the results of the Public Meeting and to recommend adoption of a by-law.

### **Questions/Comments**

The Chair thanked Chief Goode for his presentation and asked if there were any members of the public who wished to voice a comment or question.

Mr. Jim Stevenson questioned as to why is there a new proposed \$20.00 permit fee since he pays taxes?

The Chair advised that the proposed change is from a 3 month permit duration to an annual permit with a recommendation that there be a permit fee of \$20.00 in order to offset some of the costs of administration.

Chief Goode advised that over one half of the municipalities in the County have established fees for their fire permits. Chief Goode stated that there is presently one municipality reviewing their by-law and is considering a fee for their fire permits.

Mr. Doug Pilkey requested clarification on the issues surrounding the existing by-law and in addition questioned as to the number of calls the fire department received from the 460 people who received burning permits?

Chief Goode advised that he did not have statistics with him this evening with respect to fire calls. Chief Goode advised that the Township has had some significant fires due to open air burning which required local municipal assistance.

Chief Goode advised that staff undertook a review of the by-law as some of the clauses in current by-law were vague. Chief Goode advised that campgrounds are not dealt with in the present by-law and staff believe it is important to include, and the 150 metre setback provision is not achievable in many cases throughout the Township.

Chief Goode advised that that the fire department has received many complaints between neighbours with respect to open air burning. The draft by-law proposes a distance of 15 meters from any building or structure.

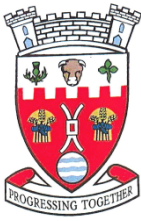
Mr. Pilkey expressed concerns that the proposed permit fee would be targeting those who have complied with the present by-law.

Chief Goode advised that what is being proposed this evening is a \$20.00 fee.

Mr. Kevin Johnson requested clarification regarding item 5.1(i) - without a five (5) meter radius around the perimeter of the Open Air fire that is free and clear of combustible article and ground cover as the definition of "ground cover" as stated on page 2 of the proposed by-law stated that "ground cover includes leaves, grass, weeds, tree needles or wood chips"?

Mr. Johnson requested an explanation of the reasoning as to the hours of permitted burning between 7:00 a.m. through 9:00 p.m. contained in item 5.1(c) as most individuals enjoy their campfires in the evening hours?

Mr. Johnson requested an explanation regarding the diameter and height of one (1) meter contained in item 5.1(f) of the proposed by-law.



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Chief Goode advised that the definition and inclusion of “ground cover” in item 5.1(i) will be reviewed by staff, however, ground cover does not relate to grass that is green, it means that it can combust and spread including dead grass leaves.

Chief Goode advised that with respect to the permitted times for open air burning, the proposed by-law is based on comparable municipalities. Chief Goode advised that the current by-law’s permitted times are from sunset to sunrise, therefore the proposed by-law has extended those hours and the proposed by-law takes into consideration that your neighbour may not appreciate burning after 11 p.m.

Mr. Johnson commented that he believes during the summer months it is reasonable to have a fire after 9:00 p.m.

Chief Goode advised that under item 7(1) Outdoor Fireplace in the proposed by-law that the permitted hours for fires is from 7:00 a.m. to 11:00 p.m.

Mr. Jeff Brandmaier expressed concerns regarding the restriction of 50 meters of grass and stated that he believed enforcement of this item would be difficult. Mr. Brandmaier expressed his concern with a change in the 150 meter restriction in the present by-law.

Mr. Brandmaier suggested that the sections with respect to cooking fire and campfires should be contained in one area of the proposed by-law.

Mr. Brandmaier advised that the proposed by-law did not have a height restriction with respect to cooking fires. Mr. Brandmaier stated that the proposed by-law did not contain the same setback requirements for campfires and cooking fires.

Chief Goode advised that the reasoning for the separate clauses with respect to open air burning and cooking fires, is that cooking fires do not require a permit.

Mr. Brandmaier stated that the proposed by-law gives no height for cooking fires and suggested that a chiminea be defined.

The Chair advised that staff would revisit the cooking fires description.

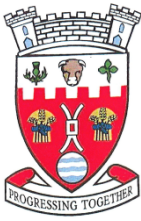
Mr. Brandmaier questioned as to how will enforcement under clause 5.1(d) of the proposed by-law be dealt with?

Chief Goode advised that under the proposed by-law excess smoke smell or embers are deemed to cause a public nuisance.

Chief Goode advised that under the existing by-law if the fire department is called with respect to an open air burning issue where there is excessive smoke smell or embers and the resident does not have a permit at that location, the resident will be charged \$420.00 per apparatus for response. Chief Goode advised that at this point, no set fine amounts have been established under the proposed by-law.

Mr. Brandmaier questioned as to why there was not enforcement of violations last year and why did the fire department not extinguish the fires and simply allowed them to burn out.

Chief Goode advised that the proposed by-law addresses many things that the current by-law does not include for example campgrounds. Chief Goode advised that some items in the proposed by-law remained unchanged while others were updated. Chief Goode advised that the proposed by-law is based on comparables with other municipalities within the County.



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Mr. Brandmaier questioned as to whether an officer would come out and enforce a 50 meter restriction.

Chief Goode advised that if a complaint or concern is expressed that the fire department will investigate.

Mr. Brandmaier questioned as to whether complaints of remnants of fire and excess fuel will be investigated.

Chief Goode advised that presently the fire department is using the current by-law for enforcement. If an individual has an issue the fire department can investigate.

Ms. Gill Mullis expressed concerns regarding a past situation where there was manure along the property line that created a hazardous situation with a spark from a train.

Ms. Mullis questioned as to whether there is anything to address flammable materials such as this in the proposed by-law.

The Chair advised that there is currently nothing in the proposed by-law.

Chief Goode advised that manure is a gas and is not something that can be included in the proposed by-law as it does not relate to open air burning.

Mr. James Rattray as resident of Watson Rd. for 22 years advised that the only time he can recall that fire control was necessary in his area was the result of manure.

Mr. Rattray advised that he obtained 30 signatures from residents in the Village of Arkell that are in full support of the Township's amended by-law. Mr. Rattray presented staff with a copy of his petition.

Mr. Rattray stated that as a taxpayer I believed it was a waste of the fire department resources to deal with neighbour issues.

Mr. Orval Gates stated that he would suggest that the proposed open air burning times be from 6:00 a.m. as there is less wind for burning at this time of day.

Chief Goode advised that the reasoning behind the 7:00 a.m. time is that in the Fall it can still be dark at 6:00 a.m. Chief Goode advised that the 6:00 a.m. time can be considered.

Chief Goode questioned Mr. Gates as to whether his burning was with respect to farming?

Chief Goode advised that farms are exempt from many of the rules contained in this by-law. Chief Goode indicated that if there is not a house on a property with respect to a farming operation, there are exemptions in the Fire Code. Chief Goode advised that the Fire Department would need to attend the site to determine safe distances from structures for burning.

Ms. Emily Hall expressed a concern for the horses contained in her barn. Ms. Hall advised that if smoke enters the barn it can scare the horses. She expressed a concern for the safety of the animals in the barn.

Ms. Jessica Goyda advised that she resides beside a horse stable. Ms. Goyda advised that she is in full support of the proposed changes to the by-law.

Ms. Goyda advised that she wished to have a little campfire to sit with her children and advised that her children were heartbroken to hear that they may no longer have fires.



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Ms. Goyda advised that one of the reasons her family purchased property in Puslinch was so that her family could enjoy small campfires.

Mr. Doug Smith questioned when a fire ban is in effect, how is this communicated to the people who have a permit.

Chief Goode advised that in the past the Wellington County Fire Departments collectively used an outlet like the Wellington Advertiser to advise of fire bans. Township staff will need to discuss the method of communication. Chief Goode advised that this information could be posted on the Township website.

Mr. Jeff Brandmaier questioned the timing of when the new by-law would be in place.

The Chair advised that the matter will come back to Township Council on June 18<sup>th</sup>.

A question was raised as to whether this meant fires were permitted until June 18<sup>th</sup>.

Chief Goode advised that the current by-law is in effect until a new by-law is passed by Council.

A question was raised as to where fire permits can be obtained?

Chief Goode advised that permits would be available from the Township's administration office.

Ms. Emily Ho questioned as to whether the proposed by-law could include different restrictions for areas which contained barns?

Chief Goode advised that all of the comments raised this evening are going to be taken into consideration.

Ms. Mullis questioned as to why the fire department was issuing permits to individuals who have been advised not to burn?

Chief Goode advised that when you apply and sign for a fire permit, you agree to comply with the terms and conditions of a permit and the by-law.

Ms. Mullis questioned as to whether when issued a permit are residents to go to website to check out the rules outlined in the by-law? She stated that she has been issued 3 fire permits and were subsequently told not to burn.

Chief Goode advised that letters were delivered to individuals in the Arkell area when issues were raised in the area.

The Chair thanked those in attendance for their comments and questions and advised that written comments can be submitted to the Township.

The Chair reminded those in attendance to sign in and advised that those who have signed in will be notified when the by-law returns for consideration.

The Chair inquired as to whether there were any additional comments or questions.

There were no further comments or questions.

The Chair advised that the matter would return to Council on June 18<sup>th</sup> the proposed by-law has been posted on the Township's Website



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**ADJOURNMENT:**

The meeting adjourned at 7:52 p.m.