

Open Air Burning - Interim Policy

EFFECTIVE DATE: JULY 1, 2002

REVISED DATE:

OPEN AIR BURNING

The purpose of this policy is to establish the intent and means of enforcing the provisions of the Ontario Fire Code which prohibit open air burning without the approval of the Chief Fire Official.

1. Intent

It is the intent of this policy to:

- Provide a explanation of what constitutes "open air burning" for the purpose of applying this policy;
- Provide guidelines for implementing cost recovery or enforcement measures for contravention of the Fire Code provisions;
- Establish geographic zones, property classifications and events where approval for open air burning may be approved;
- Establish conditions under which open air burning may be conducted with the approval of the Chief Fire Official.

2. Definition

2.1. **Open air burning** is any fire intentionally ignited outside of a structure or building but does not include:

- 2.1.1. Fires within an enclosed barbecue type appliance including "hibachis", "chimineas", metal barbecues, masonry barbecues, employing wood or charcoal fuels. Such appliances must include a protective grate over the fuel and chimney, where applicable.
- 2.1.2. Liquid or gas fuelled appliances;
- 2.1.3. Other appliances approved by the Chief Fire Official.

3. Application

- 3.1. Open air burning shall not be permitted unless approved by the Chief Fire Official. Violations of the Fire Code may be addressed by issuance of a notice to the responsible party or by prosecution under the Fire Protection and Prevention Act. Costs incurred for response to unauthorized burning may be recovered in accordance with the municipal schedule of fees.

4. Approval of Open Air Burning

- 4.1. Approval to conduct open air burning may be authorized by the Chief Fire Official for any farm, property of the Crown or recognized recreational property located within the City of Kingston.
- 4.2. Approval to conduct open air burning may be authorized by the Chief Fire Official for any property located within the following geographic areas:
 - 4.2.1. All lands located north of and including Highway # 401;
 - 4.2.2. All lands which are located west of the Collins Creek and which are also north of the CN Railway right of way;
 - 4.2.3. All lands which are located north of and including the Middle Road;
 - 4.2.4. All lands which are located east of and including the Abbey Dawn Road excluding property within the Eastview Subdivision.
- 4.3. Approval to conduct open air burning may be authorized for any other cultural, religious or civic event or location within the City of Kingston by the Chief Fire Official subject to guidelines specific to the event.

5. Guidelines for Open Air Burning

- 5.1. Approval to conduct open air burning may be authorized in accordance with the guidelines established by the Fire Chief. Approval may be obtained through the Communications Centre. Approved fires may not exceed 1 metre (3 feet) in any dimension without prior on-site inspection. Where an inspection of a location is required for the purpose of approving an open air fire, a fee may be charged to the applicant for authorization in accordance with the municipal schedule.

6. Revocation

- 6.1. Approval to conduct open air burning does not relieve the person so authorized of their responsibility to comply with all other regulations or statutes and to ensure that smoke and other by-products of the fire do not

interfere with public safety. A person conducting open air burning shall not permit the emission of any air contaminant to such extent as may cause discomfort to persons; cause loss of enjoyment of normal use of property; interfere with the normal conduct of business or cause damage to property. Approval may be revoked on receipt of a complaint.

7. Ban on Open Air Burning

- 7.1.** When conditions warrant, the Chief Fire Official may decline to approve any open air burning resulting in a ban which will apply to all properties within the City of Kingston including those noted in Section 4. **A ban on open air burning shall also apply to all devices described in paragraph 2.1.1. except where the device is in actual use for cooking.**

8. Public Information

- 8.1. The Fire Prevention Bureau shall establish a program to publicly communicate details regarding guidelines and circumstances relating to open air burning and the safe use of outdoor appliances on an ongoing basis and as specific conditions warrant.

9. Records

- 9.1. A permanent log shall be maintained by the Communications Centre of all requests, approvals and revocations of approval with respect to conduct open air burning.
- 9.2. The Fire Prevention Bureau shall maintain a permanent record of all notices, prosecutions and cost recovery measures undertaken in respect of this policy.