Agenda – Council – October 24, 2019

Report – Standing Policy Committee on Protection, Community Services and Parks – October 2, 2019

Item No. 5 Emergency Ban of Open-Air Fires

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the following to Council:

1. That the Neighbourhood Liveability By-Law No. 1/2008 (NLB) be amended (draft amending by-law attached) to make provision for:

    A. An emergency ban on all open-air fires to be declared by the Chief of the Fire Paramedic Service or delegate,

    B. Provision for the duration and scope of the ban,

    C. Penalties for non-compliance, and

    D. A mechanism for enforcement.

2. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection, Community Services and Parks – October 2, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2019, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Emergency Ban of Open-Air Fires

Critical Path: Standing Policy Committee on Protection, Community Services and Parks – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Reshaur	J. Lane	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The City of Winnipeg currently lacks adequate provision for the Chief of the Winnipeg Fire Paramedic Service (WFPS) to be able to declare an enforceable ban on all open-air fires within the City of Winnipeg should prevailing environmental conditions constitute an emergency such that a ban is required. The by-law amendment proposed in this report remedies that deficiency.

RECOMMENDATIONS

1. That the Neighbourhood Liveability By-Law No. 1/2008 (NLB) be amended (draft amending by-law attached) to make provision for:

    A. An emergency ban on all open-air fires to be declared by the Chief of the Fire Paramedic Service or delegate,

    B. provision for the duration and scope of the ban,

    C. penalties for non-compliance, and

    D. a mechanism for enforcement.

2. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In 2018 the City of Winnipeg experienced an exceptionally hot, dry spring. This resulted in a number of significant grass and brush fires within the City of Winnipeg. This also resulted in an elevated risk of rapid open-air fire spread within a congested urban environment. The situation

became acute and the risk of fire-spread became so significant that the Chief of the Fire Paramedic Service declared a complete ban on open-air fires within the City of Winnipeg. This ban was predicated upon the existence of an emergency situation and the powers afforded to the Chief under the City of Winnipeg Charter and the Fire Paramedic Service By-law. However, this ban was dependent upon voluntary compliance by citizens. It lacked both a mechanism for enforcement and penalties for non-compliance.

A repeat of similar hot dry weather conditions can be expected. This in turn will necessitate declaring an emergency ban of open-air fires in the future.

With the expectation that the need for an emergency ban of open-air fires will occur, it is also reasonable to expect that instances of refusal to comply may arise. Formalizing the provisions for the ban and penalties for non-compliance will better prepare the City of Winnipeg for this eventuality.

IMPLICATIONS OF THE RECOMMENDATIONS

An emergency ban of open-air fires under the proposed amendment to the NLB would result in:

- Prohibition of all open-air fires within the boundaries of the City of Winnipeg (or smaller areas within the city) for the duration of the open-air fire ban;
- Reduced risk of uncontrolled fire spread in a congested urban environment;
- Reduced risk of rapid brush and grass fire spread in the urban-wildland interface;
- Increased public awareness of the elevated fire risk producing greater voluntary compliance with the open-air fire ban;
- Increased compliance resulting from enforcement personnel having the capacity to engage in enforcement action should anyone choose not to voluntarily comply with the ban; and
- Reduced strain on the fire suppression resources of the Winnipeg Fire Paramedic Service at a time of heightened risk that those fires that do occur may grow rapidly and require a significant commitment of resources to extinguish.

The fire ban will be coordinated and jointly enforced between the Winnipeg Fire Paramedic Service (WFPS) and Community By-Law Enforcement Services (CBES) under the authority of the Neighbourhood Liveability By-Law, 1/2008. Fire Operations will report violations of the ban to CBES and provide necessary affidavits required to facilitate prosecution and subsequent fines. In addition, Fire Operations will be explicitly empowered to extinguish all non-compliant fires.

Fines for violation of the fire ban are set at $500.00 with a discount offered for prompt payment. The fine, and resulting revenue, is intended to motivate compliance, and is expected to cover additional enforcement time, if required, creating cost neutrality for the City of Winnipeg. However, revenue projections and incremental costs prior to implementation and accumulation of statistical data would be premature.

HISTORY/DISCUSSION

Should the currently prevailing environmental conditions be such that the risk of uncontrolled spread of fire is elevated to a point that it constitutes an emergency, the proposed amendment to the Neighbourhood Liveability By-law will allow the Chief of the Fire Paramedic Service to declare a complete ban on all open-air fires until such time as the environmental conditions that created the elevated risk of fire are alleviated.

The addition and implementation of the recommended provisions to the Neighbourhood Liveability By-Law No. 1/2008 better positions the Public Service to effectively respond to the increased fire risk. This in turn will afford greater and more efficient protection of the citizens of Winnipeg against the increased risk of fire.

The proposed changes to the Neighbourhood Liveability By-Law have been developed collectively by Community By-Law Enforcement Services, the Winnipeg Fire Paramedic Service and City of Winnipeg Legal Services. They represent a prudent response to the potential threat of fire that does not intrude excessively on the everyday lives of citizens. The use of propane and natural gas fired appliances such as barbeques will not be restricted during a declared fire ban.

FINANCIAL IMPACT

Financial Impact Statement **Date:** September 6, 2019

Project Name:
Emergency ban of open air fires

First Year of Program **2020**

	2020	2021	2022	2023	2024
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The purpose of the recommendations of this report is to put in place a mechanism to safeguard citizens and property during times of heightened fire risk. The revenue generated from this mechanism is as a consequence of non-compliance with the requirements and is intended to cover additional enforcement time, if any, and therefore creates cost neutrality for the City of Winnipeg. There is currently no historical data upon which to base an estimated revenue for this specific change.

original signed by
John Hall, FCMA, CGMA
Financial Controller
Fire Paramedic Service

CONSULTATION

This Report has been prepared in consultation with:

Community By-law Enforcement - Community Services Department
Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

- 01-2 Safety and Security- Build Community Safety Capacity.
- 01-2b Emergency Preparedness, Response and Recovery- Provide A Robust Governance Framework For Emergency Response.
- 01-2b Emergency Preparedness, Response and Recovery-Improve Community Safety Through Risk Reduction Strategies.
- 01-2b Emergency Preparedness, Response and Recovery-Direction 3, Maintain Emergency Planning Efforts To Prevent Hazards From Developing Into Disasters And To Reduce The Effects Of Natural Hazards Including Extreme Weather.

SUBMITTED BY

Department: Fire Paramedic Service
Division: Executive
Prepared by: Mark Reshaur
Date: September 6, 2019

Attachments: Appendix A - Neighbourhood Liveability By-Law No. 1/2008 Amendment

Appendix A

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of THE CITY OF WINNIPEG to allow the Winnipeg Fire Paramedic Chief to declare an emergency open-air fire ban

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Emergency Open-air Fire Ban authorized

1 The Neighbourhood Liveability By-law No. 1/2008 is amended by adding the following section immediately after section 73:

Declaration of Emergency Open-air Fire Ban

73.1(1) In this section,

***"Ban"** means an Emergency Open-Air Fire Ban declared under subsection (2); and*

***"open-air fire"** does not include a barbeque burning only propane or natural gas.*

73.1(2) The Chief may declare a ban on open-air fires in a geographical area within the boundaries of the City of Winnipeg if he or she concludes that prevailing climatic, environmental, or other conditions constitute an emergency and a Ban is necessary to reduce the risk of fires being spread.

73.1(3) Unless otherwise specified in the declaration, a Ban applies to the entirety of the geographical area within the boundaries of the City of Winnipeg at all times and to all forms of open-air burning.

73.1(4) A Ban may be partial and may, among other things, specify that it applies

(a) only to identified neighbourhoods or parts of the city;

(b) only to identified forms of open-air burning; or

(c) only during specific times of the day.

73.1(5) A Ban takes effect when all of the following have taken place:

(a) the Chief has signed a declaration of the Ban;

(b) the City Clerk has been notified in writing of the Ban;

(c) the declaration has been posted on the City of Winnipeg's website;

(d) the Chief has released a communique to the media that

(i) states that a Ban has been declared; and

(ii) provides details of the Ban.

73.1(6) Unless a Ban declared under subsection (1) sets out either a specific date and time at which it will end or the length of time during which is effective, the Ban ends 48 hours after it takes effect.

73.1(7) A Ban declared under subsection (1) supersedes and suspends a permit which authorizes an open-air fire.

73.1(8) A person must not set an open-air fire, and the owner or occupant of property must not permit any open-air fire to be set or remain lit on the property in contravention of a Ban.

73.1(9) Because an open-air fire during a Ban constitutes an emergency, members of the Winnipeg Fire Paramedic Service are hereby authorized to take immediate measures to extinguish an open-air fire burning in contravention of a Ban.

Schedule A of Municipal By-law Enforcement Act Enabling By-law amended

2 The table applicable to the Neighbourhood Liveability By-law in Schedule A of the Municipal By-law Enforcement Act Enabling By-law No. 59/2016 is amended by adding the following row in numerical order:

73.1(8)	*Contravening emergency open-air fire ban*	*500*	*250*

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Chief, Winnipeg Fire Paramedic Service

Legally reviewed and certified as to form:

Interim Director of Legal Services
and City Solicitor