

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF THE WHOLE MEETING
AGENDA**



**Audio Broadcast to the Township's Facebook page
<https://www.facebook.com/SouthFrontenacTwp>**

TIME: 7:00 PM,
DATE: Tuesday, June 8, 2021
PLACE: Council Chambers/Electronic
Participation.

1. Call to Order and Roll Call
 - (a) Motion
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
 - (a) Motion
4. Scheduled Closed Session - not applicable
5. Public Meeting
 - (a) Motion and Public Meeting Statement
 - (b) Z-21-06 - Zoning By-law Amendment - 2623 Green Bay Road - Powis 3 - 21
 - (c) Township Initiated Administrative Amendments to By-law 2003-75 22 - 50
 - (d) Motion to close public meeting
6. Delegations
7. Reports Requiring Direction
 - (a) Open Air Burning Permit System and By-law 51 - 101
 - (b) Council & Committee Procedures Review 102 - 113
8. Reports for Information
 - (a) Building Department Stats - May 2021 114
 - (b) Planning Department Stats - May 2021 115 - 116
9. Rise & Report from Committees of Council
 - (a) Frontenac County Council

- (b) Frontenac Community Arena Board
- (c) Police Services Board
- (d) South Frontenac Museum Committee
- 10. Information Items
- 11. Notice of Motions
- 12. Announcements/Statements by Councillors
- 13. Question of Clarity (from the public on outcome of agenda items)
- 14. Closed Session (if requested)
- 15. Adjournment
- (a) Motion

Natural, Vibrant and Growing - A Progressive Rural Leader



REPORT TO COMMITTEE OF THE WHOLE DEVELOPMENT SERVICES



Public Meeting Report – Zoning By-law Amendment

Report Date: June 1, 2021

Application No: Z-21-08

Owner: William Powis

Location of Property: 2623 Green Bay Road, Bedford District

Purpose of Application: Rezone from Rural (RU) to Rural – Special Provision (RU-XX)

Date of Public Meeting: June 8, 2021 (Virtual Public Meeting)

Recommendation

It is recommended that South Frontenac Council defer making a decision on application Z-21-08 to receive and consider comments on the application from the Public Services Department and the public.

Proposal

An application was submitted to amend Zoning By-law No. 2003-75 to rezone the subject property from Rural (RU) to Rural – Special Provision (RU-XX).

Background

The subject property is 70 hectares (173 acres) in area. The lands consist of forest and open fields. The property surrounds a non-operating (closed) Township landfill on Green Bay Road. The property is developed with a single detached dwelling, an accessory detached garage and an accessory storage building. Attachment 1 to this report is a map showing the location of the property relative to local landmarks.

The Owner proposes to establish an additional residential unit in an ancillary (accessory, detached) building for a family member with assistive living needs. The approximately 1100 square foot ancillary building would be located to the east of the existing dwelling, approximately 50 metres south of Green Bay Road. The ancillary building would be located approximately 60 metres away from the property line with the landfill. The dwelling and the additional residential unit in an ancillary building would share the existing driveway, well and hydro connection. The additional dwelling unit would have its own sewage system due to the topography and its location relative to the dwelling's sewage system. Attachment 2 to this report is a sketch of buildings on the property.

The Owner has requested a zoning by-law amendment to change the Rural (RU) zone on the subject lands to Rural – Special Provision (RU-XX). The special provision is requested to permit an additional dwelling unit in an ancillary building on the property. Attachment 3 to this report is a draft by-law.

Department, Agency and Public Comments

Natural, Vibrant and Growing – a Progressive Rural Leader



REPORT TO COMMITTEE OF THE WHOLE DEVELOPMENT SERVICES



Comments from departments, agencies and the public are summarized in this section of this report.

Building Services – Has no objections to the application as presented and will review the detailed building and sewage system plans through the Building Permit process, should the application be approved.

Public Services – Comments on the proximity of the proposed additional dwelling unit to the non-operating Township landfill were not available at the time of writing.

Public Comments

Michael Dobmeier (61 Buckert Lane) contacted the Township to gain a better understanding of the proposal and the planning policy framework. This individual did not raise concerns with the proposal.

Under the Planning Act, a public meeting is required to be held to receive comments from citizens on the proposed rezoning. The province has provided direction that public meetings are able to be held virtually using technology such as Zoom to obtain public input on planning applications. The public meeting for application Z-21-08 will be a virtual public meeting.

Further public comments may be provided through the virtual public meeting.

Planning Analysis

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that Council decisions be “consistent with” the PPS.

The PPS encourages efficient land use and development patterns to create and maintain strong communities and a healthy environment while encouraging economic growth over the long-term. It recognizes that rural areas are important to the economic success of the Province and our quality of life. To this end, section 1.1.4 states, among other things, that we should build on the rural character of the Township and leverage rural amenities and assets, and encourage the conservation and redevelopment of existing rural housing stock on rural lands. The PPS also encourages municipalities to accommodate an appropriate affordable and market-based range and mix of housing (section 1.1.1 b). This can be achieved by permitting additional residential units in houses or in ancillary (detached accessory) buildings.

The Planning Act was amended in September 2019 by Bill 108 to permit additional residential units on a property which contains a detached house, semi-detached house or rowhouse. A second residential unit may be permitted within these structures, and an additional residential unit may be permitted in a building or structure ancillary to the house on the same property. This amendment to the Planning Act, once implemented



REPORT TO COMMITTEE OF THE WHOLE DEVELOPMENT SERVICES



in an official plan and zoning by-law, supports the accommodation of affordable housing in local municipalities.

The application is consistent with this direction of the PPS and the amendments to the Planning Act.

County of Frontenac Official Plan, 2016

The accommodation of affordable housing through additional residential units is required by the Planning Act. The Planning Act requires official plans and zoning by-law to authorize the use of additional residential units by authorizing the use of two residential units in a detached house, semi-detached house or rowhouse; and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. Accordingly, section 5.6.2 of the County of Frontenac Official Plan requires the Township Official Plan to permit additional residential units. While required to permit additional units, the Township retains control over the location, access and servicing required for these units.

The proposed development is consistent with the intent of this direction of the County Official Plan.

Township of South Frontenac Official Plan, 2003

Landfill

The subject property is adjacent to a closed Township landfill. The Official Plan states no development shall be permitted within 500 metres of the fill area of a sanitary landfill unless a study has been completed to the satisfaction of the Township indicating that the landfill operation, including any groundwater contamination, will not have an adverse impact on the proposed development. The Provincial D-4 Guidelines for Land Use On or Near Landfills and Dumps (April 1994) identify several factors to be considered when a land use is proposed near a non-operating landfill site. They are ground and surface water contamination by leachate, surface runoff, ground settlement, visual impact, soil contamination and hazardous waste, and landfill-generated gases.

The Official Plan also states that no development shall be permitted within 30 metres of the fill area of a sanitary landfill operation. This is consistent with the D-4 Guidelines. This prohibition is echoed in the Zoning By-law. The proposed additional dwelling unit would be more than 60 metres to the shared property line with a landfill.

Public Services will review the proposal and confirm whether there are any concerns related to its proximity to the landfill given that the property is developed with a single detached dwelling.

Rural Designation

The subject lands are designated Rural in the Official Plan on Schedule A. The type and amount of development on Rural lands must maintain the rural character, natural heritage, and cultural landscape in the Township.



REPORT TO COMMITTEE OF THE WHOLE DEVELOPMENT SERVICES



The Official Plan does not provide specific direction on how many dwellings or dwelling units may be permitted on a property. In this situation, one must look to the Planning Act and the PPS for direction. As indicated above, the accommodation of affordable housing through additional residential units is required under the provisions of the Planning Act.

In the absence of Official Plan policies, the Township looks to the information published by the Province in the Second Unit Info Sheet (Ministry of Municipal Affairs, Spring 2017) and to recent amendments to the Planning Act. The Info Sheet describes what an additional residential unit is, and provides considerations for where it may be appropriate to permit these units. These considerations include locations on roads that are maintained year-round and accessible by Emergency Services, as well as demonstrating that on-site water and sewage services have sufficient capacity for the additional dwelling unit.

Staff support the application because the proposal meets or will meet the intent of the above considerations by sharing a driveway, well and hydro connection. The driveway is accessed from a public road that is maintained year round. The Owner will be responsible for ensuring the well produces an adequate volume of water for both the primary dwelling and the additional dwelling unit. Drinking water quality (potable water) will need to be confirmed as part of the required permit under the Ontario Building Code. A sewage system that complies with the Ontario Building Code is required to service the additional dwelling unit. The sewage system is proposed to be located south of the unit.

The proposed zoning by-law amendment would help the Township to achieve its goal to encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community. It is also consistent with the Planning Act and the direction provided from the PPS.

Conclusion

The proposal for an additional residential unit in an ancillary building is consistent with the Provincial Policy Statement 2020 and the County of Frontenac Official Plan. Public Services feedback on the landfill matter is required to determine whether the application is consistent with the South Frontenac Official Plan and whether it represents appropriate planning for the subject lands.

Prepared by: Christine Woods, MCIP, RPP, Senior Planner

Submitted/approved: Claire Dodds, MCIP, RPP, Director of Development Services

Approved by: Neil Carbone, CAO

Date of Site Visit: May 19, 2021

Attachments:

1. Location Map
2. Sketch
3. Draft By-law 2021-XX

Public Meeting

Z-21-08

Applicant: William Powis
Property: 2623 Green Bay Road, Bedford District

Tuesday, June 8, 2021

7:00 p.m. Virtual Public Meeting

South Frontenac Committee of the Whole



Public Meeting Statement



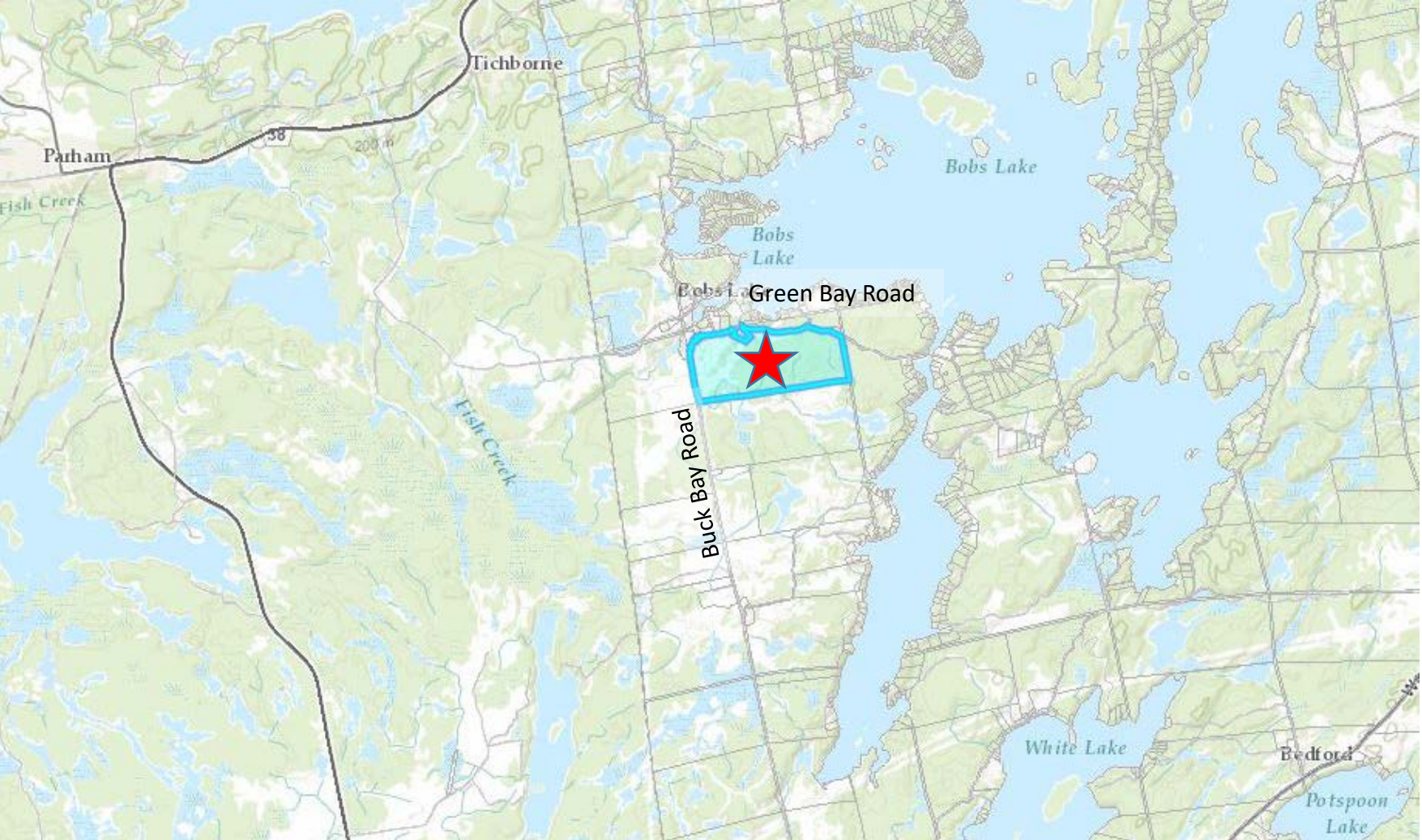
- The purpose of this public meeting is to hear comments on Zoning By-Law Amendment application Z-21-08.
- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to South Frontenac Township before the by-law is passed, the person or public body may not be added to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- If you wish to be notified of the decision of Council in respect to the application, you must submit a written request to the Clerk via email at amaddocks@southfrontenac.net. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal.
- Anyone may appeal the decision to the Local Planning Appeal Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Local Planning Appeal Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.



Agenda for Public Meeting

- Planner reviews proposal and delivers report
- Questions from Council
- Comments from Applicant/Owner, Agent and the Public
- Comments/Questions from Council
- Close Public Meeting

Location



Proposal



- Rezone from RU to RU-XX
- Permit an additional dwelling unit in an ancillary building (mobile home)





Mobile home would be located on the left side of the photo.



Department and Public Comments

- Building Department – no objection
- Public Services – comments not yet received
- Michael Dobmeier (61 Buckert Lane)
 - Why does the zone need to cover the entire property?
 - Would the zone allow a third dwelling unit in the future?
 - No concern with the proposal

Policy Framework



Planning Act



Provincial Policy Statement



Frontenac County Official Plan



Provincial considerations for locating units

Township of South Frontenac Official Plan



Additional residential units permitted

Maintains rural character
Supports housing goals
Landfill impacts to be confirmed



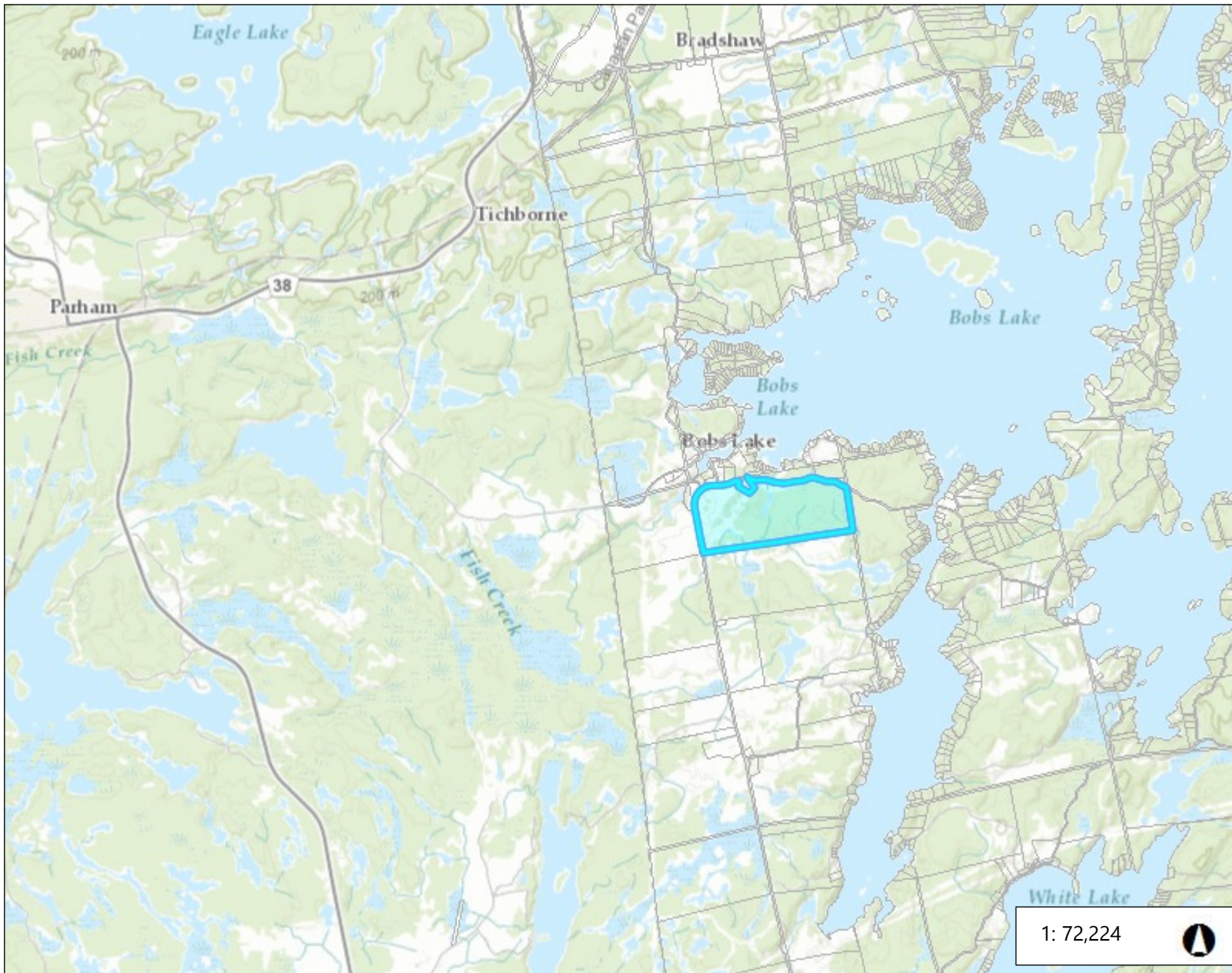
Recommendation and Next Steps

- It is recommended that South Frontenac Council defer making a decision on application Z-21-08 to receive and consider Public Services and public comments on the application.
- Pending comments received, Planning staff will bring forward a report providing a further recommendation and by-law to an upcoming Council meeting for consideration.



Questions and Comments

- Questions from Council
- Comments from Applicant/Owner, Agent and the Public
- Comments/Questions from Council



Legend

- Assessment Parcels
- Citations

1: 72,224



3.7 0 1.83 3.7 Kilometers

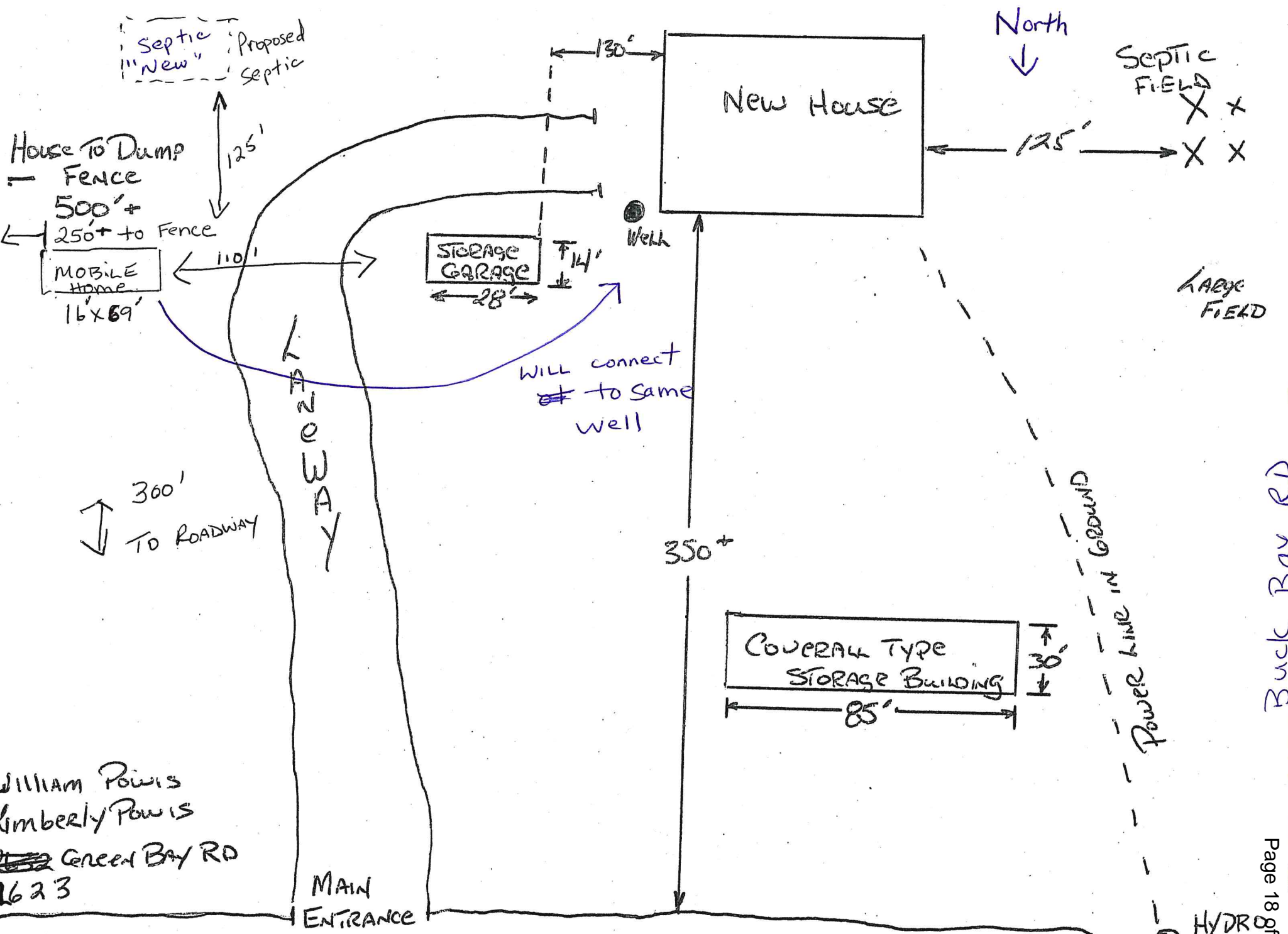
WGS_1984_Web_Mercator_Auxiliary_Sphere
Includes Material © 2019 of the Queen's Printer for Ontario. All Rights Reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Z-21-08



William Powis
 Kimberly Powis
 Green Bay RD
 1623

Buck Bay RD

Vacant land on both adjacent Green Bay Rd

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-##**

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM RURAL (RU) TO RURAL – SPECIAL PROVISION (RU-XX) ON LANDS DESCRIBED AS 2623 GREEN BAY ROAD, PART 3 ON REFERENCE PLAN 13R12293, PART OF LOT 20, CONCESSION 2, DISTRICT OF BEDFORD: POWIS

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

AND WHEREAS By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “D”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural (RU) to Rural – Special Provision (RU-XX) for the lands shown on Schedule “1”.
2. **THAT** Zoning By-law number 2003-75 as amended is hereby further amended by adding a new section RU-XX (2623 Green Bay Road, Part 3 on Reference Plan 13R12293, Part of Lot 20, Concession 2, District of Bedford – Powis) immediately after the last Rural – Special Provision section to read as follows:

RU-XX (2623 Green Bay Road, Part 3 on Reference Plan 13R12293, Part of Lot 20, Concession 2, District of Bedford – Powis)

Notwithstanding the provisions of Section 7 or any other provision of this By-law to the contrary, on the lands zoned Special Rural (RU-XX), the following provisions apply:

- *An additional dwelling unit in an ancillary building shall be permitted.*
- *The single detached dwelling and the additional dwelling unit in an ancillary building shall be in close proximity to each other and shall be accessed by a shared driveway, and be serviced by a shared sewage system and/or well.*
- *The minimum setback from the front lot line for an additional dwelling unit in an ancillary building shall be 45 Metres (147.6 ft.).*

All other provisions of this by-law shall apply.

3. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

Dated at the Township of South Frontenac this ##th day of MONTH, 2021.

Read a first and second time this ##th day of MONTH, 2021.

Read a third time and finally passed this ##th day of MONTH, 2021.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

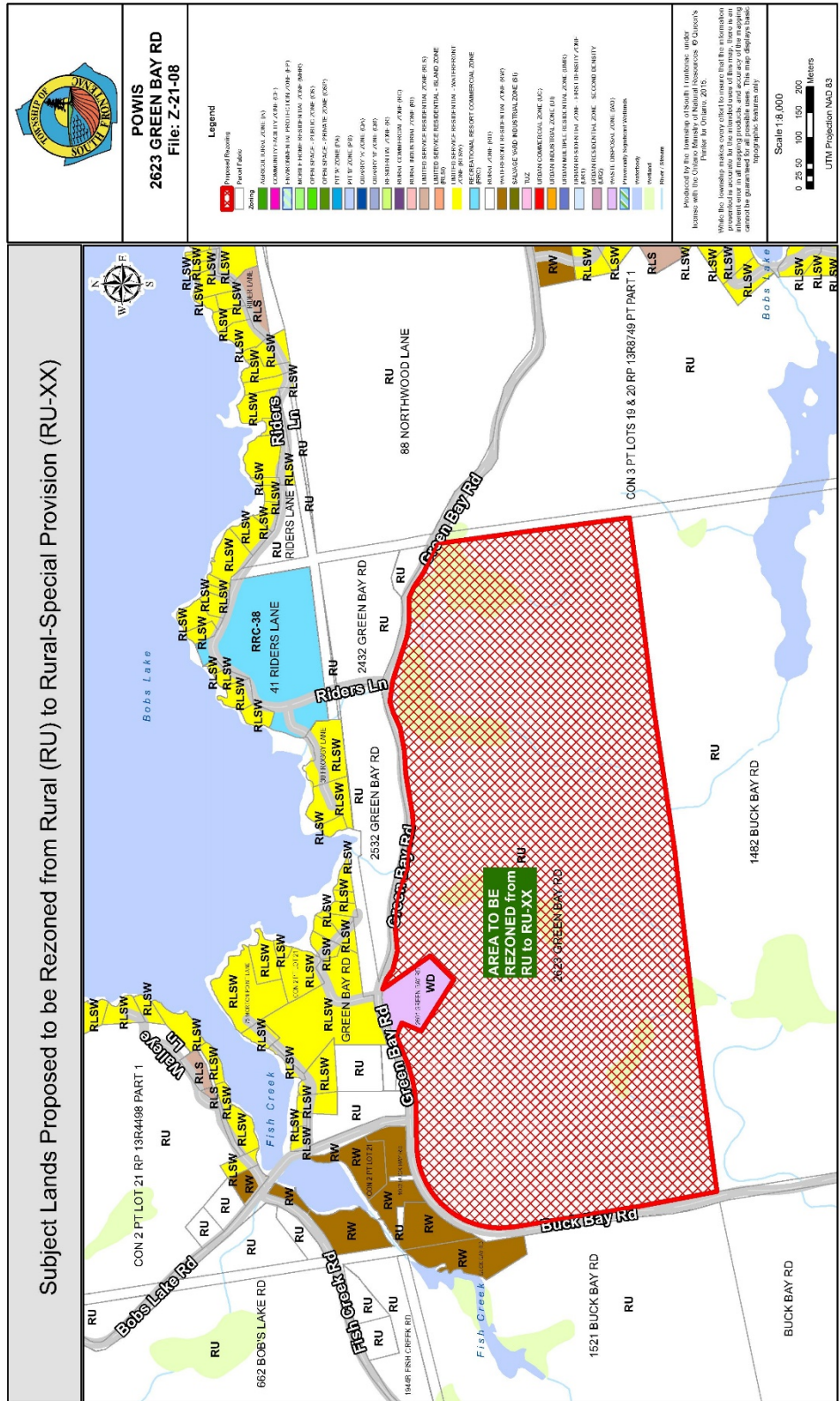
Ron Vandewal, Mayor

Angela Maddocks, Clerk

DRAFT

Schedule 1

This is Schedule "1" to By-law No. 2021- XX.



Passed this ##th day of MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk



REPORT TO COMMITTEE OF THE WHOLE

DEVELOPMENT SERVICES DEPARTMENT



Public Meeting Report – Zoning By-law Amendment

Report Date: June 1, 2021

Application No: Z-21-06

Purpose of Application: Township-initiated Administrative Amendments to the Text and Schedules of Zoning By-law No. 2003-75

Date of Public Meeting: June 8, 2021 (Virtual Public Meeting)

Recommendation

It is recommended that South Frontenac Council receive comments from the public, and pending comments received, direct staff to prepare a by-law to make general amendments to Zoning By-law 2003-75 related to the Township's public road winter maintenance program, site-specific zone errors, provisions on minimum distance separation for livestock facilities and sensitive uses, and group homes.

Background

The Township of South Frontenac Council passed Zoning By-law No. 2003-75 in 2003. There is a need to periodically to review the Zoning By-law to consider emerging issues and specific situations that arise through use and implementation of the by-law. Changes are then made to the Zoning By-law through an amending by-law that addresses each proposed change. When these types of amendments are initiated by the Township, they are often informally called a "housekeeping" amendment. These amendments are often general and/or technical changes made to the zoning by-law. The Zoning By-law was revised through Township-initiated amendments in 2007, 2012 and 2016.

A comprehensive staff report on proposed general amendments to Zoning By-law No. 2003-75 was discussed at the February 9, 2021 meeting of the Committee of the Whole.

Council, at its April 20, 2021 meeting, directed staff to prepare a public notice to be advertised on the Township website and in Frontenac News and to be sent directly to impacted property owners of the holding of a statutory public meeting for proposed general amendments to Zoning By-law 2003-75 related to the Township's public road winter maintenance program, site-specific zone errors, provisions on minimum distance separation for livestock facilities and sensitive uses, and group homes.

The proposed amendments are expected to clarify by-law requirements for staff and applicants, result in fewer Planning Act applications, and streamline the development approval process.

Discussion

The proposed general and technical amendments involve correcting the zoning by-law schedules, and ensuring current provincial policy and guidance on specific topics are appropriately reflected in the Zoning By-law. Township Official Plan policies are in place to support the proposed amendments. The following items are proposed to



REPORT TO COMMITTEE OF THE WHOLE

DEVELOPMENT SERVICES DEPARTMENT



be addressed through the amendment. Attachment 1 to this report is the draft by-law.

1. Zoning that reflects public road winter maintenance program

- a. **Proposal** – It is proposed to change the zone on multiple properties that front onto public roads that are maintained year-round to a zone that permits a single detached (year-round) dwelling to reflect the Township’s updated winter maintenance program for Hanna Road, Steele Road, Lake Road, James Wilson Road and Timmerman Road.
- b. **Background** – Historically, the above noted public roads were seasonally maintained (e.g. no snow plowing). The Limited Service Residential RLS-2 zone applies to all lands with frontage on these roads. The purpose of the RLS-2 zone is to restrict residential development to seasonal dwellings (i.e. for summer use). Year-round residences are not permitted in this zone as the properties could not be accessed during the winter. Increasingly these properties with seasonal dwellings are being purchased and occupied as year-round homes.

The Public Services Department updated its winter maintenance program such that all or portions of a number of these public roads are now maintained year-round. As such, the zoning on multiple properties should be changed to reflect changes to the public road winter maintenance program. Changing the zoning on these properties would allow for the issuance of a building permit for a single detached dwelling that would be constructed to allow it to be occupied as the owner’s principal dwelling that can be accessed year-round.

- c. **Councillor Comments** – At the April 20, 2021, Council meeting, Councillor Revill raised concerns that two provisions related to the RLS-2 zone are not enforceable. Namely, that property owners in the RLS-2 zone must demonstrate that they have a principal residence elsewhere when they apply for permission to construct a seasonal dwelling, and that the seasonal dwelling must be constructed to at least one of the seasonal dwelling standards of the Ontario Building Code (e.g. no insulation or no plumbing). He is concerned that there may be financial risk to the Township in the event that a permit was issued under the second point, and the owner later renovates the dwelling for year-round occupancy.

Staff note that the “seasonal dwelling” definition in the Zoning By-law is a carryover of an historic approach to waterfront development. Decades ago, plans of subdivision for summer cottages (i.e. seasonal dwelling) on private lanes was commonplace. This seasonal use was reflected in the zoning by-laws for the former Townships. Bedford Township and Storrington Township also made this differentiation of seasonal use on public roads that were seasonally maintained (e.g. no snow plowing) as the properties were not accessible during the winter.



REPORT TO COMMITTEE OF THE WHOLE

DEVELOPMENT SERVICES DEPARTMENT



Today, it is not typically common practice to regulate the seasonality of a use, similar to how municipalities no longer regulate occupancy of houses (e.g. family versus roommates).

The focus of the proposed amendment is to correct errors in areas where the Township road maintenance practice does not align with current zoning provisions. The matter of seasonal dwellings, including their definition and where they are permitted uses, should be further reviewed following the adoption of a new Official Plan since the current Official Plan policies do not support a general amendment on the matter. It is anticipated that the new Official Plan could also include a strategy to address all properties on seasonal public roads.

- d. **Public Comments** – The Township has received inquiries from several landowners whose properties are proposed to be rezoned from RLS-2 to a different zone. The inquiries can be categorized in two ways: First, what this means for their property; There is no anticipated impact to properties that are currently developed. Landowners of vacant properties will be able to apply for and receive a building permit for a single detached dwelling without the need to demonstrate that they have a principal dwelling on a separate property. Second, what impact this will have on the tax rate; The Township has one tax rate regardless of the zone or use of a property. Separate from the zone matter, property taxes may already be assessed higher now that the road is maintained year-round.

2. Site-specific zone errors

- a. **Proposal** – It is proposed to correct zone errors on specific properties that have been identified through implementation of the Zoning By-law.
- b. **Background** – Errors related to site-specific zones have been identified for several properties as a result of conversations with landowners and members of the public. For example, the area that is subject to the RRC-50 zone is larger than what is shown on the Zoning By-law Schedule. Another example is the Sunbury Cemetery on Battersea Road, which is subject to both the Rural and Community Facility zones.
- c. **Public Comment** – Wayne Rogers, owner of 4918 North Shore Crescent, requested that the UC-10 zone remain on the property. However, he withdrew the request after staff provided a Township record that confirmed the application for the rezoning had been withdrawn before a by-law could be brought to Council for a decision (i.e. a by-law was not passed for this property). The property was and should be zoned Rural.

Since the public notice was given on this proposed amendment, and as a result of the notice, staff have become aware of several other properties that require zone corrections. If staff conclude that zone corrections are warranted on these properties after further review, staff would recommend Council pass a section 34(17) resolution stating that there is no need for



REPORT TO COMMITTEE OF THE WHOLE

DEVELOPMENT SERVICES DEPARTMENT



further public consultation, and that the amendments be incorporated into the final by-law.

3. Agriculture - Minimum Distance Separation

- a. **Proposal** – It is proposed to update the provisions on minimum distance separation (MDS) for livestock facilities and sensitive uses so that they are consistent with provincial MDS guidelines.
- b. **Background** – The provisions on minimum distance separation in section 5.35 were compared to The Minimum Distance Separation (MDS) Document (OMAFRA, 2017) following comments received from members of the public on planning applications near livestock facilities in settlement areas. Based on the current provisions in the Zoning By-law, MDS I calculations may be completed between existing livestock operations and new residential lots within settlement areas at the discretion of Council, and MDS II distances may be reduced from listed cemeteries. The provisions also limit the circumstances in which a variance could be requested to the expansion of an existing livestock facility. These provisions contradict the MDS Document issued by the Province and need to be updated to be consistent with the provincial MDS guidelines.

4. Group homes

- a. **Proposal** – It proposed to list a group home as a permitted use in all zones that permit residential uses on public roads, to remove group homes from the Community Facility zone, to add minimum parking requirements to the general provisions, and to remove the requirement for a site-specific zoning by-law amendment.
- b. **Background** – A group home is a single housekeeping unit in a residential dwelling where individuals live under responsible supervision consistent with the individuals' requirements. These individuals may, for example, be foster children, elderly persons, persons with developmental or physical disabilities, or people who are convalescing after medical treatment.

The Ontario Human Rights Code says that “every person has a right to equal treatment with respect to occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age marital status, family status, disability or the receipt of public assistance.” Municipalities have a responsibility to promote housing that is free from discrimination. Group homes are residential uses. Zoning by-laws cannot subject the people who live in this housing to higher levels of scrutiny and expectations than other forms of residential housing.

The Township Official Plan permits group homes in all designations that allow residential uses, but not to be located on a private road. The Zoning By-law, however, only lists a group home as a permitted use in the



REPORT TO COMMITTEE OF THE WHOLE

DEVELOPMENT SERVICES DEPARTMENT



Community Facility zone. Group homes are permitted subject to a site specific zoning by-law amendment and to requirements. These include minimum parking requirements, compliance with zone provisions, and location on public roads.

The restriction to location on a public road would need to be revisited following the adoption of a new Official Plan.

In preparing the draft by-law on the subject of group homes and the Community Facility (CF) zone, staff determined that there are four properties in the CF zone that appear to contain residential land uses. Staff are investigating the uses of these four properties. If there is a group home operating on any of these properties, the draft by-law will be revised to amend the zone on the property from CF to the appropriate residential zone so that the group home does not become a non-conforming use when group homes are no longer a permitted use in the CF zone.

Department, Agency and Public Comments

Public Services staff have indicated support to align zoning with winter maintenance programs. The Chief Building Official also indicated support for the proposed amendments. Correcting errors in the Zoning By-law will help the Building Department provide accurate information to landowners.

Public comments received to date are summarized under the relevant topic section above.

Under the Planning Act, a public meeting is required to be held to receive comments from citizens on the proposed rezoning. The province has provided direction that public meetings are able to be held virtually using technology such as Zoom to obtain public input on planning applications. The public meeting for application Z-21-08 will be a virtual public meeting. Further public comments may be provided through the virtual public meeting.

Conclusion

The proposed general zoning by-law amendment is consistent with the Provincial Policy Statement 2020, the County of Frontenac Official Plan and the South Frontenac Official Plan.

Attachments

1. Draft By-law 2021-XX

Prepared by: Christine Woods, MCIP, RPP, Senior Planner

Submitted/approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Approved by: Neil Carbone, CAO

Public Meeting

Z-21-06

Township-Initiated General Zoning By-law Amendment

Tuesday, June 8, 2021

7:00 p.m. Virtual Public Meeting

South Frontenac Committee of the Whole



Public Meeting Statement



- The purpose of this public meeting is to hear comments on Zoning By-Law Amendment application Z-21-06.
- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to South Frontenac Township before the by-law is passed, the person or public body may not be added to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- If you wish to be notified of the decision of Council in respect to the application, you must submit a written request to the Clerk via email at amaddocks@southfrontenac.net. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal.
- Anyone may appeal the decision to the Local Planning Appeal Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Local Planning Appeal Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.



Agenda for Public Meeting

- Planner reviews proposal and delivers report
- Questions from Council
- Comments from Applicant/Owner, Agent and the Public
- Comments/Questions from Council
- Close Public Meeting



Background

- Township-initiated zoning by-law amendment
- Consider emerging issues and specific situations
- General and/or technical changes
- Previous amendments in 2007, 2012 and 2016
- Official Plan policies are in place to support the amendments
- Expected to
 - clarify by-law requirements
 - Result in few Planning Act applications
 - Streamline the development approval process



Zoning that Reflects Public Road Winter Maintenance Program

- RLS-2 zone
 - Applies to properties with frontage on public roads that are not winter maintained
 - Restricts residential development to seasonal dwellings
- Winter maintenance program updated
 - Hanna Road
 - Steele Road
 - Lake Road
 - James Wilson Road
 - Timmerman Road
- Change zone on 36 properties to RU, RW, RLS or RLSW
- Supportive comments received from four landowners

[Link to Draft By-law](#) Pg 10



Site-Specific Zone Errors

- Correct zone errors for 12 properties
- Duplicate zones or incorrect references
- Expansion of zones to reflect approval or use

[Link to Draft By-law](#) Pg 5



Minimum Distance Separation for Livestock Facilities

- Update MDS provisions to be consistent with provincial guidelines
- MDS I setback will not be applied to new development within Settlement Areas
- MDS II setback will not be reduced except in limited site specific circumstances
- Seven specific cemeteries are Type A land uses for calculating MDS II setback



Group Homes

- Remove requirement for site-specific zoning by-law amendment
- Remove group homes for Community Facility zone
- List a group home as a permitted use in all residential zones on public roads
- Add minimum parking requirements to general provisions
- Supportive comments received from one member of the public

[Link to Draft By-law](#) Pg 3



Recommendation and Next Steps

- It is recommended that South Frontenac Council receive comments from the public, and pending comments received, direct staff to prepare a by-law to make general amendments to Zoning By-law No. 2003-75 related to the Township's public road winter maintenance program, site-specific zone errors, provisions on minimum distance separation for livestock facilities and sensitive uses, and group homes.
- Planning staff will bring forward a report providing a further recommendation and by-law to an upcoming Council meeting for consideration.



Questions and Comments

- Questions from Council
- Comments/Questions from the Public
- Comments/Questions from Council

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021 - XX**

Being a Township-initiated by-law to amend By-Law 2003-75, as amended, to effect a number of changes to correct mapping and text errors that have been identified, to reflect the Township's public road winter maintenance program and to ensure current provincial policy and guidance on minimum distance separation and group homes are appropriately reflected.

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

AND WHEREAS Zoning By-law No. 2003-75 regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac deems it expedient to amend By-law No. 2003-75 as amended, to undertake general amendments to reflect the Township's public road winter maintenance program, correct site-specific zone mapping errors, clarify provisions on minimum distance separation for livestock facilities and sensitive uses, and update provisions relating to group homes;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received, the effect of which helped Council make an informed decision;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. THAT Schedule "A", to Zoning By-law Number 2003-75 as amended, is hereby amended by changing the zoning in Part Lot 1, Concession 1; Portland District, specifically on 3329 Murton Road, from Rural (RU) to Community Facility (CF) as shown on Schedule "1";
2. THAT Schedule "A" and Schedule "E", to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on Part Lots 1 to 4 and Block A on Plan 57, in Part Lot 6, Concession 5; Portland District, specifically on 3981 Harrowsmith Road, from Urban Commercial (UC) to Urban Residential First Density (UR1) as shown on Schedule "2".
3. THAT Schedule "B", to Zoning By-law Number 2003-75 as amended, is hereby amended by changing the zoning in Lot 19, Concession VI, Loughborough District, from Urban Commercial – Special Provision (UC-10) to Rural (RU) as shown on Schedule "3", to reflect that the associated application was withdrawn by the applicant and Council did not pass a by-law for this zone;
4. THAT Zoning By-law Number 2003-75 as amended, is hereby amended by deleting section UC-10 (Lot 19, Concession VI, Loughborough District – Rogers) and specifying that UC-10 was deleted by By-law 2021-XX.
5. THAT Schedule "C", to Zoning By-law Number 2003-75 as amended, is hereby amended by changing the zoning in Part Lot 5, Concession 8; Storrington District, from Rural (RU) to Community Facility (CF) as shown on Schedule "4";
6. THAT Schedule "D", to Zoning By-law Number 2003-75 as amended, is hereby amended by expanding the area subject to the Recreational Resort Commercial – Special Provision (RRC-50) zone to reflect the area shown on Schedule "A" of By-law 1997-16 as shown on Schedule "5";
7. THAT Schedule "B", to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on properties with frontage on Lake

Road and Jones Lane in Part Lot 25, Concession 5 and Part Lot 25, Concession 6; Loughborough District, from Limited Service Residential – Special Provision (RLS-2) to Waterfront Residential (RW) or Limited Service Residential – Waterfront (RLSW) as shown on Schedule “6”;

8. THAT Schedule “D”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on a property with frontage on Steele Road in Part Lot 23, Concession 2; Bedford District, from Limited Service Residential – Special Provision (RLS-2) to Rural (RU) as shown on Schedule “7”;
9. THAT Schedule “D”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on properties with frontage on Timmerman Road in Part Lot 4, Concession 4 and Part Lot 5, Concession 4; Bedford District, from Limited Service Residential – Special Provision (RLS-2) to Waterfront Residential (RW) or Limited Service Residential – Waterfront (RLSW) or Rural (RU) as shown on Schedule “8”;
10. THAT Schedule “D”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on properties with frontage on James Wilson Road in Part Lot 3, Concession 4, and Part Lots 2 to 6, Concession 5; Bedford District, from Limited Service Residential – Special Provision (RLS-2) to Waterfront Residential (RW) or Limited Service Residential – Waterfront (RLSW) or Rural (RU) as shown on Schedule “9”;
11. THAT Schedule “D”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning on properties with frontage on Hanna Road in Part Lots 23 and 24, Concession 11, and Part Lots 23 and 24, Concession 12; Bedford District, from Limited Service Residential – Special Provision (RLS-2) or Limited Service Residential (RLS) to Waterfront Residential (RW) or Limited Service Residential – Waterfront (RLSW) or Rural (RU) as shown on Schedule “10”;
12. THAT Section 5 – General Provisions, Subsection 5.35 Agriculture – Minimum Distance Separation, is hereby amended by deleting bullets a. and b., and replacing them with the following text:
 - a. Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot, outside of the boundaries of a “Settlement Area” and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using the Ministry of Agriculture, Food and Rural Affairs, Publication 853 “The Minimum Distance Separation (MDS) Document”, as amended. Despite the aforementioned, existing vacant lots which cannot be developed as a result of MDS I may be developed subject to the approval of the Committee of Adjustment. Within “Settlement Area” boundaries, MDS I will not be applied to proposed new development.
 - b. Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no livestock facility, shall be erected or expanded except in compliance with the Minimum Distance Separation (MDS II) calculated using the Ministry of Agriculture, Food and Rural Affairs, “MDS Implementation Formulae and Guidelines”, as amended (Appendix 1) Minimum Distance Separation (MDS II) calculated using the Ministry of Agriculture, Food and Rural Affairs Publication 853 “The Minimum Distance Separation (MDS) Document”, as amended. Despite the aforementioned, MDS II setback will not be reduced except in limited site specific circumstances that meet the intent of The MDS Document (e.g. circumstances that mitigate environmental or public health or safety impacts, or avoid natural or human made hazards), subject to the approval of the Committee of Adjustment.

13. THAT Section 5 – General Provisions, Subsection 5.35 Agriculture – Minimum Distance Separation, is hereby further amended by deleting the Note and adding the following text as bullet f.:
- f. For the purpose of calculating MDS II setbacks, the cemeteries listed in Appendix 4 of this By-law are Type A land uses, as described in Publication 853 “The Minimum Distance Separation (MDS) Document”, as amended.
14. THAT Section 3 – Definitions is hereby amended by deleting the definition for the term “Group Home”, and adding the following definition:
- “Group Home” shall mean a premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.
15. THAT Section 5.30.1 Minimum Parking Space Requirements is hereby amended by adding the following text:
- 5.30.1.25 Group Home – Two (2) spaces per dwelling unit plus one (1) space per four residents;
16. THAT Section 5.32 Group Homes is hereby deleted, and specifying that it was deleted by By-law 2021-XX;
17. THAT “Group Home” is hereby added to the list of Permitted Uses in the following zones:
- Section 6 – A – Agricultural Zone
 Section 7 – RU – Rural Zone
 Section 8 – RW – Waterfront Residential Zone
 Section 12 – R – Residential Zone
 Section 14 – UR1 – Urban Residential – First Density Zone
 Section 15 – UR2 – Urban Residential – Second Density Zone
 Section 16 – UMR – Urban Multiple Residential Zone
18. THAT “Group Home” is hereby deleted from the list of Permitted Uses in Section 29 – CF – Community Facility Zone;
19. THAT section RU-28 (Lot 13, Concession III, Portland District – Selle) is hereby amended by replacing Lot 13 with Lot 1 to provide the correct reference to the property to which RU-28 applies;
20. THAT section RW-37 (Part Lot 15, Concession IX, Storrington District, B. Campbell) is hereby amended by adding a reference to By-law 2016-08 in order to differentiate between it and a separate RW-37 zone that applies to a different property;
21. THAT section RW-37 (Part Lot 16, Concession IX, Storrington District, Ormsbee) is hereby amended by adding a reference to By-law 2015-63 in order to differentiate between it and a separate RW-37 zone that applies to a different property;
22. THAT section RLSW-96 (Part Lot 23, Concession III, Storrington District – 1324789 Ontario Inc.) is hereby amended by deleting the incorrect reference to RLSW-96 and replacing it with the correct reference to RLSW-94, and by adding a reference to By-law 2014-49 in order to differentiate between it and a separate RLSW-94 zone that applies to a different property.
23. THAT section R-28 (Part Lot 19, Concession II, Storrington District – Willowbrook Estates) is hereby amended by deleting the incorrect

reference to R-28 and replacing it with the correct reference to R-27, and by adding a reference to By-law 2014-66 to differentiate between it and separate R-27 zones that apply to different properties.

24. THAT Section UR1-12 is hereby amended by replacing the minimum 64 metres of lot frontage with a minimum of 62 metres of lot frontage, and by replacing the minimum 0.57 hectare lot area with a minimum 0.34 hectare lot area, as per Reference Plan 13R20485 (Leslie M. Higginson Surveying Ltd., August 30, 2012) that was prepared to clear a condition of approval of a 2012 consent application, and an Area Certificate (Leslie M. Higginson Surveying Ltd., November 3, 2020);
25. THAT Section RRC-53 is hereby amended by replacing the incorrect reference to the Special Rural (RU-46) Zone with Special Recreational Resort Commercial (RRC-53) Zone;
26. THAT Section 21 – UI – Urban Industrial Zone, Section 21.3.3, is hereby amended by deleting the incorrect reference to subsection 20.3 and replacing it with the correct reference to subsection 21.3; and
27. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said section 34.

Dated at the Township of South Frontenac this ___th day of MONTH, 2021.

Read a first and second time this ___th day of MONTH, 2021.

Read a third time and finally passed this ___th day of MONTH, 2021.

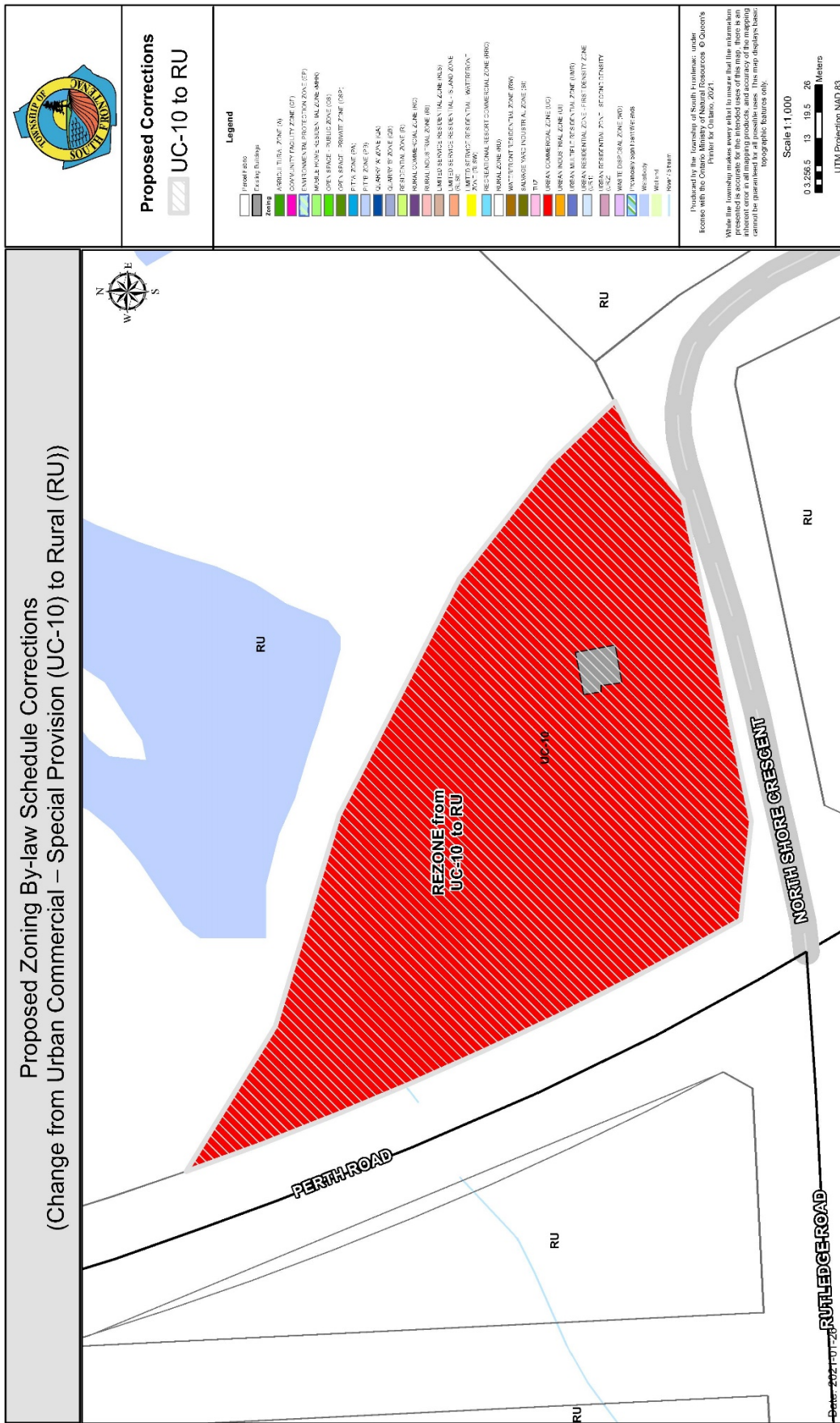
**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 3

This is Schedule "3" to By-law No. 2021- _____



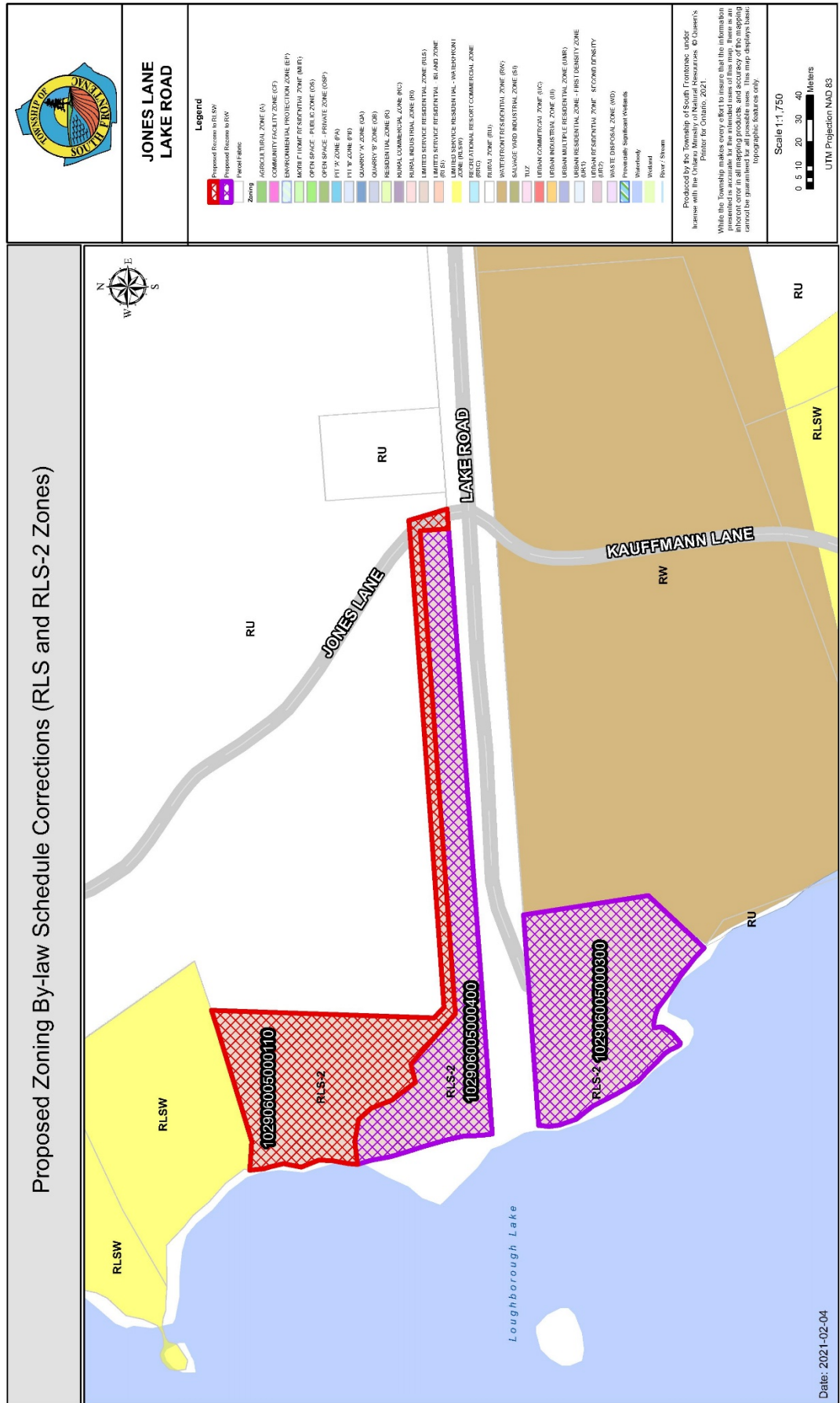
Passed this ____ DAY OF MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 6

This is Schedule "6" to By-law No. 2021- ___



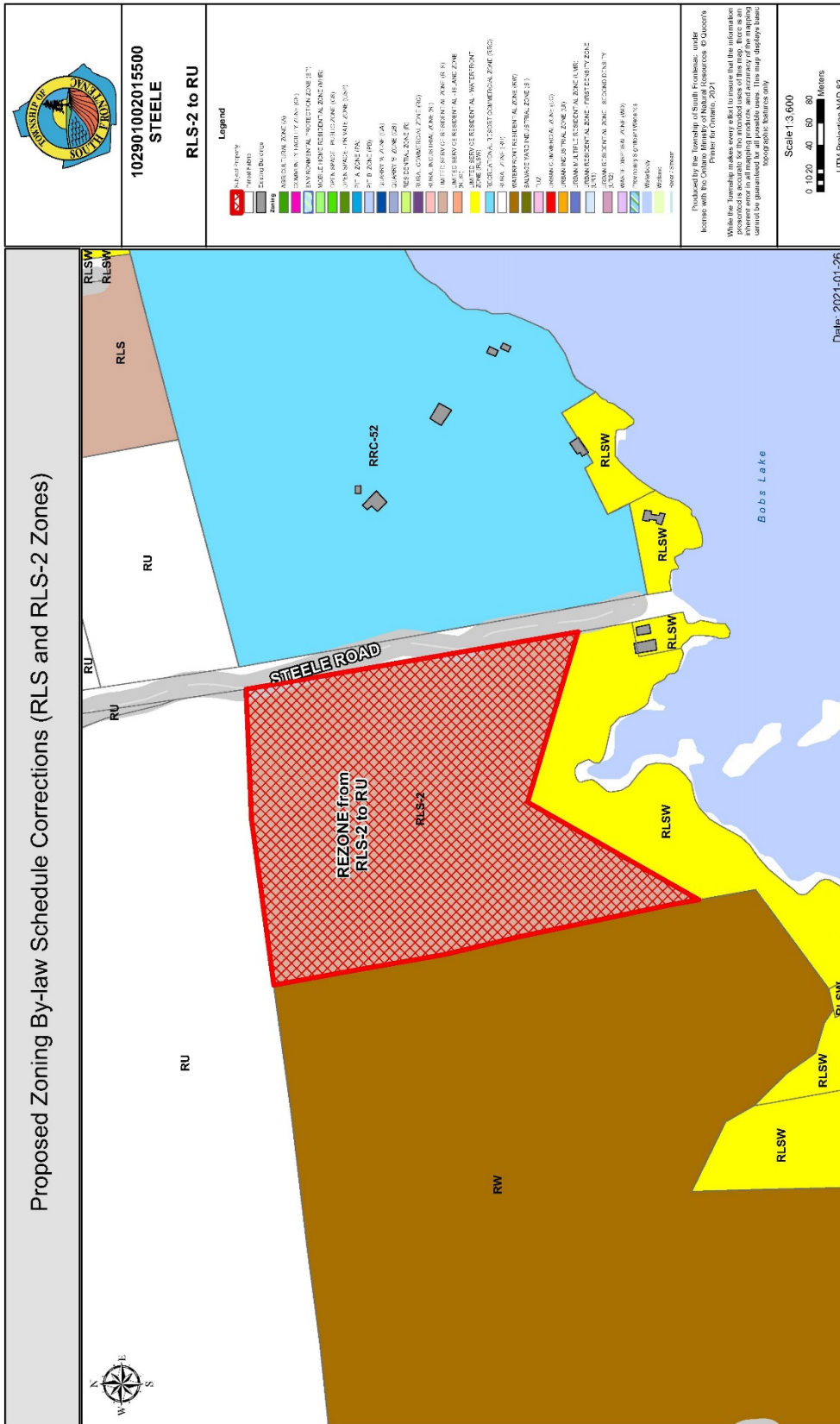
Passed this ___ DAY OF MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 7

This is Schedule "7" to By-law No. 2021-__



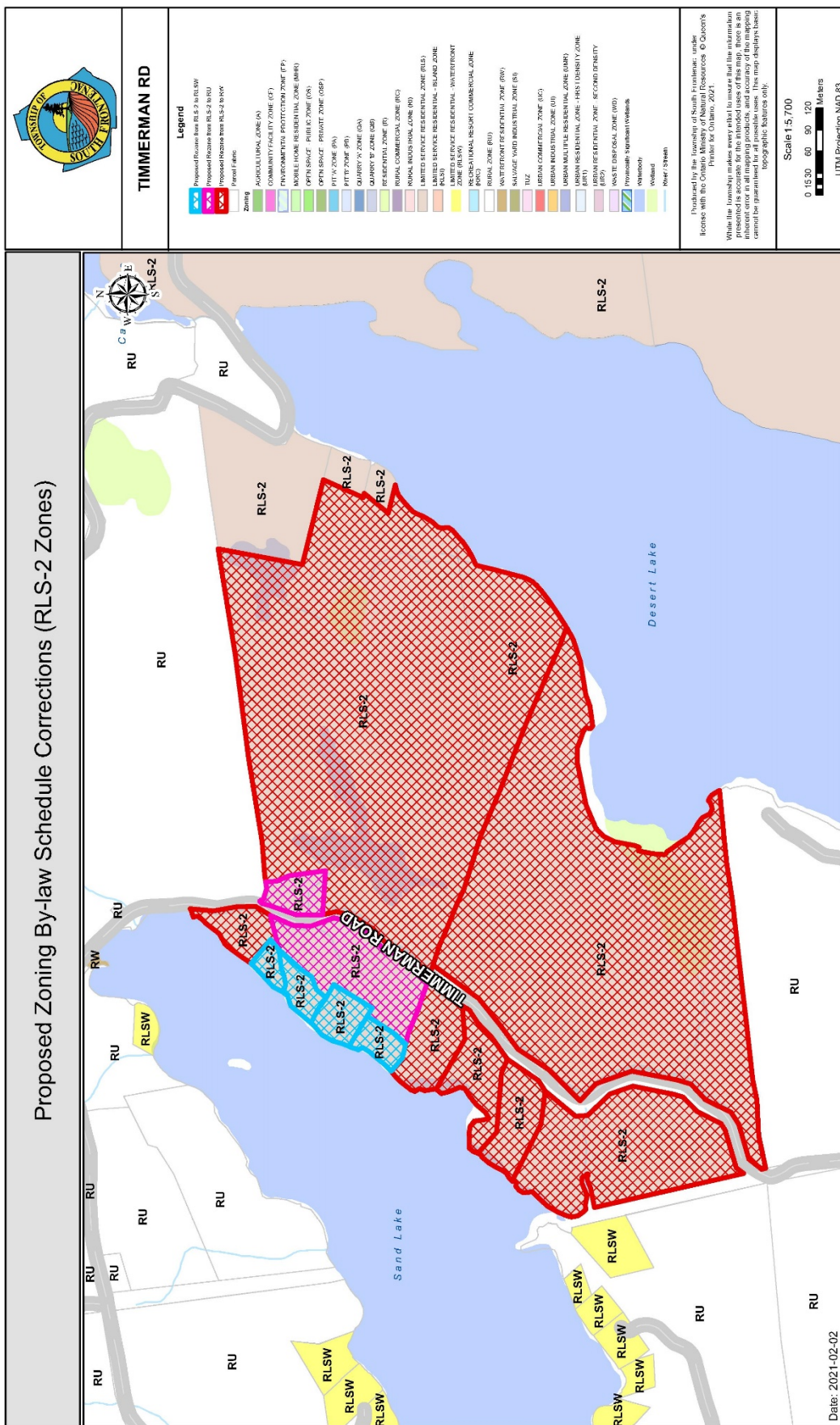
Passed this ___ DAY OF MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 8

This is Schedule "8" to By-law No. 2021- _____



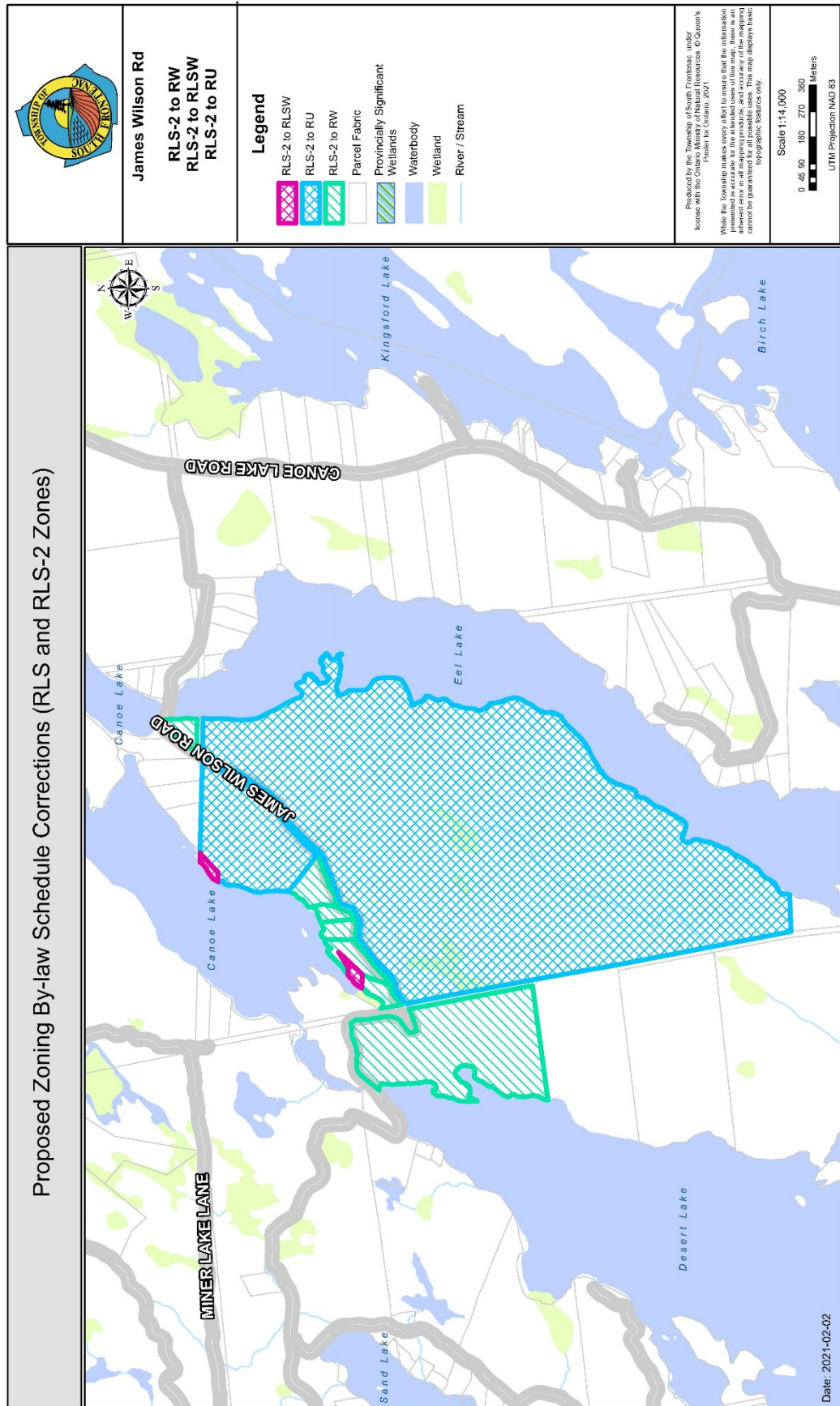
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Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 9

This is Schedule "9" to By-law No. 2021- __



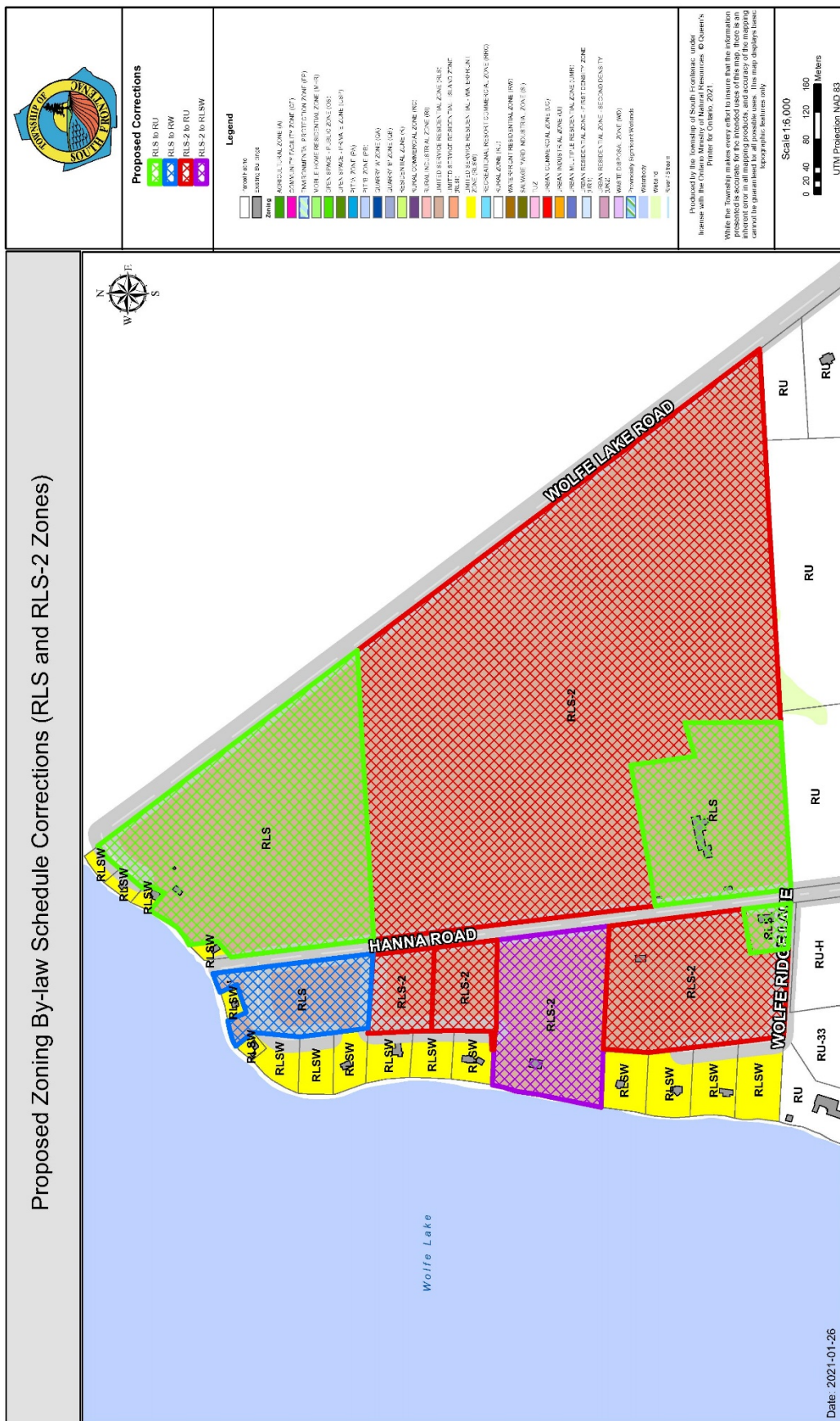
Passed this ___ DAY OF MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Schedule 10

This is Schedule "10" to By-law No. 2021- _____



Passed this _____ DAY OF MONTH, 2021

Ron Vandewal, Mayor

Angela Maddocks, Clerk



COMMITTEE OF THE WHOLE REPORT FIRE DEPARTMENT



AGENDA DATE: June 8, 2021

SUBJECT: Open Air Burning By-Law and Permitting – Next Steps

RECOMMENDATION:

That Committee of the Whole provides feedback to staff regarding the original burn permit proposal and amended Burning By-law 2020-54; and

That Committee of the Whole supports moving ahead with community consultation on the proposed Open Air Burning Permit System; and,

That based on the community consultation, Committee of the Whole supports staff bringing forward an amended Open Air Burning By-law for consideration by Council.

BACKGROUND:

On August 11, 2020 staff delivered a presentation outlining the inclusion of a burn permitting system which would be incorporated in an updated bylaw to regulate open air burning for the Township of South Frontenac. At that meeting, Council expressed interest in the concept and proposed changes in order to deal with challenges regarding open air burning and gave staff direction to continue with updating the 2012-68 By-law and provide further information and detail related to the open air burning permitting process.

On October 6, 2020 staff presented a new By-law to regulate open air burning within the Township of South Frontenac and provided further detail related to the permitting system. Some discussion occurred about additional public consultation but By-law 2020-54 was ultimately passed by Council without any changes.

On November 24, 2020 a resolution to amend wording in by-law 2020-54 was presented to Council. At this time Council referenced public concern about the new burn permit system and expressed a desire to better understand the various amendments to the Burn By-law. This resulted in a motion to reconsider the By-law being passed.

On December 15, 2020, upon reconsideration, Council voted to repeal Bylaw 2020-54 and directed staff to bring forward the By-law for again in 2021 with the intent to undertake additional public consultation.

ANALYSIS/DISCUSSION:

Current Open Air Burning Bylaw 2012-68

Open Air Burning and non-compliance with the current By-law 2012-68 continues to pose a public safety concern. Several incidents have occurred in 2021 related to uncontrolled fires as a result of members of the public not following the restrictions in the current version of the Open Air Burning By-law. Since staff began stricter enforcement of the burning by-law in early 2020, 89 incidents related to open-air burning infractions have been documented resulting in approximately \$52,000 in costs to the Township and damage to 132 acres. 29 fines have had to be issued in response to some of these incidents.



COMMITTEE OF THE WHOLE REPORT FIRE DEPARTMENT



The current By-law regarding Open Air Burning is dated and lacking in many areas, including:

- Lack of definitions on fire related items (i.e. Flying Lanterns, Evaporators, type of fires, open air/recreational, etc.)
- Restrictions for burning non-approved items (household garbage, plastics, foams, PVC, etc.)
- Restrictions related to burning during specific environmental/weather conditions (wind, drought, dry vegetation, etc.)
- Clear alignment and requirements with MNRF and provincial fire restrictions
- No considerations for any type of permit system
- Updated fee schedule for penalties for non-compliance
- Numerous housekeeping amendments to address clarity, formatting and consistency.

Notwithstanding an eventual decision on the inclusion and requirements of a permitting system, staff strongly recommends that amendments be made to the burning By-law to address the above deficiencies.

Permit System

SFFR Staff continue to recommend the implementation of an Open Air Burning Permit System as a means of improving public safety through education and awareness of burning regulations, and through better information about the location and nature of fires for SFFR.

In 2021, the City of Kingston, Central Frontenac Township, and Town of Greater Napanee introduced or updated open air burning permit systems of varying forms.

Staff believe the introduction of a permit system would eliminate a great deal of public confusion and increase compliance with the open air burning bylaw, therefore increasing public safety. A system of this type would increase the following:

- Public Education related to the open air burning by-law
- Promote public acknowledgement of and compliance with the by-law
- Provide immediate ability to notify permit holders of open air burning restrictions (i.e. Level One or Total Fire Bans)
- Anticipated reduction in open air burning complaints and subsequent SFFR response and related costs
- Reduction in the frequency and severity of uncontrolled open air fires
- Reduce the number of fines issued for non-compliance
- Ability for SFFR staff to have real time information on locations of approved open air burning
- Ability for SFFR staff to change and convey burning status due to unsafe conditions immediately (i.e. high winds, dryness, MNRF index rating)

Current Concerns

Staff is aware of Council's concerns and the initial public perceptions regarding the repealed bylaw 2020-54 and burn permitting system.



COMMITTEE OF THE WHOLE REPORT FIRE DEPARTMENT



Below are some options/questions regarding the proposed Burn Permit system and amended By-law which would be posed to residents through a community engagement plan.

- Cost of the annual permit
 - Purposed annual fee of \$15 or,
 - Reduced cost or,
 - Free (Cost of program covered in FD Operating Budget)

- Should staff look at different options for the permit system similar to other municipalities
 - System that has no notification process for burning or when restrictions come into effect
 - One time only process
 - Continue with no permit system

- Current Bylaw 2012-68 is outdated and not well defined
 - Leave existing
 - Simplify existing without consideration for permits
 - Complete revision, simplified with inclusion of permit system

Staff continues to believe that with proper public consultation, education, and through discussion with Council about the funding and other aspects of a burn permitting system and open air burning bylaw, that the opportunity exists for it to be perceived as a positive and effective means to increase public safety, encourage compliance, and reduce the frequency, severity and costliness of open air burning related fires within the Township of South Frontenac.

STRATEGIC PRIORITY ALIGNMENT:

The amended open air burning By-law and permit process was intended to increase public education, compliance with burning restrictions, and increased community safety. This aligns with the following actions from the Township’s strategic plan:

Item	Action	Priority
B 11	Implement electronic burn permit program	High
C	5e Burn By-Law updated re: new permitting system	Increased

Strategic Priority #1 “Position South Frontenac as a Regional Leader”

Strategic Priority #3 “Ensure the organizational capacity to deliver cost-effective services in a changing world”

Mission Statement

- “Managing our operations and assets in a financially sustainable manner”

Our Values

- Financial Sustainability “We are fiscally responsible and value the financial health of the Township”

“Natural, Vibrant and Growing – a Progressive Rural Leader”



COMMITTEE OF THE WHOLE REPORT FIRE DEPARTMENT



- Progressive & Flexible “Think outside the box; be proactive, progressive, and flexible”
- Environmental Sustainability “We value our natural environment and consider it in everything that we do”

FINANCIAL/STAFFING IMPLICATIONS:

None for the purposes of this report.

Following public consultation, subsequent reports will identify costs of implementing a permit system and/or other changes to the Burning By-law associated with public feedback and staff recommendations.

ATTACHMENTS:

Open Air Burning Permit System Presentation – August 2020

Current Bylaw 2012-68

Proposed and Repealed Bylaw 2020-54 (Highlighted Changes)

October 6, 2020 Council Report – Bylaw 2020-54 and Permit Consideration

Submitted by:

Darcy W. Knott
Director of Fire and Emergency Services
Fire Chief / CEMC

Approved by:

Neil Carbone
Chief Administrative Officer



Open Air Burning Permits

Presentation to Council

To Explore Opportunities and
Functionality of a Permit Process



Strategic Plan Action Item

- Priority #3 – Ensure the organizational capacity to deliver cost-effective services in a changing world
- 5e – Burn By-Law Updated re: new permitting system



Current Challenges

- Lack of process to notify the public of a Fire Ban restrictions in real time as changes are made
- Resident confusion about what the Fire Ban Levels mean
- Residents not familiar with the Open Air Burning ByLaw
- Limited means to educate the public regarding the ByLaw and Open Air Burning requirements



Current Challenges

- Cost of Fire Department Response to burning complaints
- High Cost of Open Air Burns that become uncontrolled
- Potential of significant fines for residents in non-compliance with the Open Air Burning ByLaw
- Firefighters and Senior Officers unaware of where opening air burning is occurring and what has been approved.



2020 Incidents – Jan - July

- SFFR responded to 54 incidents
- 11 Fireworks, 31 Open Air Burning Complaints, 13 Wildfires
- Average cost per response VFF wages – 12FF's @ \$45 per call = \$540 per incident
- Billy Green Road Wildfire – Crews responded for 6 days – Burnt approx 8 acres of forest
- 4 additional incidents resulted in over 4 acres of land burnt



2020 Incidents – Jan - July

- High demand and fatigue of firefighters responding to large wildfire incidents
- Increased use and maintenance of apparatus and equipment
- Need to replace damaged hose and equipment used during incidents



Common Factors

- Public unaware of restrictions in the ByLaw
- Public unaware of Fire Ban Status
- Public unaware of the hazards of open air burning and requirements to control open air fires



Opportunities for Compliance

- Update current 2012 Open Air Burning ByLaw to meet current needs and circumstances. i.e. include reference to permit process
- Implement a Permitting Process on January 1st, 2021. Campaign through media outlets starting during October Fire Prevention
- Educate through the permit process
- Mass notify through the permit process

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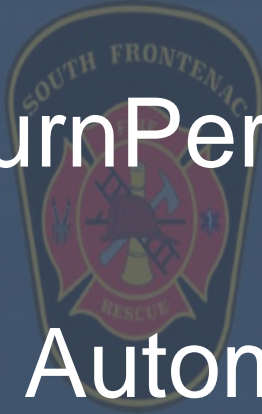
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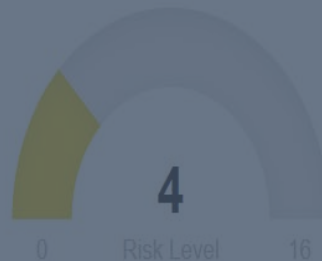
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1) Automate a typically paper-based system, in order to reduce the amount of unbillable time spent distributing permits

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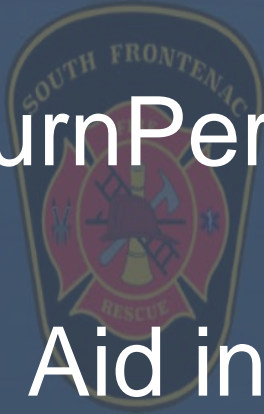
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2) Aid in Fire Prevention through the increased flow of communication between the Fire Department and the Public.

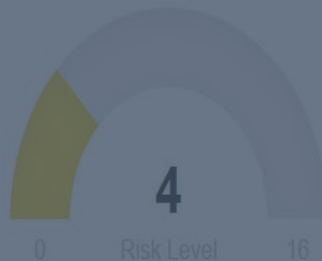
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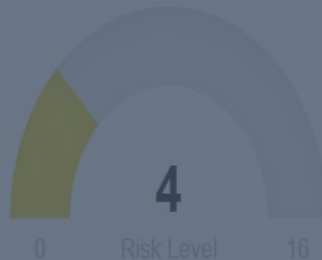
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Public Education is at the forefront of
BurnPermits.com

Vital information is communicated to
the public when:

- Applying for permits
- Registering their intent to burn
- The Risk Level is changed





Automated Call-In System or Online Registration

www.WhosResponding.com

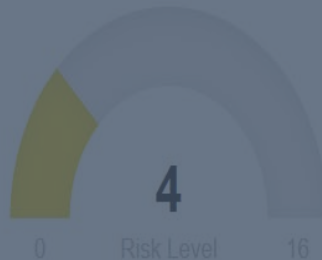
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An integral part of BurnPermits.com is the Automated Call-In System or Online Registration.

BurnPermits.com forces residents to call into the automated phone system before they burn or to register online. The reasoning is two-fold:

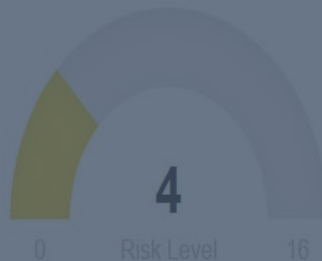


SOUTH FRONTENAC FIRE & RESCUE BURN PERMITS

Apply for your online permit today.

1) It ensures that residents are receiving the most up-to-date information regarding the Municipality's risk level.

a) Residents receive a clear message outlining what is expected of them during their burn.



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Apply for your online permit today.

2) Integration with Who's Responding

Login to Your Account

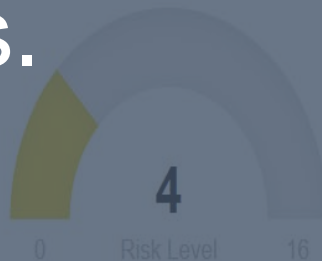
Your E-mail *

Password *

- a) With every registered burn, an indicator will appear on a map, communicating to Fire Personnel that an active burn is taking place at a specific address.

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Telephone: (613) 704-0504





Mass Alerts

www.WhosResponding.com

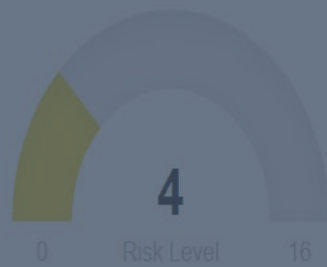
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SOUTH FRONTENAC FIRE & RESCUE BURN PERMITS

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The Municipality can send out mass alerts to all permit holders to provide vital information.

Mass alerts can be sent at any time to all permit holders to notify them of the burning requirements or special circumstances.

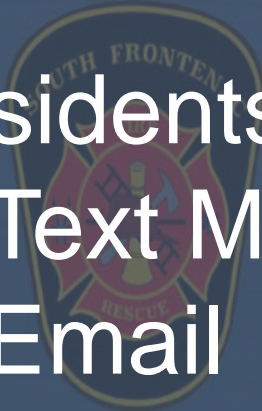


SOUTH FRONTENAC FIRE & RESCUE BURN PERMITS

Apply for your online permit today.

Residents can receive notifications via:

- Text Message
- Email
- Automated Phone Call



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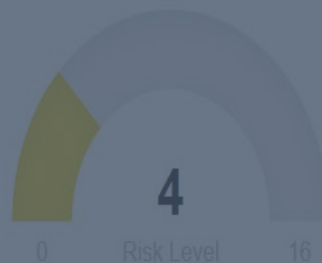
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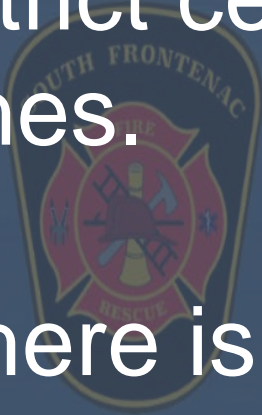
Zoning

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BurnPermits.com has the ability to restrict certain permit types based on zones.

If there is a village or hamlet core where no burning or only certain types of burning are allowed, the system will communicate this requirement to the resident when completing their permit application.



Login to Your Account

Your E-mail *

Password *

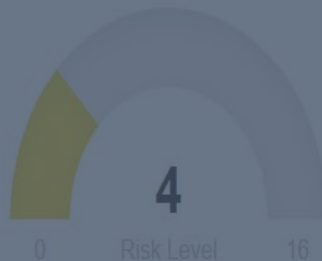
Create Account

Login Now

DON'T FORGET TO CALL!

Telephone: (613) 704-0504

Moderate + V.H. Good/Fair

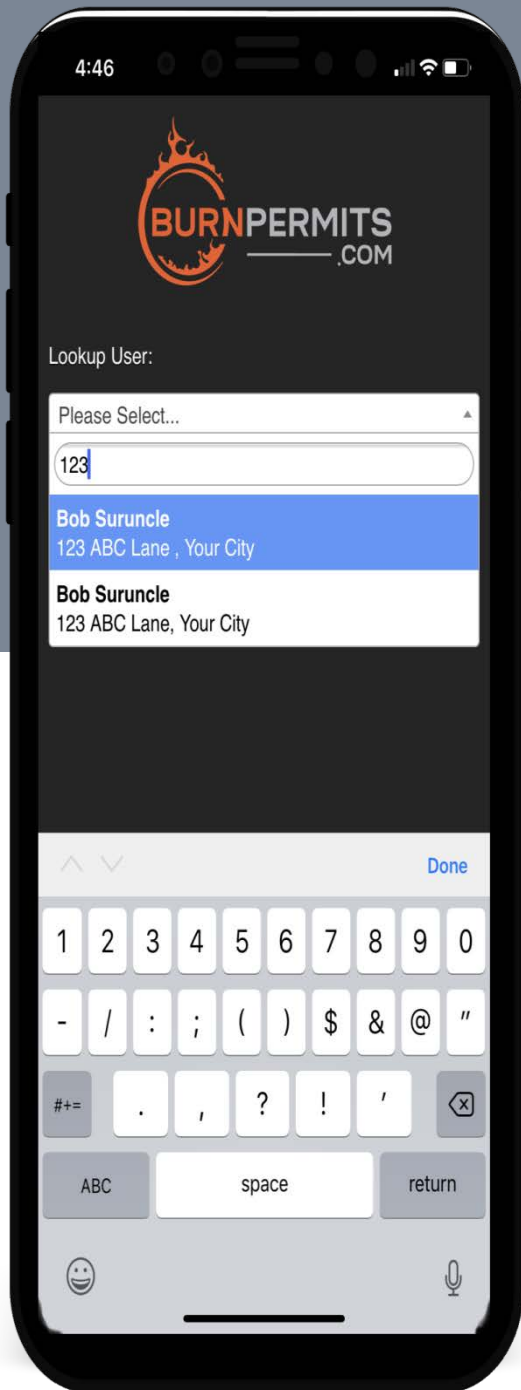




Features

www.WhosResponding.com

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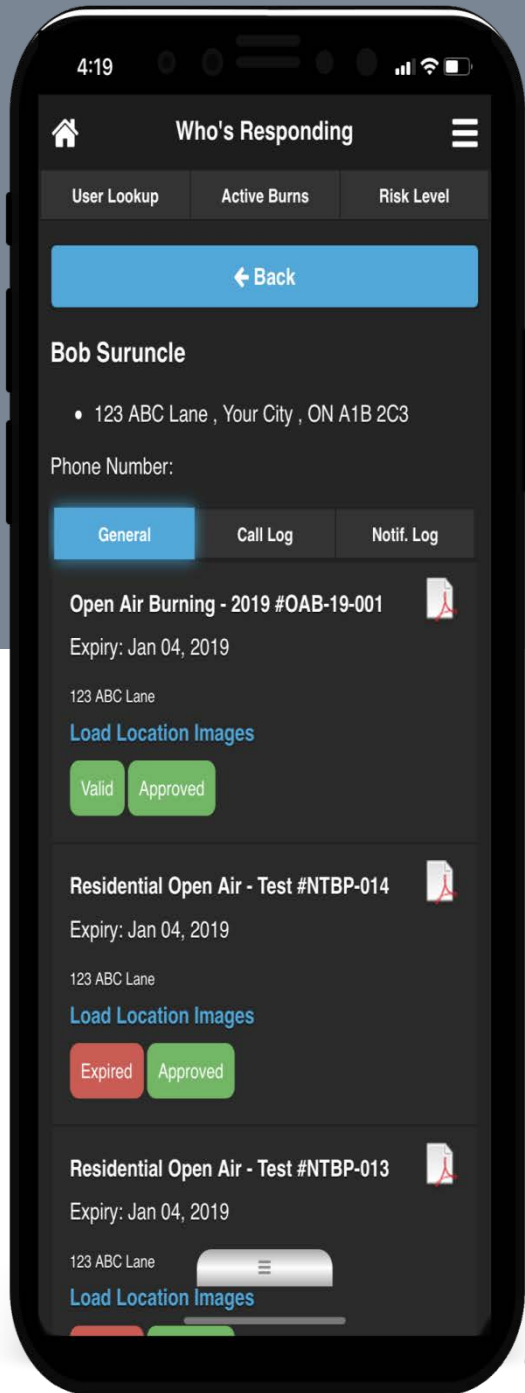


Integration with Who's Responding

- ✓ Search for valid permits and all permit holders
- ✓ Change the Risk Level without being in the Office
- ✓ Inform all Fire Personnel of active burns in the area

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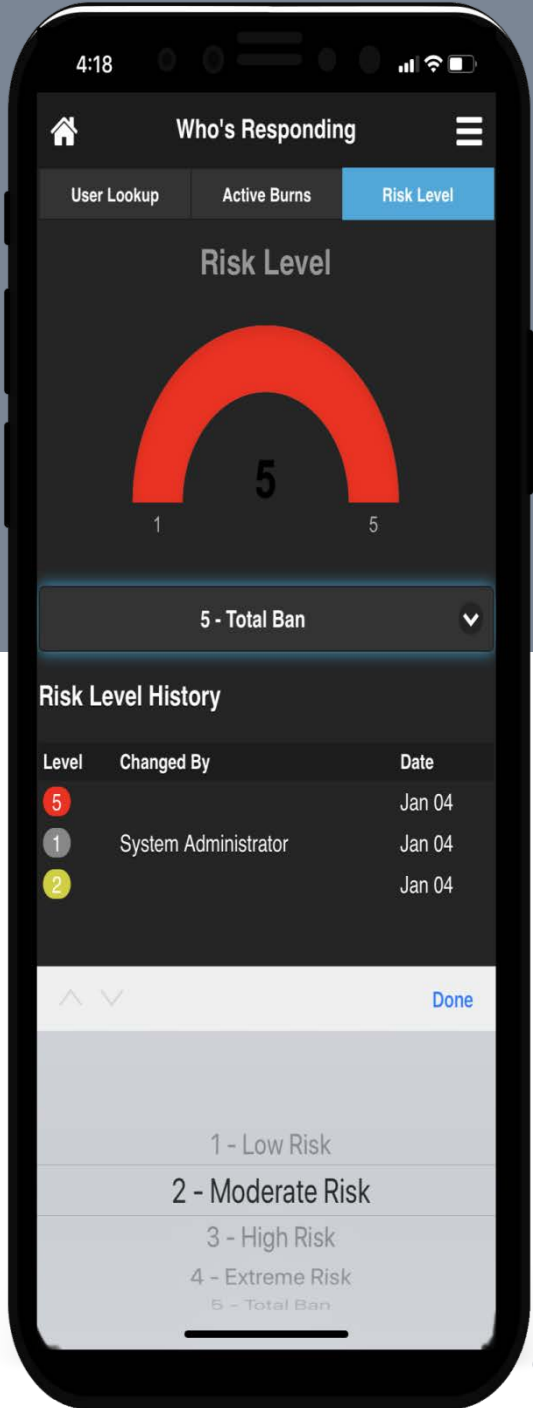


Permit Holder Search

- ✓ Determine if residents have valid permits
- ✓ Search based on GPS location, by permit holder name or address
- ✓ Ensure that residents have abided by your burning terms & conditions

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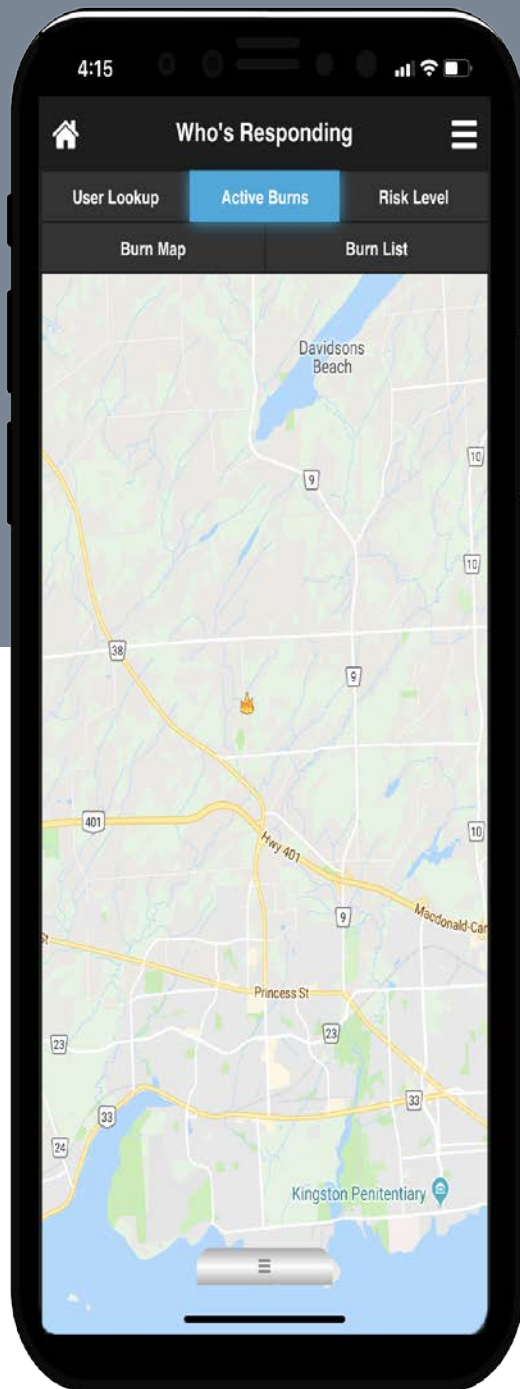
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Changing Risk Level

- ✓ Easily and quickly change the risk level in your municipality
- ✓ All information is saved and reflected back to the public through the automated call-in system and the public website
- ✓ Increase public awareness of burning requirements via mass notification

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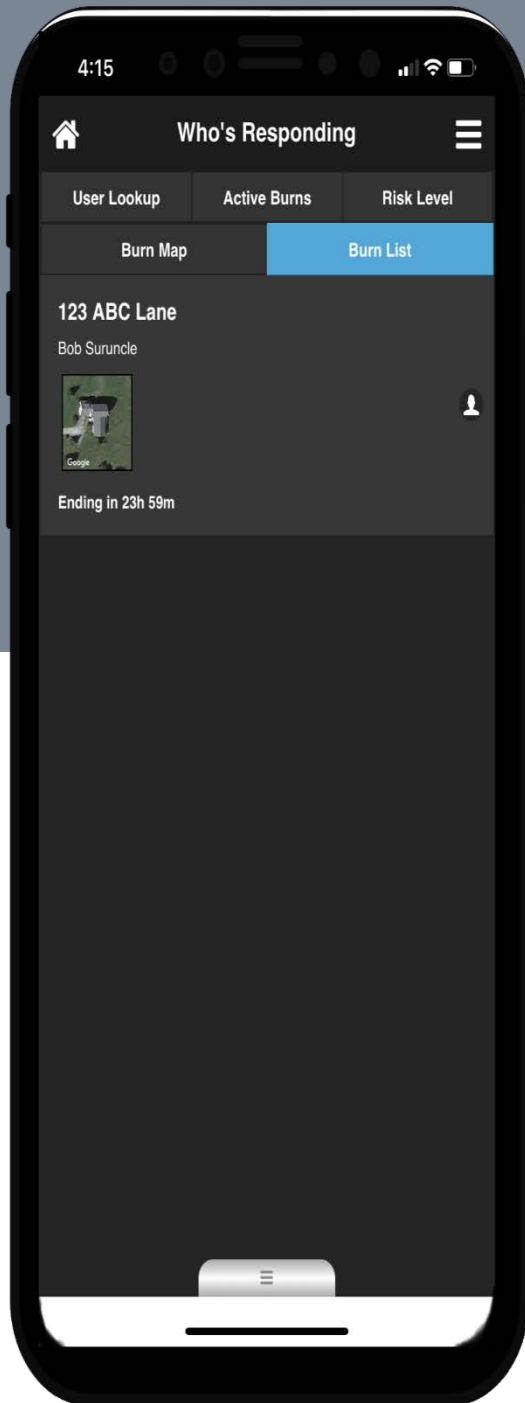


Real-time Mapping

- ✓ Get a visual of all burning activity in your area
- ✓ Real-time burning is displayed via the Active Burns map
- ✓ Ensure all Fire Personnel are aware of the active burns within the area

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Active Burns

- ✓ Find all resident details regarding the active fire
- ✓ Street map view of resident's address in the event of an incident

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THANK YOU
Questions???

**THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC
BY-LAW NO. 2012-68**

A BY-LAW TO AMEND BY-LAW 2004-107 TO REGULATE OPEN AIR BURNING

WHEREAS the Corporation of the Township of South Frontenac has a responsibility to protect life and property from risks of fire;

AND WHEREAS section 210, paragraph 35 of the Municipal Act authorizes Council to pass by-laws prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting fires;

AND WHEREAS section 210, paragraph 49 of the Municipal Act authorized Council to pass by-laws for making such regulations for preventing fires and the spread of fires as Council considers necessary;

AND WHEREAS section 220.1 of the Municipal Act authorizes Council to pass by-laws providing for the imposition and collection of fees or charges for services or activities provided by the municipality;

NOW THEREFORE the Council of The Corporation of the Township of South Frontenac hereby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "Approved Brush Pile Fire" means an Open Air Fire, having a maximum fuel volume of 3 metres x 3 metres (10 feet x 10 feet), that is set and maintained for the sole purpose of burning piled wood, brush or leaves.
 - (b) "Approved Incinerator Fire" means a fire set in a container designed for incineration purposes and constructed completely of non-combustible material that is placed atop not less than 4 cm (2 inches) of sand or mineral soil extending not less than 30 cm (12 inches) beyond its perimeter, and having a maximum volume of 202 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 5 mm.
 - (c) "Approved Pit" means an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a Camping Fire.
 - (d) "By-law Enforcement Officer" means a person appointed by Council of the Township as a by-law enforcement officer for the Township.
 - (e) "Camping Fire" means an Open Air Fire, having a maximum fuel volume of .6 metres x .6 metres x .6 metres (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and;
 - i. The site of the fire is bare rock or other non-combustible material.
 - ii. The fire is at least two metres from any flammable material.
 - iii. The space above the one metre area around the fire is at least 3 metres (10 feet) from vegetation.
 - iv. The fire does not exceed one metre in height and one metre in diameter.
 - (f) "Cooking Fire" means a fire used for cooking food and contained within an approved containment area or approved outdoor fireplace.
 - (g) "Fire Chief" means an officer of the Fire Department appointed as such by municipal by-law and includes his or her designate.
 - (h) "Fire Department" means South Frontenac Fire and Rescue with stations located in each of the former Townships of Bedford, Storrington, Loughborough and Portland.

- (i) "Fire Season" means the period from the 1st day of April to the 31st day of October in each year.
- (j) "Open Air Fire" means a fire set in the open air for the purpose of burning grass, tree limbs and other combustible material, and includes fires in barrels, drums, incinerators and pits, but does not include a cooking fire or campfire.
- (k) "Ontario Fire Code" means O. Reg. 388/97 made under the Fire Protection and Prevention, S.O. 1997, c.4, as amended.
- (l) "Person" includes an association, firm partnership, or corporation.
- (m) "Smudge" means a controlled and closely supervised Open Air Fire that is set for the purposes of protecting crops from frost or for relieving distress from biting insects in livestock.
- (n) "Township" means the Corporation of the Township of South Frontenac.

PROHIBITIONS

2. During the Fire Season, no Person shall:

- (a) At any time, set or maintain a fire or allow a fire to be set or be maintained:
 - i. Any Open Air Fire that is not an Approved Incinerator Fire, a Camping Fire, a Cooking Fire;
 - ii Any Approved Brush Pile Fire without first obtaining permission from the Fire Department; or
 - iii a Smudge, without first notifying the Fire Chief of the date, location, and other details relating to the proposed Smudge and complying with any restrictions or conditions on the setting and maintenance of the Smudge as may be imposed by the Fire Chief in his or her sole discretion.
- (b) Set or maintain a fire or allow a fire to be set or be maintained an Open Air Fire:

In contravention of:

- (A) The Ontario Fire Code;
- (B) The Fire Prevention and Protection Act, S. O. 1997, c.4;
- (C) The Forest Fires Prevention Act, R.S.O. 1990, c. F.24;
- (D) The fire safety precautions set forth under Section 3 of this by-law;
- (E) The terms of any ban or prohibition order in connection with Open Air Fires and issued by or on behalf of the Government of Canada, the Government of Ontario, the Fire Chief under authority of this by-law, or any other official acting within the scope of his or her statutory powers
- (F) or any other statutory requirement of the Province of Ontario or the Government of Canada; or
- (ii) In such a manner that an actual interference with the enjoyment of adjoining lands results, or the safe condition of adjacent highways is jeopardized through the escape of smoke and or ash.

SAFETY PRECAUTIONS

- 3. Any person setting, maintaining or permitting the ignition or maintenance of an Open Air Fire during the Fire Season shall ensure that the burning is done strictly in accordance with the following fire safety precautions:
 - (a) All materials to be burned shall be dry.
 - (b) No person shall burn any:

- (i) Building or structure of any kind or size;
 - (ii) Hay, straw or standing material, unless approved by the Fire Chief or designee;
 - (iii) Petroleum products, plastics, rubber, painted lumber, tires, pesticides, insecticides, herbicides, aerosol cans, fuel tanks, carpeting, mattresses, nylon, Styrofoam or anything else that will cause excessive smoke or fumes; or
 - (iv) Material prohibited by the Ministry of the Environment.
- (c) No Open Air Fire shall be set or maintained;
- (i) On any public or Township property other than a township landfill site;
 - (ii) Within 8 meters of a Township road or road allowance;
 - (iii) Within 6 metres (20 feet) of a building, forest, wooded area, or the nearest abutting property;
 - (iv) Within 2 metres of any other flammable material; or
 - (v) Under or within 10 metres of any hydro or telephone line or service.
- (d) A person over the age of 18 shall be in attendance and shall supervise all Open Air Fires until they are fully extinguished.
- (e) Equipment and other resources capable of controlling and quickly extinguishing Open Air Fires shall be maintained at the site of the fire at all times.
- (f) Hours of burning are restricted to those hours between sunrise and sunset, during the fire season from the first day of April to the 31st day of October, except a camping fire or cooking fire in an approved fire pit, or a township landfill site.
- (g) Between November 1st to March 31st, daylight burning only during daylight hours and must be extinguished prior to sunset except campfires & cooking fires.
- (h) Open Air Fires shall not be set in the presence of high winds or any other adverse burning conditions.
- (i) Any person setting or maintaining an Open Air Fire other than an Approved Brush Pile Fire, Approved Incinerator Fire, Camping Fire, or Cooking Fire shall first notify the Fire Department of his or her name and telephone number and the location of the proposed burning.

4. LEVELS OF FIRE BAN

- (a) Level One (1) Ban - shall mean a fire ban, which restricts open air burning, including fireworks but does not include campfires or cooking fires as defined in this by-law.
- (b) A Total Fire Ban - shall mean absolutely no open air burning including campfires or cooking fires or charcoal barbecues, and fireworks but does not include cooking appliances with a mechanical shutoff, ie: propane or naphtha gas cooking equipment.
- (c) The Fire Chief and Deputy Fire Chiefs will assess the need for a Level One (1) or Total Fire Ban on a daily basis
- (d) When fire bans are ordered by, the Fire Chief or designee, he or she will advise the CAO and Council as well as the media and other agencies.

ADMINISTRATION AND ENFORCEMENT

- 5. This by-law shall be administered and enforced by the Fire Chief, By-law Enforcement Officers, or such other person as Council of the Township may designate.
- 6. The Fire Chief or Council can approve commercial fireworks displays for special occasions during a Level One (1) or Total Ban.
- 7. The Fire Chief may, at any time, and in the exercise of his or her sole discretion, issue a fire ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Fires within any area of the Township based on the following;

- (a) A lack of precipitation that, in the opinion of the Fire Chief, increases the risk of the spread of fire;
- (b) Winds that, in the opinion of the Fire Chief, increase the risk of the spread of fire;
- (c) Current MNR fire indices and in consultation with Frontenac Provincial Park.
- (d) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of his or her statutory powers, of a fire ban or prohibition against any and all Open Air Fires; or
- (e) Any other condition that in the opinion of the Fire Chief will increase the risk of the spread of fire.

INSPECTION POWERS

8. A Fire Chief, By-law Enforcement Officer or a Police Officer may at any time inspect any Open Air Fire to ensure that the provisions of this by-law have been and are being complied with and the person who has the care and control of such fire shall provide the Fire Chief, By-law Enforcement Officer or the Police Officer with free and unobstructed access to the Open Air Fire.
9. Upon inspection under section 7 above, the Fire Chief, By-law Enforcement Officer or Police Officer:
 - (a) May, where there are reasonable and probable grounds that any offence under this by-law has been committed, request any person believed to have committed such offence to provide suitable identification and information.

FEES

10. In addition to any fines or penalties established elsewhere in accordance with this by-law, the person or persons responsible for setting or maintaining, or permitting to be set or maintained, an Open Air Fire shall be liable to the Township by way of a fee or charge, as calculated in accordance with Schedule "A" to this by-law, on account of those costs and expenses incurred by the Township in:
 - (a) Investigating and responding to a complaint made to the Township or the Fire Department by any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of the Open Air Fire and, in the opinion of the Fire Chief or the Fire Chief's designate, smoke or emissions from such Open Air Fire were causing or had caused actual discomfort to the complainant; and
 - (b) The dispatching of Fire Department vehicles and fire-fighting personnel for the purpose of extinguishing the Open Air Fire.
11. All fees and charges payable under this by-law are due and owing to the Township within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
12. All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
13. If a person who sets or maintains an Open Air Fire contrary to this by-law is not the owner of the property but occupies or is using the property with the owners consent, the owner and the person conducting the open air burning shall be jointly and severally liable to pay any fees and charges imposed by this by-law.
14. All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the Township and, in the case of owners of a property being responsible for payment of the fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.

PENALTIES

- 15. Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

GENERAL

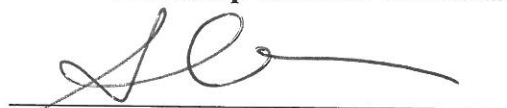
- 16. If any clause or part of this By-law is found to be illegal or beyond the power of the Township's Council to enact, such clause or part shall be deemed to be severable from all other clauses or parts of this By-law.
- 17. This by-law shall be known as the Open Air Burning By-law.
- 18. By-law 2004-107 is hereby repealed.
- 19. This by-law shall come into force on the day it is passed.

Dated at the Township of South Frontenac this 20th day of November 2012.


Read a first and second time this 20th day of November 2012.

Read a third time and finally passed this 20th day of November 2012.

**The Corporation of the
Township of South Frontenac**



Gary Davison, Mayor



Wayne Orr, Clerk-Administrator

SCHEDULE 'A'**TO****BY-LAW NO. 2004-107**

Fee to respond to and investigate open air Burning complaint	\$75.00 per response
Fee for dispatch of Fire-fighters and Fire Department Vehicles	\$410.00 per vehicle for the first hour and \$205.00 per each half hour thereafter per vehicle, plus the wages of all fire-fighters responding to the call (a minimum of one hour per fire-fighter)

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2020-54**

BEING A BY-LAW TO REGULATE OPEN AIR BURNING IN THE TOWNSHIP

WHEREAS the Corporation of the Township of South Frontenac has a responsibility to protect life and property from risks of fire;

AND WHEREAS Section 2 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 outlines a Municipality's responsibility for the provision of Fire Protection Services;

AND WHEREAS Section 7.1 Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 permits a municipality to pass By-laws that regulate fire prevention and the setting of open-air fires within the municipality;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that despite any Act, a municipality and a local board may pass By-laws imposing fees or charges on any class of person, for services or activities provided or done by or on behalf of it or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

AND WHEREAS Section 398 of the Municipal Act, 2001, S.O. 2001, c.25, permits the Treasurer of a local municipality to add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for a property in the local municipality and collect them in the same manner as municipal taxes;

AND WHEREAS Section 429 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that Subject to subsection (4), a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act. 2006, c. 32, Sched. A, s. 184

AND WHEREAS Section 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that the treasurer of a local municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

NOW THEREFORE the Council of The Corporation of the Township of South Frontenac hereby enacts as follows:

DEFINITIONS

1. In this by-law,

(a) "Approved Brush Pile Fire" means an Open Air Fire, having a maximum fuel volume of 3 meters x 3 meters, that is set and maintained for the sole purpose of burning piled wood, brush or leaves.

(b) "Approved Incinerator Fire" means an Open Air Fire set in a container designed for incineration purposes and constructed completely of non-combustible material that is placed atop not

less than 4 cm of sand or mineral soil extending not less than 30 cm beyond its perimeter, and having a maximum volume of 202 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 5 mm.

(c) "Approved Pit" means an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm of sand or mineral soil that will extend a minimum of 30 cm beyond the limit of the fuel used for a Camping Fire.

(d) "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 or campfires.

(e) "By-law Enforcement Officer" means a person appointed by Council of the Township as a by-law enforcement officer for the Township.

(f) "Camping Fire" means a fire, having a maximum fuel volume of .6 meters x .6 meters x .6 meters, that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and;

i. The site of the fire is bare rock or other non-combustible material.

ii. The fire is at least three (3) meters from any flammable material.

iii. The space above the one (1) meter area around the fire is at least six (6) meters from vegetation.

iv. The fire does not exceed one (1) meter in height and one (1) meter in diameter.

(g) "Cooking Fire" means a fire used for cooking food and contained within an approved containment area or an approved outdoor fireplace.

(h) "Evaporator" means a device that is an enclosed burning appliance intended to provide a wood or fuel burning fire for the purposes of generating heat to evaporate liquids such as, but not strictly limited to, the production of maple syrup.

(i) "Fire Chief" means an officer of the Fire Department appointed as such by municipal by-law and includes a Chief Fire Official.

- (j) "Fire Department" means South Frontenac Fire and Rescue that serves the Township of South Frontenac.
- (k) "Flying/Floating Lanterns" means a combustible material warm air floating device which uses an open flame for floatation
- (l) "FPPA" means the Fire Protection and Prevention Act, S.O. 1997, c4, as amended, and the regulations enacted thereunder as amended from time to time, or any Act or Regulation enacted in substitution therefor
- (m) "Highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and except as otherwise provided, includes a portion of the highway
- (n) "Household Waste" means combustible material such as plastics, paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fibers, diapers and hazardous waste as defined in the Environmental Protection Act and all other similar and like materials
- (o) "Open Air Fire" means a fire set in the open air for the purpose of burning grass, tree limbs and other combustible material, and includes fires in barrels, drums, incinerators and pits, but does not include a recreational fire as defined in this bylaw.
- (p) "Ontario Fire Code" means O. Reg. 213/07 made under the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended.
- (q) "Outdoor fireplace" means a manufactured, noncombustible, enclosed container designed to hold a small fire for decorative purposes and includes, but not strictly limited to, a chiminea or fire bowl
- (r) "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- (s) "Permit" Means an approved document prescribed in this bylaw and issued by the Corporation of the Township of South Frontenac that shall be obtained by an owner of a property and for each separate property owned, related to setting, maintaining, or allowing a fire to be set or maintained, and includes Open Air Burning
- (t) "Person" includes an association, firm partnership, or corporation.
- (u) "Recreational Fire" means a fire that includes, camping fire, cooking fire, outdoor fireplace, evaporator fire, a fire contained in a barbeque.
- (v) "Smudge" means a controlled and closely supervised Open Air Fire that is set for the purposes of protecting crops from frost or for relieving distress from biting insects in livestock
- (w) "Township" means the Corporation of the Township of South Frontenac.

PROHIBITIONS

2. At any time, no Person shall,

- (a) Set, maintain a fire, or allow a fire to be set or be maintained, including:
- i. Any unauthorized Open Air Fire, or
 - ii. Any unauthorized Recreational Fire, or
 - iii. Any Recreational Fire or Open Air Fire, in such a manner that interferes with the enjoyment of adjoining lands or jeopardizes the safety of a highway, through the escape of smoke or ash.
 - iv. A Smudge, without first notifying the Fire Chief 48 hours in advance of the date, location, and other details relating to the proposed Smudge and complying with any restrictions or conditions on the setting and maintenance of the Smudge as may be imposed by the Fire Chief in his or her sole discretion.
- (b) Set or maintain a Recreational Fire or an Open Air Fire or allow either to be set or be maintained in contravention of:
- i. The Ontario Fire Code;
 - ii. The Fire Prevention and Protection Act, S. O. 1997, c.4;
 - iii. The Forest Fires Prevention Act, R.S.O. 1990, c. F.24;
 - iv. The fire safety precautions set forth under Section 3 of this by-law;
 - v. The terms of any ban or prohibition order in connection with Open Air Fires and issued by or on behalf of the Government of Canada, the Government of Ontario, the Fire Chief under authority of this by-law and the FPPA, or any other official acting within the scope of his or her statutory powers
 - vi. or any other statutory requirement of the Province of Ontario or the Government of Canada; or
- (c) At any time, set off, ignite, or allow the use of a Flying/Floating Lantern of any type that operates on the use of any fire or any type of open flame heating source.

SAFETY PRECAUTIONS

3. Any person setting, maintaining or permitting the ignition or maintenance of a Recreational Fire or an Open Air Fire shall ensure that the burning is done strictly in accordance with the following fire safety precautions and in addition to obtaining a permit as prescribed in this bylaw:
- (a) All materials to be burned shall be dry,
 - (b) No person shall burn any:
 - i. Building or structure of any kind or size; or
 - ii. Hay, straw or standing material, unless approved by the Fire Chief or Chief Fire Official; or
 - iii. Petroleum products, plastics, rubber, painted lumber, tires, pesticides, insecticides, herbicides, aerosol cans, fuel tanks, carpeting, mattresses, nylon,
Styrofoam or anything else that will cause excessive smoke or fumes; or

- iv. Material prohibited by the Ministry of the Environment, or
 - v. Any household waste or commercial garbage
- (c) No Recreational Fire or Open Air Fire shall be set or maintained;
- i. On any public or Township property other than a township landfill site if approved by the Fire Chief or Chief Fire Official;
 - ii. Within ten (10) meters of a Township road, road allowance, or highway; or
 - iii. Within six (6) meters of a building, forest, wooded area, or the nearest abutting property; or
 - iv. Within three (3) meters of any other flammable material; or
 - v. Under or within ten (10) meters of any hydro or telephone line or service.
- (d) A person over the age of 18 shall be in attendance and shall supervise all Recreational Fires and Open Air Fires until they are fully extinguished.
- (e) Equipment and other resources capable of controlling and quickly extinguishing all Recreational Fire and Open Air Fires shall be maintained at the site of the fire at all times.
- (f) Hours of burning are restricted to those hours between sunrise and sunset, during the fire season from the 1st day of April to the 31st day of October, except a camping fire or cooking fire in an approved fire pit, barbeque, outdoor fireplace, or a township landfill site.
- (g) Recreational Fires and Open Air Fires shall not be set in the presence of high winds in excess of 25 km/hr or any other adverse burning conditions.
- (h) Any person setting or maintaining an Open Air Fire other than a Recreational Fire, shall first notify the Fire Department through the prescribed process of the Open Air Burn Permit System, of his or her name and telephone number and the location of the proposed burning.

LEVELS OF FIRE BAN

4.

- (a) Level One (1) Ban - shall mean a fire ban, which restricts Open Air Fires but does not include Recreational Fire as defined in this by-law.
- (b) A Total Fire Ban - shall mean absolutely no Recreational Fires and/or Open Air Fires but does not include cooking appliances with a mechanical shutoff, i.e.: propane or naphtha gas cooking equipment.
- (c) The Chief Fire Official, will assess the need for a Level One (1) or Total Fire Ban on a daily basis
- (d) When fire bans are ordered by a Chief Fire Official, he or she will advise the CAO and Council as well as the media and other agencies.

ADMINISTRATION AND ENFORCEMENT

- 5. This by-law shall be administered and enforced by a Chief Fire Official, By-law

Enforcement Officers, or such other person as Council of the Township of South Frontenac may designate.

6. The Chief Fire Official may approve commercial fireworks displays for special occasions during a Level One (1) or Total Ban.
7. The Chief Fire Official may, at any time, and in the exercise of his or her sole discretion, issue a fire ban, effective for a specified period of time, prohibiting the setting of any and all Recreational Fires and Open Air Fires within any area of the Township based on the following:
 - (a) A lack of precipitation that, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
 - (b) Winds that, in the opinion of the Chief Fire Official, increase the risk of the spread of fire;
 - (c) Current MNRF fire indices indicate a HIGH or EXTREME fire hazard and in consultation with Frontenac Provincial Park.
 - (d) The issuance, by a Chief Fire Official, Fire Marshall, or other fire officials in the exercise of his or her statutory powers, of a fire ban or prohibition against any and all Recreational Fires and/or Open Air Fires; or
 - (e) Any other condition that in the opinion of the Chief Fire Official will increase the risk of the spread of fire.

PERMIT PROVISIONS

8. a) The application for a permit shall be in the form as set out by the Chief Fire Official and shall include:
 - i) the applicable fee as set out in Schedule "A" of this bylaw, and
 - ii) permit holder sign-off of acceptance and compliance with this bylaw.
- b) Permits are issued at the discretion of the Chief Fire Official,
- c) A permit must be obtained for any and all burning. This includes all Recreational Fires and Open Air Fires.
- d) Notifications must occur through the permit system for all Open Air Fires but are not required for Recreational Fires.
- e) Prior to granting approval through the prescribed permit process to conduct an Open Air Fire, the Chief Fire Official may give consideration to:
 - i) the results of an on-site inspection, if required by the Chief Fire Official; or
 - ii) the size of the proposed fire and type of materials to be burned; or
 - iii) the safety measures and supervision arrangements proposed; or
 - iv) the time of year and the time of day; or
 - v) the type of special event; or
 - vi) any other relevant considerations.
- f) The Chief Fire Official may attach such conditions as deemed appropriate to

- any permit granted for Recreational Fires or Open Air Fires.
- g) The holder of the permit shall keep the permit or a copy of the permit at the burning site specified in the permit.
 - h) Any permit holder who is in violation of this By-law shall have their permit summarily revoked and all fires shall be immediately extinguished.
 - i) Despite the existence of a valid burning permit, the Chief Fire Official may suspend, without recourse, any and all burning permits and cause to be extinguished any fire until such conditions as the Chief Fire Official may indicate are met.
 - j) The Chief Fire Official may refuse to approve or issue a permit for a fire or an open air fire, if the proposed fire or open air fire would be in contravention of this By-law; if the owner, occupant or permit holder has, in the past, contravened the provisions of this By-law or has not complied with any conditions attached to a permit issued pursuant to this By-law.
 - k) The Chief Fire Official may withdraw a permit if, in the Chief Fire Official's opinion, the fire is causing a negative impact, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated or conditions have become unfavorable for a Recreational Fire or an Open Air Fire, conditions attached to the granting of a permit are not being adhered to or any provision of this By-law is being contravened.

INSPECTION POWERS

- 9. A Chief Fire Official, By-law Enforcement Officer or a Police Officer may at any time inspect any Recreational Fire or Open Air Fire to ensure that the provisions of this by-law have been and are being complied with and the person who has the care and control of such fire shall provide the Chief Fire Official, By-law Enforcement Officer or the Police Officer with free and unobstructed access to the Recreational Fire or Open Air Fire.
- 10. Upon inspection, the Chief Fire Official, By-law Enforcement Officer or Police Officer may where there are reasonable and probable grounds that any offence under this by-law has been committed, request any person believed to have committed such offence to provide suitable identification and information.

FEES

- 11. Where non-compliance and contravention of this bylaw is confirmed and in addition to any fines or penalties established elsewhere in accordance with this by-law, the person or persons responsible for setting or maintaining, or permitting to be set or maintained, a Recreational Fire or an Open Air Fire shall be liable to the Township by way of a fee or charge, as calculated in accordance with

Schedule "A" to this by-law, on account of those costs and expenses incurred by the Township in:

- (a) Investigating and responding to a complaint made to the Township or the Fire Department by any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of a Recreational Fire or an Open Air Fire and, in the opinion of the Chief Fire Official, smoke or emissions from such fire or Open Air Fire were causing or had caused actual discomfort to the complainant; and
 - (b) The dispatching of Fire Department vehicles and fire-fighting personnel for the purpose of extinguishing the Recreational Fire or Open Air Fire where non-compliance or contravention of this bylaw exists.
12. All fees and charges payable under this by-law are due and owing to the Township within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
 13. All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
 14. If a person who sets or maintains a fire or Open Air Fire contrary to this by-law is not the owner of the property but occupies or is using the property with the owner's consent, the owner of the property shall be liable to pay any fees and charges imposed by this by-law.
 15. All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the Township and, in the case of owners of a property being responsible for payment of the fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.
 16. The Chief Fire Official has full discretion when applying the fees for non-compliance or contravention of this bylaw outlined in Schedule "A". This includes determining the severity of the non-compliance and contravention and the results of non-compliance and contravention. This may be determined based on the appropriate number of fire department resources required to control, extinguish, and/or mitigate the hazards associated with any Recreational Fire or Open Air Fire.

PENALTIES

17. Every person who contravenes or causes or permits the contravention of any

provision of this bylaw is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

GENERAL

18. If any clause or part of this By-law is found to be illegal or beyond the power of the Township's Council to enact, such clause or part shall be deemed to be severable from all other clauses or parts of this By-law.
19. This by-law shall be known as the Open Air Burning By-law.
20. By-law 2004-107 as amended by 2012-68 is hereby repealed.
21. This by-law shall come into force on the 1st day of January 2021.

Dated at the Township of South Frontenac this sixth day of October 2020.

Read a first and second time this sixth day of October 2020.

Read a third time and finally passed this sixth day of October 2020.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

Angela Maddocks, Clerk

SCHEDULE 'A' TO BY-LAW NO. 2020-54

Fee to respond to and investigate a fire or Open Air Fire complaint, if it is found that the fire or Open Air Fire is in non-compliance with this bylaw:

- **\$150.00 per response of a Fire Department Officer**

Fee for dispatch of Firefighters and Fire Department Vehicles to investigate, extinguish, or mitigate the hazard associated with a fire or Open Air Fire complaint, if it is found that the fire or Open Air Fire is in non-compliance with this bylaw:

- **The current Ministry of Transportation rate per vehicle for the first hour and billed in 30 minute increments per vehicle for any time thereafter, plus,**
- **The wages of all fire-fighters responding to the call (a minimum of one incident pay rate as prescribed in By-law 2018-56 per firefighter)**

Fee for annual Permit:

- **\$15.00 per permit**

Note: If an owner, owns multiple properties, permits must be obtain for each individual property; however, no additional fees beyond the original \$15.00 for the first permit, will be levied for the additional permits.

Fee for any fire or Open Air Fire without a valid permit or notification through the prescribed Permit Process:

- **\$150.00**

Fee for burning unauthorized materials, materials not approved by this bylaw, household waste, commercial waste, or any other material in the opinion of the Chief Fire Official, that would have a negative impact on the environment and air quality with the Township:

- **\$2000.00 and/or cost of response by firefighters and fire department vehicles (whichever is greater)**

Fee for making a complaint about an Open Air Burn that is false, frivolous, or vexatious in nature:

- **\$150.00**



REPORT TO COUNCIL FIRE DEPARTMENT



AGENDA DATE: October 6, 2020

SUBJECT: Open Air Burning Permit and By-law

RECOMMENDATION:

Council approve the implementation of a new open air burning permit program as outlined in the August 11, 2020 report and presentation to Council and subject to the terms included in the proposed By-law 2020-54 on this agenda.

BACKGROUND:

On August 11, 2020, SFFR staff presented a plan to Council to implement an open air burning permit process. Generally, Council expressed support for the proposed permit process and directed staff to report back with an amended by-law outlining important details of the permit process.

Highlights and benefits of the open air burn permit process as presented on August 11, 2020 include:

- Public Education related to the open air burning by-law
- Promote public acknowledgement of and compliance with the by-law
- Provide immediate ability to notify permit holders of open air burning restrictions (i.e. Level One or Total Fire Bans)
- Anticipated reduction in open air burning complaints and subsequent SFFR response and related costs
- Reduction in the frequency and severity of uncontrolled open air fires
- Ability for SFFR staff to have real time updates on locations of approved open air burning
- Ability for SFFR staff to change burning status due to unsafe conditions (i.e. high winds, dryness, MNRF index rating)

ANALYSIS/DISCUSSION:

In addition to the inclusion of Section 8 regarding open air burn permitting, the new Open Air Burning By-law includes the following significant updates:

- New defined terms: i.e. Evaporator, Flying/Floating Lantern, Outdoor Fireplace, Permit...etc.
- Two major categories of fires: Recreational Fires and Open Air Fires
- Updated Prohibitions and Safety Precautions
- Stronger definitions and penalties for burning garbage and non-approved items that negatively impact the environment
- Updated fee schedule and penalties for non-compliance

Sections of the new By-law that are new or represent significant amendments to the previous By-law have been highlighted.

Permitting System

Under the new burn permit program, anyone wishing to burn in the Township of South Frontenac will be required to obtain an annual permit. A permit will be valid for the remainder of the calendar year in which it is purchased. At the time of



REPORT TO COUNCIL FIRE DEPARTMENT



application for the permit, property owners will be required to sign off that they will comply with the terms of the By-law.

Those that own multiple properties will pay one fee for their *first* permit. Subsequent permits for additional properties will be free for the duration of their valid permit.

Once a permit is obtained by a property owner, notification to the system only needs to occur for *Open Air Fires. Recreational Fires*, as defined in the By-law, will not require notification to the system. Notification is done either through the *Who's Responding* app or via telephone.

Municipal Comparisons

SFFR Staff inquired with nearby municipalities using this type of system to analyze and obtain data related to their operation.

Municipality	# Permits Issued (3 year average)	Population	Permit Cost
North Grenville	2700 per year	16,500	\$15.00
Prince Edward County	5700 per year	24,700	\$20.00

Discussions with counterpart fire service staff from these municipalities suggested that the permit system and process has been effective for educating the public about burning and fire safety, and has been embraced by residents as an effective and easy way to notify and be notified by the municipal fire department. They suggested resident feedback found the notification process to be easy for property owners and a great way to avoid frivolous complaints and avoid accidental non-compliance.

SFFR staff is proposing \$15.00 for the cost of the annual South Frontenac Permit based on estimated permit sales and recovery of program costs.

As with any new process and program, uptake may be modest in the first year but is expected to increase year over year. Based on other fire departments experiences implementing similar programs, SFFR is setting a target of 1000 permits being sold in 2021. Success of the program will be based on year over year increase in volume of permits and reduction in incidents and complaints related to burning which will be reported to Council.

Once the system has been implemented and functioning for 3-4 years, it is anticipated that a plateau of 2500 annual permits will be issued (representing appx. ¼ of all households in the Township). Once that number is reached, cost of the annual permit will be assessed and may result in minor adjustments to the pricing.

STRATEGIC PLAN ALIGNMENT:

The amended open air burning By-law and permit process will result in increased public education, compliance with burning restrictions, and increased community safety. South Frontenac will be the first in Frontenac County to introduce and implement a permitting system. This aligns with the Township's:



REPORT TO COUNCIL FIRE DEPARTMENT



Strategic Priority #1 “Position South Frontenac as a Regional Leader”

Strategic Priority #3 “Ensure the organizational capacity to deliver cost-effective services in a changing world”

Mission Statement

- “Managing our operations and assets in a financially sustainable manner”

Our Values

- Financial Sustainability “We are fiscally responsible and value the financial health of the Township”
- Progressive & Flexible “Think outside the box; be proactive, progressive, and flexible”
- Environmental Sustainability “We value our natural environment and consider it in everything that we do”

FINANCIAL/STAFFING IMPLICATIONS:

The program is designed to operate at full cost recovery and be revenue neutral.

Permit prices are proposed at \$15.00/year, and are based on the estimated permit sales and cost of delivering the program which includes the cost of *Who’s Responding* app fees and notification tickets, IT hardware (iPads), and some administrative costs.

Updated penalties bring the Open Air Burning By-law in-line with MTO and OAFRC recommended rates for apparatus and firefighter incident response.

ATTACHMENTS:

1. Burn Permit Presentation from August 11, 2020
2. Current Open Air Burning By-law 2004-107 as amended by By-law 2012-68
3. Proposed Open Air Burning By-law 2020-54 with Highlighted Changes (under By-law section of agenda)

Submitted by:

Darcy W. Knott
Director of Fire and Emergency Services
Fire Chief / CEMC

Approved by:

Neil Carbone
Chief Administrative Officer



REPORT TO COMMITTEE OF THE WHOLE OFFICE OF THE CAO



AGENDA DATE: June 8th, 2021

SUBJECT: Review of Council, Committee of the Whole and Standing Committee Structure and Procedures

RECOMMENDATION:

That Committee of the Whole supports a review of the Township's Council, COTW and Standing Committee Structures to be brought forward to Council along with recommendations for possible changes.

BACKGROUND:

As part of its 2019 – 2022 Strategic Plan, Council approved the review of its Council/Committee structure and procedural by-law as a priority action item.

This action was also included in the list of Goals & Objectives for the CAO as approved by Council in February 2021.

Before developing any recommendations staff is providing Council with a cursory review of the current structure and perceived deficiencies for discussion and Council feedback.

ANALYSIS/DISCUSSION:

The attached slide deck summarizes perceived challenges with the current Council, Committee of the Whole, and Standing Committee structures and procedures.

The issues identified here are not exhaustive nor do they highlight potential benefits of the current structure relative to other models. They are intended to prompt discussion about the need for a deeper review and possible changes.

If approved, staff would form a small working group to review, research and develop recommendations to be brought back to Council for discussion. Should Committee wish, Councillors could be identified to participate in the internal working group.

If Committee elects not to move forward with any significant procedural changes at this time, staff would still bring forward needed housekeeping amendments to the current Procedural By-law at a later date.

STAFFING/FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report. The recommendations of this report would result in some staff time being allocated to a review of Council/Committee models and the development of recommendations.

ATTACHMENTS:

- Attachment 1 – Review of Council, COTW & Standing Committee Structures Slide Deck

Submitted/approved by:

Neil Carbone
Chief Administrative Officer

Review of
Council, Committee of the Whole
and Standing Committee
Structure and Procedures

Background

- A review of Council/COTW/Standing Committee structures and the procedural by-law was identified as an action item under the 2019-2022 Strategic Plan and listed as a Council-approved CAO Objective for 2020/21
- Challenges with the current structure have been expressed by Councillors and staff in recent years
- This slide deck summarizes those challenges, identifies desired principles behind any changes, and lists some restructuring options

Current Meetings and Processes

Standing Committees

- Public Services Committee only one with regular meetings
 - Used as a forum for discussion about operational matters/updates
- Corporate and Development Services Committees rarely utilized
- Standing Committees typically redundant when a Committee of the Whole exists
 - Creates extra meetings/agendas to prepare for and attend
 - Many items on standing committee agendas are better considered by all of Council in a COTW setting; avoids repetition/backtracking
 - Matters can progress too far at a Standing Committee before making it to Council, where decisions should be made

Committee of the Whole

- Typically the forum where discussion/debate occurs; but in SF only one (1) COTW meeting per month which is sometimes cancelled
- Council meetings are treated more like typical COTW meetings
- Until recently, no formal resolutions passed and few decisions of COTW are referred to Council for ratification; the two aren't necessarily "connected"
- COTW is used more as a sounding board with Council than a forum for furthering business

Council Meetings

- Typically a more formal meeting where official business of the Municipality occurs
 - Passing of by-laws/resolutions, final debate and ratification of matters having received earlier review and discussion, etc.
- Not intended as a forum for introducing new ideas or seeking quick decisions without prior review or public notice
- Currently, more emphasis on discussion at Council than at COTW
- Current meetings have lengthy and diverse agendas
 - Can be difficult for the public to follow; many staff participating
- Reports and by-laws are on the same agenda, often for the first time
 - Discussion on reports takes place during by-laws

Procedures and Scheduling Challenges

- Provision of information items to Council/public is evolving
 - could be improved for notice of motion and public awareness purposes
- Currently 3 straight weeks each month of agendas/report writing
- Deadlines for item/delegation submissions can be challenging

Planning Matters

- Can be discussed at either Council or COTW meetings; can take up considerable time for statutory public meetings, delegations, etc.
- Planning matters can require presence of several DS staff
- Extra meeting(s) to seek Council's endorsement for road closings
 - Can take 3-4 meetings to stop up/close and sell unopened road allowance
- Increased public expectations about timelines

Principles behind any Procedural Changes

- Improved public awareness and opportunity for engagement
- More effective use of Council and staff time
- Decision-making transparency
- Ensure ALL of Council is informed and involved
- Fewer “surprises”
- Focus time and attention on most important matters
- Clearer processes for the public to understand
- Ensure efficient processing timelines for applications

Some Options to Consider

- Eliminate Standing Committees
- All new business goes to COTW prior to Council
 - Only urgent matters or under extenuating circumstances do items go straight to Council
- Adopt a consent agenda process
- Allow for more time between meetings to facilitate better preparation/reports and notice to the public
- Revisit the number and scheduling of COTW/Council meetings
- Meetings dedicated to specific topics (e.g. Planning Council meeting)

Next Steps

- Direction to proceed with a review/recommendations (COTW Motion)
- If not, procedural by-law housekeeping only
- Recommendations to Council this summer
- Determine implementation timeline (Fall 2021, January 2022, other?)



REPORT TO COMMITTEE OF THE WHOLE DEVELOPMENT SERVICES DEPARTMENT ~BUILDING~

AGENDA DATE: June 8th, 2021

SUBJECT: Building File Activity Report for May 2021

Summary of Report:

The following report details Building file activity for the month of May 2021 for South Frontenac compared to building activity reported in May of the previous 2 years. This report also documents the number of Part 8 files that have been submitted for all of the Frontenac Townships, to which South Frontenac delivers services.

Permit Applications Received:

Type of File	May 2019	May 2020	May 2021
Single Family Dwellings	15	10	9
Seasonal Dwellings	1	1	3
Additions & Renovations	10	9	12
Garage, Accessory Bldgs, Decks	16	12	16
Sewage System permits	0	0	19
Woodstove/Pellet/Chimney	5	2	2
Agricultural Buildings	0	0	0
New IC/Multi-Res Bldgs.	0	0	1
Reno/Additions to IC/Multi-Res Bldgs.	1	0	0
Demolitions	3	10	8
Pool enclosure	5	10	5
Other (Signs, Solar Panels, Investigations)	5	2	13
TOTAL FILES	61	56	88

Delivery of Part 8 Services for Frontenac Townships:

Part 8 Services	RECEIVED			
	South Frontenac	North Frontenac	Central Frontenac	Frontenac Islands
Sewage System Permits	19	10	13	5
Performance Reviews	1	0	1	0
Septic Reviews for Planning	18	1	0	1
Sewage System Record Search	3	2	1	1
MAY TOTALS	41	13	15	7

Year to Date Applications Received by South Frontenac Building Services:

Files Received - YTD	2019	2020	2021
Jan 1 to May 31	171	137	454

Note: 2021 includes Part 8 files received from all Townships.

Prepared by:
Peggy Spafford
Permit Intake Coordinator

Submitted/Approved by:
Claire Dodds
Director of Development Services

Approved by: Neil Carbone, CAO



**REPORT TO
COMMITTEE OF THE WHOLE
DEVELOPMENT SERVICES
DEPARTMENT
- PLANNING -**



AGENDA DATE: June 8, 2021
REPORT DATE: June 3, 2021

SUBJECT: May 2021 Planning Services Activity Report

The tables below report the activity in the delivery of Planning Services within the Development Services Department in May 2021.

The activities outlined below have been completed by the Planning Assistant, Planner Senior Planner and Director of Development Services.

Inquiries

Phone Inquiries

	Total
May 2021	389
May 2020	245
May 2019	215

Email Inquiries

	Total
May 2021	755
May 2020	524
May 2019	674

Pre-consultation Meetings

	Number of Virtual Meetings
May 2021	32
May 2020	23
May 2019	23

Virtual Application Commissioning Appointments*

	Number of Virtual Meetings
May 2021	24
May 2020	n/a
May 2019	n/a

*Planning applications are able to continue to be submitted and processed while the office is closed to the public due to COVID by our Planning Assistant (Commissioner of Oaths) scheduling and commissioning applications virtually. Staff witness the applicant signing the application during a zoom meeting and verify who they are by having the applicant show personal ID with their signature. Provincial legislation about commissioning was updated in late 2020 to be able to facilitate virtual commissioning of applications. After an application is commissioned – it is able to be submitted in the Township drop box.



**REPORT TO
COMMITTEE OF THE WHOLE
DEVELOPMENT SERVICES
DEPARTMENT
- PLANNING -**



Consent Applications

	Applications Submitted
May 2021	10
May 2020	7
May 2019	0

Consent Applications – Approvals by Delegated Approval versus Applications Heard by Committee of Adjustment

	Undisputed Consents Approved by Director of Development Services	Disputed Consents Heard by Committee of Adjustment
May 2021	3	0
May 2020	n/a	n/a
May 2019	n/a	n/a

Minor Variance Applications

	Applications Submitted
May 2021	6
May 2020	5
May 2019	6

Zoning By-law Amendment Applications

	Applications Submitted
May 2021	6
May 2020	0
May 2019	0

Development Agreements

- 11 development agreements in May 2021

Prepared by: Claire Dodds, Director of Development Services

Approved by: Neil Carbone, CAO