

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES

June 10, 2008

PRESENT: Mayor Peter Kelly
Deputy Mayor Stephen D. Adams
Councillors: Krista Snow
David Hendsbee
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Gary Meade

REGRETS: Councillors: Steve Streach
Harry McInroy
Gloria McCluskey

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Barbara Coleman, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF THE MINUTES	3
3.	PROPOSED BY-LAW O-109, RESPECTING OPEN AIR BURNING	3
4.	REQUEST FOR PROPOSAL 07- 417 - PUBLIC ART COMMISSION, NOVA SCOTIA FALLEN PEACE OFFICERS MEMORIAL, HALIFAX GRAND PARADE SQUARE	7
5.	ADJOURNMENT	8

1. **CALL TO ORDER**

2. **APPROVAL OF THE MINUTES - May 27, 2008**

MOVED BY Councillor Wile, seconded by Councillor Outhit to approve the minutes of May 27, 2008 as distributed. MOTION PUT AND PASSED

3. **PROPOSED BY-LAW O-109, RESPECTING OPEN AIR BURNING** - (Deferred May 27, 2008)

A Staff report dated April 28, 2008 was before Council.

Chief Bill Mosher, Chief, Fire and Emergency Services advised Council of the reasons for proposing the new By-Law noting the following:

- C Staff wished to clean up the language of By-law O-103, make it more clear and concise;
- C The outdoor burning appliances do not meet any national standards;
- C Staff wanted to ensure that residents are not burning these appliances on a wooden or any other combustible deck.

Deputy Chief Roy Hollett gave a brief presentation noting the following:

- C HRM has been receiving complaints from residents with regards to outdoor burning appliances within the last two years;
- C Crews are uncertain what they should be doing; the only recourse, when called out, is to put the fire out;
- C Fire Services has worked with Legal Services to not only strengthen the language of By-law O 109, but to simplify it as well;
- C The terms, "No Burn" and "Burn" zones, have been clearly outlined;
- C People in a "No Burn" zone may burn with a permit;
- C HRM will defer to park regulations for camp fires in parklands in rural areas;
- C Staff feel that there should be a greater distance from neighbouring properties to the outdoor burning appliances;
- C Only seasoned wood will be allowed to be burned in the outdoor burning appliances;
- C By-law O -109 should prevent many of the nuisance calls that Fire Services now are currently receiving;
- C Health concerns are beyond the scope of Fire and Emergency Services. They are under the jurisdiction of the Department of Environment;
- C By-law O - 109 proposes a regulated distance that a commercial wood burning appliance, commonly known as a "Wood Doctor" must be away from other

properties;

- C Language in the proposed By-law has been changed to reflect the language used in the Provincial legislation of the Department of Natural Resources.

MOVED BY Councillor Sloane, seconded by Councillor Fougere to Approve in Principle By-law O - 109 Respecting Open Air Burning with the status quo being maintained as per By-law O-103 with respect to outdoor burning appliances.

Discussion ensued on the motion with questions and concerns being addressed by staff:

- C By-law O - 109 is written to protect the adjacent property owner from fire by increasing the distance from their property line;
- C Issuance of Provincial permits has been discontinued at the local fire departments;
- C Pre-existing "Wood Doctors" that would be prohibited by By-law O - 109 would be "grand fathered" into By-law O - 109 and would be allowed to be used until they wore out. They would not, however, be able to be replaced.
- C There are three areas where "Wood Doctors" are being used in a residential area where they have become an issue;
- C Only when a complaint has been received will Fire Services respond. Summary offence tickets, to date, have rarely been issued;
- C Because staff are working with 39 volunteer fire departments, consistency is an ongoing issue;
- C Staff do not want to have zero - tolerance in HRM because of the diversity in the districts;
- C Either a municipal burn permit or a provincial burn permit is required, not both.
- C Outdoor burning appliances do not come with any safety standards such as CSA rating so that licencing of these appliances could not occur.

Councillor Sloane clarified that the status quo would remain the same on residential outdoor burning appliances only.

Councillor Hendsbee stated that under the Current By-law O 103 s.2(k) outdoor burning appliances in the Definition section does not include external wood burning furnaces and making an amendment to the status quo is contradictory to the whole issue.

In response to the Municipal Solicitor, the Deputy Chief advised that it is the amount of smoke that it is released from the external wood burning furnaces that is unacceptable, hence the change in the By-law

The Municipal Solicitor advised that Staff could take this report away at the conclusion

of today's Committee of the Whole and try to ensure that there is compatibility with the direction that Council desires. She also advised that the Motion is in order.

Councillor Sloane clarified that she is moving By-law O -109 with the exception of the outdoor burning appliances (chimineas).

Councillor Fougere advised that her residents would be more concerned about not allowing the social element of people sitting around a fire. People should be able to talk to each other about issues that they may have with their neighbours. She further advised that taking these issues to Community Councils first before coming to Regional Council would make the issues of each district known, thereby alleviating much of the debate.

Staff noted that none of the larger stores contact Fire Services to see if the outdoor fire burning appliances are legal in HRM.

Councillor Wile suggested that these appliances should be CSA approved.

Staff advised Council that they could amend the By-law to read that one campfire can be burned at a time on a residential property alleviating the need to exempt Boy Scout Camps from the By-law.

MOVED BY Councillor Hendsbee, seconded by Councillor Meade to exempt the high water mark on a shore line property as a property line. MOTION PUT AND PASSED

MOVED BY Councillor Rankin, seconded by Councillor Johns, to amend 7(g) of By-law O - 109 Outdoor Wood Burning appliances to reduce the clearance rate of 300 ft to 100 ft from the nearest dwelling on an adjacent property of listed/certified boilers used for heating buildings.

Without a vote being taken on the above motion the following motion was placed.

MOVED BY Councillor Hendsbee, seconded by Councillor Sloane to amend the proposed amendment to amend 7(g) of By-law O - 109 of Outdoor Wood Burning appliances to reduce the clearance rate of 300 ft to 75 feet. MOTION DEFEATED

A vote was now taken on the amendment on the floor. **MOTION PUT AND PASSED**

MOVED BY Councillor Snow, seconded by Councillor Walker that District 2 be exempt from any new changes to By-law O -109.

Clarification was made by the Municipal Solicitor that Councillor Snow is asking for District 2 to be exempt from any new changes to By-law O -109.

Discussion was held on motion noting the following:

- C Many homes in the area use these devices to heat their homes and it would become a hardship for them to change
- C Districts should not be exempted because if the Districts are realigned in 2010, the same areas in districts that are now exempted may not be exempted in 2010.

MOTION DEFEATED

Discussion continued on the main motion noting the following:

- C Distances from adjacent properties would alleviate some of the call-outs for Fire Services

Deputy Mayor Adams advised Council that the real problem is the indoor fireplace. He stated that this debate is not for today's discussion but would like to see the issues of the indoor fireplaces come back to Council at a later date.

A vote was taken on the main motion which now reads:

MOVED BY Councillor Sloane, seconded by Councillor Fougere to approve in Principle By-law O - 109 Respecting Open Air Burning with the following amendments:

1. The status quo be maintained as per By-Law O-103 with regards to outdoor burning appliances;
2. To exempt out the high water mark on a shore line property as a property line;
3. Amend 7(g) of By-law O - 109 of Outdoor Wood Burning appliances to reduce the clearance rate of 300 ft to 100 ft from the nearest dwelling on an adjacent property of listed/certified boilers used for heating buildings

MOTION PUT AND PASSED

4. **REQUEST FOR PROPOSAL 07- 417 - PUBLIC ART COMMISSION, NOVA SCOTIA FALLEN PEACE OFFICERS MEMORIAL, HALIFAX GRAND PARADE SQUARE**

Due to time restraints, this item was deferred.

MOVED BY Councillor Karsten, seconded by Councillor Sloane that a special meeting of the Committee of the Whole be called next week to consider the Request for Proposal 07- 417 - Public Art Commission, Nova Scotia Fallen Peace Officers Memorial, Halifax Grand Parade Square. MOTION PUT AND PASSED

MOVED BY Councillor Johns, seconded by Councillor Hendsbee that areas of District 19 not receiving municipal services, water and sewer, be included in 2(b) of the Administrative Order 33.

The Municipal Solicitor clarified that the proper procedure to amend an Administrative Order would be to serve a Notice of Motion on Council. Therefore Councillor Johns gave the following Notice.

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of June, 2008 I intend to move that areas of District 19 not receiving municipal services, water and sewer, be included in 2(b) of the Administrative Order 33.

5. ADJOURNMENT

The meeting was adjourned at 4:20 p.m.

Ms. Julia Horncastle
Acting Municipal Clerk