



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 11.1.5
Halifax Regional Council
September 9, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: August 15, 2014

SUBJECT: Open Air Burning By-law Amendments

SUPPLEMENTARY REPORT

ORIGIN

August 5, 2014; Halifax Regional Council gave First Reading to By-Law O-110 to amend By-law O-109, the Open Air Burning By-law, with the following amendments approved:

Add the following wording to Section 8.1: *Campfires are not permitted at any time in the "permit required" zones.*

Add the following wording to Section 7 - Outdoor Wood Burning Appliance introduction: *Outdoor wood burning appliances "whether CSA or ULC approved or not" may be used throughout the Municipality "without permit".*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, SNS, c39, as amended, subsections 188(1)(a) and (b), "The Council may make By-Laws for municipal purposes, respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property".

Forest Act, R.S., c.179, s.23(4)(d).

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Adopt By-Law O-110, amending By-Law O-109 Respecting Open Air Burning as set out in Attachment "2" of this report.
2. Amend Administrative Order Number 15, Respecting License, Permit and Processing Fees, as set out in Attachment "5" of this report.

BACKGROUND

A report was before Council August 5, 2014 recommending that Council adopt proposed By-law O-110. In that report, Staff recommended amendments to By-law O-109 to line up with the Provincial *Forest Fire Protection Regulations*.

DISCUSSION

Council directed two changes to be made to the proposed amendments to By-law O-109 in order to clarify wording for the public, making it easier to understand the by-law and be compliant. The change to the introductory paragraph of Section 7, dealing with wood burning appliances, added wording to clarify use within the Municipality. As directed, the changes were made and are reflected in Attachments 1 to 3 attached to this report.

The other change was the addition of Section 8.1 to read, “Campfires are not permitted at any time in the “Permit Required Zone.” This change would place a total ban on campfires in the “Permit Required Zone”, impacting 3 public and private campgrounds. It was also determined that a total ban on campfires in the “Permit Required Zone” would conflict with the Provincial *Forests Act*, which allows campfires in federal, provincial, municipal or private campgrounds. The impact of this conflict would mean the proposed 8.1 would be unenforceable.

If it is Council’s wish to prohibit campfires on property other than campgrounds, the following recommended wording for proposed Section 8.1 is put forth for consideration:

- 8.1 Except within public or private campgrounds campfires are not permitted at any time in the “Permit Required Zone.”

The recommended wording is reflected in Attachments 1 to 3 attached to this report.

FINANCIAL IMPLICATIONS

No financial implications have been identified as a result of the recommendations of this report.

COMMUNITY ENGAGEMENT

No additional community engagement has taken place.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

1. Council could decide to adopt the wording of the original motion for proposed Section 8.1 as approved at the meeting of August 5, 2014. This is not recommended as it would be in conflict with the *Forests Act* and would be unenforceable.

ATTACHMENTS

Attachment 1:	Showing Proposed Changes to By-Law O-109
Attachment 2:	Amending By-Law O-110
Attachment 3:	Incorporating Proposed Changes to By-Law O-109
Attachment 4:	Showing Proposed Changes to Administrative Order Number 15
Attachment 5:	Amending Administrative Order
Attachment 6:	Incorporating Proposed Changes to Administrative Order Number 15
Attachment 7:	Staff Report Dated July 8, 2014 – By-Law O-110, Respecting the Amendment of By-Law O-109: Respecting Open Air Burning

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Roy Hollett., Deputy Fire Chief, Halifax Regional Fire and Emergency, 490-5036
Donna Boutilier, Solicitor & By-law Coordinator, Legal Services 490-2331

Report Approved by: John Traves, Q.C., Director, Legal Services, 490-4219

Report Approved by: per Doug Trussler, Chief, Halifax Regional Fire and Emergency, 490-4855

Attachment 1

(Showing Proposed Changes to By-law O-109)

Halifax Regional Municipality BY-LAW NUMBER O-109 Respecting Open Air Burning

BE IT ENACTED by the Halifax Regional Council that By-Law O-109 Respecting Open Air Burning is hereby enacted:

Title

1. This by-law shall be known as By-Law Number **O-109** and may be cited as the "Open Air Burning By-law."

Definitions

2. In this By-Law:

(a) "**brush**" includes trees, wood, shrubs, bushes or branches;

(aa) "**burn day**" means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;

(ab) "**campfire**" means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;

(ac) "**C.S.A.**" means Canadian Standards Association or its successors;

(ad) "**domestic burning**" means burning, for no remuneration, tree limbs or brush,

(i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,

(ii) as a campfire,

(iii) while burning for blueberries within an area smaller than or equal to 2 ha, and

(iv) includes all outdoor wood burning appliances;

(b) "**domestic waste**" includes:

(i) leaf and yard waste including grass and grass clippings, twigs, and house and garden plants;

(ii) box board including cereal, shoe, tissue and detergent boxes; and

(ii) construction or demolition material, including saw dust, wood shavings,

planking, siding, wood beams, plastic and rubber.

- (c) “**dry seasoned fire wood**” means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
- (d) “**Fire Chief**” means the Chief Director of Halifax Regional Fire and Emergency or other person(s) designated by the Fire Chief;
- (da) “**Fire Season**” means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
- (db) “**industrial burning**” means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;
- (dc) “**industrial burning permit**” means a permit to burn that authorizes the holder to carry out industrial burning;
- (e) “**Municipality**” means the Halifax Regional Municipality;
- (ea) “**non-burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
- ~~(f) “**Permit Zone**” means the areas designated as such by Administrative Order Number 33; **Repeal**~~
- (g) “**No Permit Required Zone**” means the areas designated as such by Administrative Order Number 33;
- (h) “**open air**” ~~includes not within a structure or outdoor wood burning appliance~~ means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;

(Showing Proposed Changes to By-law O-109)

- (i) **“outdoor wood burning appliance”** means an appliance manufactured to be used in the open air to burn wood, equipped with a spark arrester;
- (j) **“permit”** means a permit for burning in the open air issued by the Fire Chief under authority of this by-law;
- (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (k) **“person in charge of a fire”** includes the owner of the property upon which the burning is to take place, or the person who has the owner’s consent to conduct the burning, and the person who is conducting or directing the burning.
- (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
- (l) **“spark arrester”** means a device fitted to an outdoor wood burning appliance to prevent the release of sparks into the atmosphere or surrounding area; and
- (m) **“suitably equipped”** means being in possession of tools or equipment including, but not limited to, rakes, back tanks, shovels, hoses and an adequate water supply, sufficient to contain or prevent the spread of a fire ignited in the open air.
- (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.

Application of By-Law

- 3. This by-law shall apply throughout the Municipality.

Permit Requirements

- 4. (1) No person shall light or be in charge of an open air burning fire, or be the owner of a property on which an open air fire occurred, without first obtaining a permit except as otherwise provided in this by-law.
- (2) A HRM Burning permit is not required for burning in the “No Permit District **Required Zone**”, as prescribed by Administrative Order **Number 33**. A Department of Natural Resources **Domestic** Burning Permit will be

required during April ~~April~~ March 15th to October 15th in accordance with Provincial Regulations.

- (3) No permit is required for:
 - (a) a campfire in a public or private campground;
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
- (4) Fires for religious or ceremonial purposes are allowed in the Permit ~~Required~~ Zone, between April ~~April~~ March 15th and October 15th and shall require a burning permit, subject to any terms and conditions imposed by the Fire Chief.
- (5) The Fire Chief may issue a permit for the open air burning of brush to deal with any natural disasters, agricultural reasons or similar conditions or to deal with an infestation of insects or disease that pose a risk of damaging the natural resources of Halifax Regional Municipality in accordance with sections 5, 6, and 9 of this by-law and shall be subject to any terms and conditions imposed by the Fire Chief.
- (6) In cases of insect or disease infestations, documentation from the Federal or Provincial authority confirming the infestation and action to be taken, shall be provided to the Fire Chief, prior to the issuance of a permit.
- (7) The Fire Chief may specify the hours of the day and the number of days during which burning may be permitted.

Permit Application

5.
 - (1) Pursuant to section 4, where a permit is required under this by-law, an application shall be made to the Fire Chief.
 - (2) Where the Fire Chief determines the proposed burning would pose a fire hazard to persons or property, or where there is a failure to meet the requirements of the by-law, the Fire Chief shall refuse to issue a permit.
 - (3) In making a determination under section 5(2), the Fire Chief may take into consideration:
 - (i) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur or has written consent, produced prior to the issuance of the permit, of the owner of the land on which the burning will occur;

(Showing Proposed Changes to By-law O-109)

- (ii) the prevalent weather conditions;
 - (iii) whether the applicant is suitably equipped to ensure the fire is maintained under control;
 - (iv) whether the applicant is able to comply with the instructions set out in section 6; and
 - (v) any other matter the Fire Chief determines relevant.
- (4) A permit may be revoked by the Fire Chief at any time where it is determined the proposed burning will pose a fire hazard to persons or property or where the conditions of the permit have not been met.

Burning Restrictions

6. (1) Open air burning shall only occur during the period of October 16th until ~~April~~ **March** 14th in the "Permit Required Zone" in accordance with Administrative Order ~~No.~~ **Number** 33.
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (2) At least two people nineteen (19) years of age or older must be present while burning is being conducted and in possession of a Municipal Burning Permit.
- (3) Open air burning shall not take place within 23 metres (75 feet) of any dwelling or accessory building.
- (4) No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste.
- (5) No fire shall be ignited when the wind velocity may jeopardize the ability to control and contain the fire.
- (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
- (5b) From October 16th to March 14th no person or person in charge of a fire

shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).

- ~~(6) Where two (2) or more piles are to be burned on a single site, only one pile shall be burned at a time. The size of the pile shall be at the discretion of the individual in charge of the burning, but shall in no way impair the ability of the individual to control the fire. Repeal~~
- (7) A person in charge of the burning shall have the means to call 911 from the site.
- (8) The person in charge of a fire shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished prior to leaving the site after burning is completed.
- (9) No person shall ignite, allow or cause to be ignited, a fire of any kind in the open air without being suitably equipped to contain or extinguish the fire, and shall remain in attendance while the fire is burning or smoldering.
- (10) Where the Fire Chief determines that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this by-law, the Fire Chief shall require the fire to be extinguished.
- (11) The person in charge of a fire may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control, is in danger of doing so, or extends to the lands of others.

Outdoor Wood Burning Appliances

7. Outdoor wood burning appliances **whether CSA or ULC approved or not** may be used throughout the Municipality **without permit**, subject to the following:
 - (a) manufacturer's instructions are followed;
 - (b) outdoor wood burning appliances are not placed on wooden decks or combustible platforms;
 - (c) the appliance is equipped with a spark arrester with no opening larger than 9.65 mm (3/8");
 - (d) only dry seasoned firewood is used;
 - (e) clearances of 4.75 metres (15 feet) are maintained from a dwelling or accessory building and;

(Showing Proposed Changes to By-law O-109)

- (f) only one outdoor wood burning appliance is used on a property at a time.

~~Camp Fires~~ **Campfires**

- 8. Campfires are permitted in the “No Permit **Required** Zone” throughout the year, but the following provisions shall apply:
 - (a) all campfires shall be contained, using non-combustible material, which will prevent the accidental spreading of the fire;
 - (b) ~~campfires shall not exceed 600 mm (24 inches) in width at the largest point and shall not be piled higher than 460 mm (18 inches) in height;~~
Repeal
 - (c) only dry seasoned firewood shall be used;
 - (d) clearances of 4.75 metres (15 feet) shall be maintained from a dwelling or accessory building; and
 - (e) only one campfire may be permitted on a property at a time.

8.1 ~~Except within public or private campgrounds~~ campfires are not permitted at any time in the “Permit Required Zone”

Authority

- 9. (1) The Fire Chief shall have the authority to extinguish or order extinguished any fire which poses a fire hazard to persons or property, or does not meet the provisions of this by-law.
- (2) No person shall refuse to extinguish a fire pursuant to an order of the responding officer.

Commercial ~~Industrial~~ Burning

- 10. (1) Contractors that conduct open air burning in the municipality on land being cleared for development or for insect infestation or disease control must obtain a **an industrial burning** permit therefor, and in addition to any other requirements of this by-law, shall post a bond, irrevocable letter of credit or certified cheque in a form suitable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount

of ten thousand dollars (\$10,000.00).

- (2) A bond posted pursuant to this clause shall be used to pay expenses arising under section 6 (11) of this by-law or any damages associated with the fire getting beyond the control of the contractor; provided however, that the bond shall not absolve the contractor from any liability from the fire.

Fees

11. The fees for burning permits shall be established by Administrative Order Number 15.

Penalty

12. (1) Any person who fails to comply with a permit issued hereunder or any other provision of this by-law shall be liable to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000).
- (2) In addition to any fine or imprisonment imposed, the Court or Judge may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (3) Where any person is in contravention of any provision of this by-law, the Fire Chief may direct in writing that the contravention be remedied in the manner and within the time specified.
- (4) Upon the failure of the person to comply with such notice, the Fire Chief may order the remedy, and recover the cost of such work from the property owner.
- (5) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner which shall be applied and enforced in the same manner as for rates and taxes under the *Assessment Act* or the Halifax Regional Municipality Charter.

Repeal

13. Halifax Regional Municipality By-Law O-103, respecting Open Air Burning, is hereby repealed.

(Showing Proposed Changes to By-law O-109)

Done and passed in Council this 19th day of October, 2010.

Mayor

Municipal Clerk

I Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on October 19, 2010.

Cathy Mellett, Municipal Clerk

Notice of Motion:	September 21, 2010
First Reading	September 28, 2010
Notice of Second Reading – Publication:	October 2, 2010
Second Reading:	October 19, 2010
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 23, 2010

Attachment 2
(Amending By-law)

HALIFAX REGIONAL MUNICIPALITY
BY-LAW O-110
RESPECTING THE AMENDMENT OF BY-LAW O-109
THE OPEN AIR BURNING BY-LAW

BE IT ENACTED by the Council of Halifax Regional Municipality that By-law O-109 is amended as follows:

1. Section 2 is amended by:
 - (a) adding the following definitions after the definition of (a) “brush” and before the definition of (b) “domestic waste” as follows:
 - (aa) “**burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;
 - (ab) “**campfire**” means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;
 - (ac) “**C.S.A.**” means Canadian Standards Association or its successors;
 - (ad) “**domestic burning**” means burning, for no remuneration, tree limbs or brush
 - (i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,
 - (ii) as a campfire, or
 - (iii) while burning for blueberries within an area smaller than or equal to 2 ha, and
 - (iv) includes all outdoor wood burning appliances;
 - (b) adding the following definitions after the definition of (d) “Fire Chief” and before the definition of (e) “Municipality” as follows:
 - (da) “**Fire Season**” means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
 - (db) “**industrial burning**” means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;

- (dc) **“industrial burning permit”** means a permit to burn that authorizes the holder to carry out industrial burning;
- (c) adding the following definition after the definition of (e) “Municipality” and before the definition of (f) “Permit Zone” as follows:
 - (ea) **“non-burn day”** means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
 - (d) repealing the definition (f) “Permit Zone”;
 - (e) definition 2(g) is amended by adding the word “Required” immediately after the word “Permit” and before the word “Zone”;
 - (f) definition 2(h) is amended by striking out the words “includes not within a structure or outdoor wood burning appliance” immediately after the words “open air”;
 - (g) definition 2(h) is further amended by adding the following words after the words “open air”
 - means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;
 - (h) adding the following definition after the definition of (j) “permit” and before the definition of (k) “person in charge of a fire” as follows:
 - (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
 - (i) adding the following definition after the definition of (k) “person in charge of a fire” and before the definition of (l) “spark arrester” as follows:
 - (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
 - (j) adding the following definition after the definition of (m) “suitably equipped” as follows:
 - (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.
- 2. Subsection 2 of section 4 is amended by:

- (a) striking out the word “District” after the word “Permit” and before the ending quotation marks;
 - (b) adding the words “Required Zone” after the word “Permit” and before the ending quotation marks;
 - (c) adding the word “Number” after the word “Order” and before the number “33”;
 - (d) adding the word “Domestic” after the word “Resources” and before the word “Burning”;
 - (e) striking out the word “April” after the word “during” and before the number “15th”;
 - (f) adding the word “March” after the word “during” and before the number “15th”.
3. Subsection 3 of section 4 is amended by:
- (a) adding a colon after the word “for”;
 - (b) lettering the clause starting after the newly inserted colon and before the word “a campfire” as clause (a);
 - (c) striking out the period after the word “campground”;
 - (d) adding a semicolon after the word “campground”;
 - (e) adding the following clauses after the newly lettered clause (a):
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
4. Subsection 4 of section 4 is amended by:
- (a) adding the word “Required” after the word “Permit” and before the word “Zone”;
 - (b) striking out the word “April” after the word “between” and before the number “15”;
 - (c) adding the word “March” after the word “between” and before the number “15”;
 - (d) adding the superscript “th” immediate after each number “15”.
5. Subsection 1 of section 6 is amended by:
- (a) striking out the word “April” after the word “until” and before the number “14th”;
 - (b) adding the word “March” after the word “until” and before the number “14th”;
 - (c) striking out the word “No.” after the word “Order” and before the number “33”;
 - (d) adding the word “Number” after the word “Order” and before the number “33”.
6. Section 6 is amended by adding the following subsections after subsection 1 and before subsection 2:
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: “Burn Day”, “Restricted Burn Day”, and “Non-Burn Day”.
 - (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for “Burn Day”, “Restricted Burn Day”, and “Non-Burn Day”.
7. Subsection 4 of Section 6 is amended by adding a period at the end of the subsection.

8. Section 6 is amended by adding the following subsections after subsection 5 and before subsection 6:
 - (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
 - (5b) From October 16th to March 14th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).
9. Section 6 is amended by repealing subsection (6).
10. Section 7 is amended by the following in the opening paragraph:
 - (a) adding the words “whether CSA or ULC approved or not” after the word “appliances” and before the word “may be”;
 - (b) adding the words “without permit” after the word “Municipality” and before the comma and the word “subject”.
11. Section 8 is amended by the following:
 - (a) striking out the words “Camp Fires” in the section title;
 - (b) adding the word “Campfires” in the section title;
 - (c) adding the word “Required” after the word “Permit” and before the word “Zone”;
 - (d) repealing clause (b).
12. Section 8.1 is added after section 8 and before section 9:
 - 8.1 Except within public or private campgrounds campfires are not permitted at any time in the “Permit Required Zone.”
13. Section 10 is amended by:
 - (a) striking out the word “Commercial” before the word “Burning” in the section title;
 - (b) adding the word “Industrial” before the word “Burning” in the section title;
 - (c) adding the subsection (1) before the word “Contractors that”;
 - (d) striking the word “a” after the word “must obtain” and before the word “permit therefor”;
 - (e) adding the words “an industrial burning” after the word “must obtain” and before the word “permit therefor”;
 - (f) adding a period after the bracketed number “10,000.00”;
 - (g) lettering the clause starting after the newly inserted period and before the word “A bond” as subsection (2) of section 10.

Done and passed in Council this ___ day of _____, 2014.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2014.

Cathy Mellett
Municipal Clerk

Attachment 3
(Incorporating Proposed Changes)

Halifax Regional Municipality
BY-LAW NUMBER O-109
Respecting Open Air Burning

BE IT ENACTED by the Halifax Regional Council that By-Law O-109 Respecting Open Air Burning is hereby enacted:

Title

1. This by-law shall be known as By-Law Number **O-109** and may be cited as the “Open Air Burning By-law.”

Definitions

2. In this By-Law:
 - (a) “**brush**” includes trees, wood, shrubs, bushes or branches;
 - (aa) “**burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;
 - (ab) “**campfire**” means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;
 - (ac) “**C.S.A.**” means Canadian Standards Association or its successors;
 - (ad) “**domestic burning**” means burning, for no remuneration, tree limbs or brush,
 - (i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,
 - (ii) as a campfire,
 - (iii) while burning for blueberries within an area smaller than or equal to 2 ha, and
 - (iv) includes all outdoor wood burning appliances;
 - (b) “**domestic waste**” includes:
 - (i) leaf and yard waste including grass and grass clippings, twigs, and house and garden plants;
 - (ii) box board including cereal, shoe, tissue and detergent boxes; and
 - (ii) construction or demolition material, including saw dust, wood shavings,

planking, siding, wood beams, plastic and rubber.

- (c) **“dry seasoned fire wood”** means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
- (d) **“Fire Chief”** means the Chief Director of Halifax Regional Fire and Emergency or other person(s) designated by the Fire Chief;
- (da) **“Fire Season”** means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
- (db) **“industrial burning”** means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;
- (dc) **“industrial burning permit”** means a permit to burn that authorizes the holder to carry out industrial burning;
- (e) **“Municipality”** means the Halifax Regional Municipality;
- (ea) **“non-burn day”** means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
- (f) Repealed
- (g) **“No Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (h) **“open air”** means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;
- (i) **“outdoor wood burning appliance”** means an appliance manufactured to be used in the open air to burn wood, equipped with a spark arrester;

(Showing Proposed Changes to By-law O-109)

- (j) **“permit”** means a permit for burning in the open air issued by the Fire Chief under authority of this by-law;
- (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (k) **“person in charge of a fire”** includes the owner of the property upon which the burning is to take place, or the person who has the owner’s consent to conduct the burning, and the person who is conducting or directing the burning.
- (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
- (l) **“spark arrester”** means a device fitted to an outdoor wood burning appliance to prevent the release of sparks into the atmosphere or surrounding area; and
- (m) **“suitably equipped”** means being in possession of tools or equipment including, but not limited to, rakes, back tanks, shovels, hoses and an adequate water supply, sufficient to contain or prevent the spread of a fire ignited in the open air.
- (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.

Application of By-Law

- 3. This by-law shall apply throughout the Municipality.

Permit Requirements

- 4. (1) No person shall light or be in charge of an open air burning fire, or be the owner of a property on which an open air fire occurred, without first obtaining a permit except as otherwise provided in this by-law.
- (2) A HRM Burning permit is not required for burning in the “No Permit Required Zone”, as prescribed by Administrative Order Number 33. A Department of Natural Resources Domestic Burning Permit will be required during March 15th to October 15th in accordance with Provincial Regulations.

- (3) No permit is required for:
 - (a) a campfire in a public or private campground;
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
- (4) Fires for religious or ceremonial purposes are allowed in the Permit Required Zone, between March 15th and October 15th and shall require a burning permit, subject to any terms and conditions imposed by the Fire Chief.
- (5) The Fire Chief may issue a permit for the open air burning of brush to deal with any natural disasters, agricultural reasons or similar conditions or to deal with an infestation of insects or disease that pose a risk of damaging the natural resources of Halifax Regional Municipality in accordance with sections 5, 6, and 9 of this by-law and shall be subject to any terms and conditions imposed by the Fire Chief.
- (6) In cases of insect or disease infestations, documentation from the Federal or Provincial authority confirming the infestation and action to be taken, shall be provided to the Fire Chief, prior to the issuance of a permit.
- (7) The Fire Chief may specify the hours of the day and the number of days during which burning may be permitted.

Permit Application

5.
 - (1) Pursuant to section 4, where a permit is required under this by-law, an application shall be made to the Fire Chief.
 - (2) Where the Fire Chief determines the proposed burning would pose a fire hazard to persons or property, or where there is a failure to meet the requirements of the by-law, the Fire Chief shall refuse to issue a permit.
 - (3) In making a determination under section 5(2), the Fire Chief may take into consideration:
 - (i) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur or has written consent, produced prior to the issuance of the permit, of the owner of the land on which the burning will occur;
 - (ii) the prevalent weather conditions;
 - (iii) whether the applicant is suitably equipped to ensure the fire is

(Showing Proposed Changes to By-law O-109)

- maintained under control;
 - (iv) whether the applicant is able to comply with the instructions set out in section 6; and
 - (v) any other matter the Fire Chief determines relevant.
- (4) A permit may be revoked by the Fire Chief at any time where it is determined the proposed burning will pose a fire hazard to persons or property or where the conditions of the permit have not been met.

Burning Restrictions

6. (1) Open air burning shall only occur during the period of October 16th until March 14th in the "Permit Required Zone" in accordance with Administrative Order Number 33.
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (2) At least two people nineteen (19) years of age or older must be present while burning is being conducted and in possession of a Municipal Burning Permit.
- (3) Open air burning shall not take place within 23 metres (75 feet) of any dwelling or accessory building.
- (4) No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste.
- (5) No fire shall be ignited when the wind velocity may jeopardize the ability to control and contain the fire.
- (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
- (5b) From October 16th to March 14th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).

- (6) Repealed.
- (7) A person in charge of the burning shall have the means to call 911 from the site.
- (8) The person in charge of a fire shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished prior to leaving the site after burning is completed.
- (9) No person shall ignite, allow or cause to be ignited, a fire of any kind in the open air without being suitably equipped to contain or extinguish the fire, and shall remain in attendance while the fire is burning or smoldering.
- (10) Where the Fire Chief determines that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this by-law, the Fire Chief shall require the fire to be extinguished.
- (11) The person in charge of a fire may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control, is in danger of doing so, or extends to the lands of others.

Outdoor Wood Burning Appliances

7. Outdoor wood burning appliances whether CSA or ULC approved or not may be used throughout the Municipality without permit, subject to the following:
 - (a) manufacturer's instructions are followed;
 - (b) outdoor wood burning appliances are not placed on wooden decks or combustible platforms;
 - (c) the appliance is equipped with a spark arrester with no opening larger than 9.65 mm (3/8");
 - (d) only dry seasoned firewood is used;
 - (e) clearances of 4.75 metres (15 feet) are maintained from a dwelling or accessory building and;
 - (f) only one outdoor wood burning appliance is used on a property at a time.

Campfires

(Showing Proposed Changes to By-law O-109)

8. Campfires are permitted in the “No Permit Required Zone” throughout the year, but the following provisions shall apply:
 - (a) all campfires shall be contained, using non-combustible material, which will prevent the accidental spreading of the fire;
 - (b) Repealed.
 - (c) only dry seasoned firewood shall be used;
 - (d) clearances of 4.75 metres (15 feet) shall be maintained from a dwelling or accessory building; and
 - (e) only one campfire may be permitted on a property at a time.
- 8.1 Except within public or private campgrounds campfires are not permitted at any time in the “Permit Required Zone.”

Authority

9. (1) The Fire Chief shall have the authority to extinguish or order extinguished any fire which poses a fire hazard to persons or property, or does not meet the provisions of this by-law.
- (2) No person shall refuse to extinguish a fire pursuant to an order of the responding officer.

Industrial Burning

10. (1) Contractors that conduct open air burning in the municipality on land being cleared for development or for insect infestation or disease control must obtain an industrial burning permit therefor, and in addition to any other requirements of this by-law, shall post a bond, irrevocable letter of credit or certified cheque in a form suitable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount of ten thousand dollars (\$10,000.00).
- (2) A bond posted pursuant to this clause shall be used to pay expenses arising under section 6 (11) of this by-law or any damages associated with the fire getting beyond the control of the contractor; provided however, that the bond shall not absolve the contractor from any liability from the fire.

Fees

11. The fees for burning permits shall be established by Administrative Order Number 15.

Penalty

12. (1) Any person who fails to comply with a permit issued hereunder or any other provision of this by-law shall be liable to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000).
- (2) In addition to any fine or imprisonment imposed, the Court or Judge may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (3) Where any person is in contravention of any provision of this by-law, the Fire Chief may direct in writing that the contravention be remedied in the manner and within the time specified.
- (4) Upon the failure of the person to comply with such notice, the Fire Chief may order the remedy, and recover the cost of such work from the property owner.
- (5) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner which shall be applied and enforced in the same manner as for rates and taxes under the *Assessment Act* or the Halifax Regional Municipality Charter.

Repeal

13. Halifax Regional Municipality By-Law O-103, respecting Open Air Burning, is hereby repealed.

Done and passed in Council this 19th day of October, 2010.

Mayor

(Showing Proposed Changes to By-law O-109)

Municipal Clerk

I Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on October 19, 2010.

Cathy Mellett, Municipal Clerk

Notice of Motion:	September 21, 2010
First Reading	September 28, 2010
Notice of Second Reading – Publication:	October 2, 2010
Second Reading:	October 19, 2010
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 23, 2010

Attachment 4
(Showing Proposed Changes to AO 15)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

Minor Variances

By-law #	Short Title	Section	Fee
2. By-law 70 (County)	Lot Grading By-law	S.7.1	\$75.00
3. By-law 23290	Grade Alteration By-law	S.6	\$75.00
4. By-law O-100109	Open Air Burning By-law Residential Commercial	S.5(8)(d) S.10(1)	No Fee \$50.00

Attachment 5
(Amending Administrative Order)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

1. Item 4 in the table labeled “Minor Variances” is amended by:
 - (a) striking the “100” immediately after the letter “O” and the dash in the first column;
 - (b) adding the number “109” after the letter “O” and the dash in the first column;
 - (c) striking the section number “S.5(8)(d)” in the third column;
 - (d) adding the section number “S.10(1)” in the third column.

Attachment 6
(Incorporating Proposed Changes to AO 15)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

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2. By-law 70 (County)	Lot Grading By-law	S.7.1	\$75.00
3. By-law 23290	Grade Alteration By-law	S.6	\$75.00
4. By-law O-109	Open Air Burning By-law Residential Commercial	s.10(1)	No Fee \$50.00



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 8.2
Halifax Regional Council
July 29, 2014
August 5, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by Director

Doug Trussler, Chief, Halifax Regional Fire and Emergency

DATE: July 8, 2014

SUBJECT: By-Law O-110, Respecting the Amendment of By-Law O-109: Respecting Open Air Burning

ORIGIN

In 2014, Department of Natural Resources introduced new *Forest Fire Protection Regulations* prompting amendments to the HRM Open Air Burning By-Law to better align guidelines for residents.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, SNS, c39, as amended, subsections 188(1)(a) and (b), "The Council may make By-Laws for municipal purposes, respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property".

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Adopt By-Law O-110, amending By-Law O-109 Respecting Open Air Burning as set out in Attachment "2" of this report.
2. Amend Administrative Order Number 15, Respecting License, Permit and Processing Fees, as set out in Attachment "5" of this report.

BACKGROUND

Staff initiated this report and proposed amendments to the HRM Open Air Burning By-law as a result of the *Forest Fire Protection Regulations* that came into force in January 2014. The proposed amendments align By-law O-109, the Open Air Burning By-law, with the new provincial regulations and will make it easier for residents to understand when they are permitted to burn.

In October 2010, Halifax Regional Council adopted By-Law O-109, Respecting Open Air Burning. The By-Law was rewritten and organized to allow for a better flow and to provide clearer directions to HRM residents who wished to conduct outdoor burning or use outdoor wood burning appliances. The By-Law also separated the municipality into two areas where burning could occur with and without a permit and referred to service lots as a guide as to which locations likely provided the required space to safely burn brush. The By-Law had similar requirements as the Department of Natural Resources (DNR) Open Air Burning Permits.

In 2014, the Department of Natural Resources introduced new Forest Fire Protection Regulations which eliminated the former DNR Burning Permit procedures and changed to an on-line approval process for open air burning. Mirroring the Provincial Burning Restrictions and Forest Fire Protection Regulations, the By-Law has adopted three categories that permits domestic burning within set guidelines and also bans open air burning when conditions dictate.

A “Burn Day” permits domestic burning within 305m (1000ft) of the woods, after 1400hrs (2pm) providing they have taken all reasonable efforts to prevent the fire from spreading, do not leave the fire unattended and ensure the piles of brush to be burned are at least 10m apart.

A “Restricted Burn Day” permits domestic burning within 305m (1000ft) of the woods, after 1900hrs (7pm) providing they have taken all reasonable efforts to prevent the fire from spreading, do not leave the fire unattended, and ensure the piles of brush to be burned are at least 10m apart.

During a “Non-Burn Day” no domestic burning is permitted. At 1400hrs (2pm) each day, DNR will indicate if the ban will continue or change. However, a person can conduct burning during a “Non-Burn Day” for a special event within 305m (1000ft) of the woods, if they have written permission of the local Area DNR Supervisor.

During the Fire Season at 1400hrs (2pm), anyone wanting to burn brush is required to confirm (on-line at novascotia.ca/burnsafe or by calling the toll free number 1-855-564-2876) which burn category the province implemented.

The Province determined that domestic burning includes open air burning appliances such as chimineas – these are prohibited under a ban. Completely enclosed wood burning appliances that are Canadian Standards Association (CSA) approved and CSA/Underwriters Laboratories Canada (ULC) natural gas or propane heating devices are exempt from the By-Law and are permitted during a ban.

Other types of outdoor burning that are exempted from the By-Law are campfires located on federal campgrounds, Provincial and licensed private campgrounds.

DISCUSSION

There are a number of differences between the Forest Fire Protection Regulations and By-Law O-109, Respecting Open Air Burning that may be confusing for residents to follow. Some of the differences between the Regulations and By-Law include different dates for when each comes into effect, differences in timings when burning is permitted to occur, and that DNR recognizes that a chiminea is an open fire.

Halifax Fire is recommending a number of changes to By-Law O-109, so that it does not conflict with the Regulations and most importantly becomes easier for Halifax residents to interpret.

The amendments to the By-Law include:

- Matching the date of the By-Law to the Regulations for the Fire Season- change from April 15 to March 15; and ending on October 15;
- Using the Provincial system of “Burn Day/Restricted Burn Day/and Non-Burn Day” to identify when outdoor/open air/domestic burning is permitted;
- The DNR 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for “Burn Day”, “Restricted Burn Day”, and “Non-Burn Day”;
- Recognizing all outdoor wood burning appliances as “domestic burning”. Exemptions to the By-Law would include fully enclosed CSA/ULC approved outdoor wood burning appliances and CSA/ULC approved natural gas or propane heating devices;
- Using similar definitions as the Regulations, with the exception of “domestic waste”. By-Law would not include leaves or grass as being approved to burn;
- Using the Regulations maximum size of piles to be burned (3m diameter X 2m height) and only one pile to be burned at a time;
- Mandating the extinguishment of all open air fires by 0001hrs (12:01am) with no burning until 1400hrs (2pm) the next day if permitted under the Provincial Regulations during the Fire Season.
- Mandating the extinguishment of all open air fires by 0001hrs (12:01am) with no burning until 0800hrs (8am) the next day if permitted under the By-Law after the Fire Season.

FINANCIAL IMPLICATIONS

No financial implications have been identified as a result of the recommendations of this report.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Council could decide not to accept recommended amendments to the By-Law. This is not recommended as it will put the By-Law in conflict with the Provincial Forest Fire Protection Regulations.

ATTACHMENTS

Attachment 1:	Showing Proposed Changes to By-Law O-109
Attachment 2:	Amending By-Law O-110
Attachment 3:	Incorporating Proposed Changes to By-Law O-109
Attachment 4:	Showing Proposed Changes to Administrative Order Number 15
Attachment 5:	Amending Administrative Order
Attachment 6:	Incorporating Proposed Changes to Administrative Order Number 15
Attachment 7:	Provincial Forest Fire Protection Regulations

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Roy Hollett, Deputy Fire Chief, Halifax Regional Fire and Emergency, 490-5036
Legal Reviewed by: Donna Boutilier, Solicitor, Legal Services, 490-2331

Original Signed by Director

Report Approved by: John Traves, Q.C., Director, Legal Services, 490-4219

Attachment 1

(Showing Proposed Changes to By-law O-109)

Halifax Regional Municipality BY-LAW NUMBER O-109 Respecting Open Air Burning

BE IT ENACTED by the Halifax Regional Council that By-Law O-109 Respecting Open Air Burning is hereby enacted:

Title

1. This by-law shall be known as By-Law Number **O-109** and may be cited as the "Open Air Burning By-law."

Definitions

2. In this By-Law:

(a) "**brush**" includes trees, wood, shrubs, bushes or branches;

(aa) "**burn day**" means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;

(ab) "**campfire**" means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;

(ac) "**C.S.A.**" means Canadian Standards Association or its successors;

(ad) "**domestic burning**" means burning, for no remuneration, tree limbs or brush,

(i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,

(ii) as a campfire,

(iii) while burning for blueberries within an area smaller than or equal to 2 ha, and

(iv) includes all outdoor wood burning appliances;

(b) "**domestic waste**" includes:

(i) leaf and yard waste including grass and grass clippings, twigs, and house and garden plants;

(ii) box board including cereal, shoe, tissue and detergent boxes; and

(ii) construction or demolition material, including saw dust, wood shavings,

planking, siding, wood beams, plastic and rubber.

- (c) “**dry seasoned fire wood**” means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
- (d) “**Fire Chief**” means the Chief Director of Halifax Regional Fire and Emergency or other person(s) designated by the Fire Chief;
- (da) “**Fire Season**” means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
- (db) “**industrial burning**” means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;
- (dc) “**industrial burning permit**” means a permit to burn that authorizes the holder to carry out industrial burning;
- (e) “**Municipality**” means the Halifax Regional Municipality;
- (ea) “**non-burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
- ~~(f) “**Permit Zone**” means the areas designated as such by Administrative Order Number 33; **Repeal**~~
- (g) “**No Permit Required Zone**” means the areas designated as such by Administrative Order Number 33;
- (h) “**open air**” ~~includes not within a structure or outdoor wood burning appliance~~ means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;

(Showing Proposed Changes to By-law O-109)

- (i) **“outdoor wood burning appliance”** means an appliance manufactured to be used in the open air to burn wood, equipped with a spark arrester;
- (j) **“permit”** means a permit for burning in the open air issued by the Fire Chief under authority of this by-law;
- (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (k) **“person in charge of a fire”** includes the owner of the property upon which the burning is to take place, or the person who has the owner’s consent to conduct the burning, and the person who is conducting or directing the burning.
- (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
- (l) **“spark arrester”** means a device fitted to an outdoor wood burning appliance to prevent the release of sparks into the atmosphere or surrounding area; and
- (m) **“suitably equipped”** means being in possession of tools or equipment including, but not limited to, rakes, back tanks, shovels, hoses and an adequate water supply, sufficient to contain or prevent the spread of a fire ignited in the open air.
- (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.

Application of By-Law

- 3. This by-law shall apply throughout the Municipality.

Permit Requirements

- 4. (1) No person shall light or be in charge of an open air burning fire, or be the owner of a property on which an open air fire occurred, without first obtaining a permit except as otherwise provided in this by-law.
- (2) A HRM Burning permit is not required for burning in the “No Permit District **Required Zone**”, as prescribed by Administrative Order **Number 33**. A Department of Natural Resources **Domestic** Burning Permit will be

required during April ~~April~~ March 15th to October 15th in accordance with Provincial Regulations.

- (3) No permit is required for:
 - (a) a campfire in a public or private campground;
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
- (4) Fires for religious or ceremonial purposes are allowed in the Permit ~~Required~~ Zone, between April ~~April~~ March 15th and October 15th and shall require a burning permit, subject to any terms and conditions imposed by the Fire Chief.
- (5) The Fire Chief may issue a permit for the open air burning of brush to deal with any natural disasters, agricultural reasons or similar conditions or to deal with an infestation of insects or disease that pose a risk of damaging the natural resources of Halifax Regional Municipality in accordance with sections 5, 6, and 9 of this by-law and shall be subject to any terms and conditions imposed by the Fire Chief.
- (6) In cases of insect or disease infestations, documentation from the Federal or Provincial authority confirming the infestation and action to be taken, shall be provided to the Fire Chief, prior to the issuance of a permit.
- (7) The Fire Chief may specify the hours of the day and the number of days during which burning may be permitted.

Permit Application

5.
 - (1) Pursuant to section 4, where a permit is required under this by-law, an application shall be made to the Fire Chief.
 - (2) Where the Fire Chief determines the proposed burning would pose a fire hazard to persons or property, or where there is a failure to meet the requirements of the by-law, the Fire Chief shall refuse to issue a permit.
 - (3) In making a determination under section 5(2), the Fire Chief may take into consideration:
 - (i) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur or has written consent, produced prior to the issuance of the permit, of the owner of the land on which the burning will occur;

(Showing Proposed Changes to By-law O-109)

- (ii) the prevalent weather conditions;
 - (iii) whether the applicant is suitably equipped to ensure the fire is maintained under control;
 - (iv) whether the applicant is able to comply with the instructions set out in section 6; and
 - (v) any other matter the Fire Chief determines relevant.
- (4) A permit may be revoked by the Fire Chief at any time where it is determined the proposed burning will pose a fire hazard to persons or property or where the conditions of the permit have not been met.

Burning Restrictions

6. (1) Open air burning shall only occur during the period of October 16th until April ~~March~~ 14th in the "Permit Required Zone" in accordance with Administrative Order No. ~~Number~~ 33.
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (2) At least two people nineteen (19) years of age or older must be present while burning is being conducted and in possession of a Municipal Burning Permit.
- (3) Open air burning shall not take place within 23 metres (75 feet) of any dwelling or accessory building.
- (4) No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste.
- (5) No fire shall be ignited when the wind velocity may jeopardize the ability to control and contain the fire.
- (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
- (5b) From October 16th to March 14th no person or person in charge of a fire

shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).

- ~~(6) Where two (2) or more piles are to be burned on a single site, only one pile shall be burned at a time. The size of the pile shall be at the discretion of the individual in charge of the burning, but shall in no way impair the ability of the individual to control the fire. Repeal~~
- (7) A person in charge of the burning shall have the means to call 911 from the site.
- (8) The person in charge of a fire shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished prior to leaving the site after burning is completed.
- (9) No person shall ignite, allow or cause to be ignited, a fire of any kind in the open air without being suitably equipped to contain or extinguish the fire, and shall remain in attendance while the fire is burning or smoldering.
- (10) Where the Fire Chief determines that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this by-law, the Fire Chief shall require the fire to be extinguished.
- (11) The person in charge of a fire may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control, is in danger of doing so, or extends to the lands of others.

Outdoor Wood Burning Appliances

7. Outdoor wood burning appliances may be used throughout the Municipality, subject to the following:
 - (a) manufacturer's instructions are followed;
 - (b) outdoor wood burning appliances are not placed on wooden decks or combustible platforms;
 - (c) the appliance is equipped with a spark arrester with no opening larger than 9.65 mm (3/8");
 - (d) only dry seasoned firewood is used;
 - (e) clearances of 4.75 metres (15 feet) are maintained from a dwelling or accessory building and;

(Showing Proposed Changes to By-law O-109)

- (f) only one outdoor wood burning appliance is used on a property at a time.

~~Camp Fires~~ **Campfires**

- 8. Campfires are permitted in the “No Permit **Required** Zone” throughout the year, but the following provisions shall apply:
 - (a) all campfires shall be contained, using non-combustible material, which will prevent the accidental spreading of the fire;
 - (b) ~~campfires shall not exceed 600 mm (24 inches) in width at the largest point and shall not be piled higher than 460 mm (18 inches) in height;~~ **Repeal**
 - (c) only dry seasoned firewood shall be used;
 - (d) clearances of 4.75 metres (15 feet) shall be maintained from a dwelling or accessory building; and
 - (e) only one campfire may be permitted on a property at a time.

Authority

- 9. (1) The Fire Chief shall have the authority to extinguish or order extinguished any fire which poses a fire hazard to persons or property, or does not meet the provisions of this by-law.
- (2) No person shall refuse to extinguish a fire pursuant to an order of the responding officer.

~~Commercial~~ **Industrial** Burning

- 10. (1) Contractors that conduct open air burning in the municipality on land being cleared for development or for insect infestation or disease control must obtain a **an industrial burning** permit therefor, and in addition to any other requirements of this by-law, shall post a bond, irrevocable letter of credit or certified cheque in a form suitable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount of ten thousand dollars (\$10,000.00).

- (2) A bond posted pursuant to this clause shall be used to pay expenses arising under section 6 (11) of this by-law or any damages associated with the fire getting beyond the control of the contractor; provided however, that the bond shall not absolve the contractor from any liability from the fire.

Fees

11. The fees for burning permits shall be established by Administrative Order Number 15.

Penalty

12. (1) Any person who fails to comply with a permit issued hereunder or any other provision of this by-law shall be liable to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000).
- (2) In addition to any fine or imprisonment imposed, the Court or Judge may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (3) Where any person is in contravention of any provision of this by-law, the Fire Chief may direct in writing that the contravention be remedied in the manner and within the time specified.
- (4) Upon the failure of the person to comply with such notice, the Fire Chief may order the remedy, and recover the cost of such work from the property owner.
- (5) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner which shall be applied and enforced in the same manner as for rates and taxes under the *Assessment Act* or the Halifax Regional Municipality Charter.

Repeal

13. Halifax Regional Municipality By-Law O-103, respecting Open Air Burning, is hereby repealed.

(Showing Proposed Changes to By-law O-109)

Done and passed in Council this 19th day of October, 2010.

Mayor

Municipal Clerk

I Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on October 19, 2010.

Cathy Mellett, Municipal Clerk

Notice of Motion:	September 21, 2010
First Reading	September 28, 2010
Notice of Second Reading – Publication:	October 2, 2010
Second Reading:	October 19, 2010
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 23, 2010

Attachment 2
(Amending By-law)

HALIFAX REGIONAL MUNICIPALITY
BY-LAW O-110
RESPECTING THE AMENDMENT OF BY-LAW O-109
THE OPEN AIR BURNING BY-LAW

BE IT ENACTED by the Council of Halifax Regional Municipality that By-law O-109 is amended as follows:

1. Section 2 is amended by:
 - (a) adding the following definitions after the definition of (a) “brush” and before the definition of (b) “domestic waste” as follows:
 - (aa) “**burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;
 - (ab) “**campfire**” means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;
 - (ac) “**C.S.A.**” means Canadian Standards Association or its successors;
 - (ad) “**domestic burning**” means burning, for no remuneration, tree limbs or brush
 - (i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,
 - (ii) as a campfire, or
 - (iii) while burning for blueberries within an area smaller than or equal to 2 ha, and
 - (iv) includes all outdoor wood burning appliances;
 - (b) adding the following definitions after the definition of (d) “Fire Chief” and before the definition of (e) “Municipality” as follows:
 - (da) “**Fire Season**” means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
 - (db) “**industrial burning**” means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;

- (dc) **“industrial burning permit”** means a permit to burn that authorizes the holder to carry out industrial burning;
- (c) adding the following definition after the definition of (e) “Municipality” and before the definition of (f) “Permit Zone” as follows:
 - (ea) **“non-burn day”** means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
 - (d) repealing the definition (f) “Permit Zone”;
 - (e) definition 2(g) is amended by adding the word “Required” immediately after the word “Permit” and before the word “Zone”;
 - (f) definition 2(h) is amended by striking out the words “includes not within a structure or outdoor wood burning appliance” immediately after the words “open air”;
 - (g) definition 2(h) is further amended by adding the following words after the words “open air”
 - means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;
 - (h) adding the following definition after the definition of (j) “permit” and before the definition of (k) “person in charge of a fire” as follows:
 - (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
 - (i) adding the following definition after the definition of (k) “person in charge of a fire” and before the definition of (l) “spark arrester” as follows:
 - (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
 - (j) adding the following definition after the definition of (m) “suitably equipped” as follows:
 - (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.
- 2. Subsection 2 of section 4 is amended by:

- (a) striking out the word “District” after the word “Permit” and before the ending quotation marks;
 - (b) adding the words “Required Zone” after the word “Permit” and before the ending quotation marks;
 - (c) adding the word “Number” after the word “Order” and before the number “33”;
 - (d) adding the word “Domestic” after the word “Resources” and before the word “Burning”;
 - (e) striking out the word “April” after the word “during” and before the number “15th”;
 - (f) adding the word “March” after the word “during” and before the number “15th”.
3. Subsection 3 of section 4 is amended by:
- (a) adding a colon after the word “for”;
 - (b) lettering the clause starting after the newly inserted colon and before the word “a campfire” as clause (a);
 - (c) striking out the period after the word “campground”;
 - (d) adding a semicolon after the word “campground”;
 - (e) adding the following clauses after the newly lettered clause (a):
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
4. Subsection 4 of section 4 is amended by:
- (a) adding the word “Required” after the word “Permit” and before the word “Zone”;
 - (b) striking out the word “April” after the word “between” and before the number “15”;
 - (c) adding the word “March” after the word “between” and before the number “15”;
 - (d) adding the superscript “th” immediate after each number “15”.
5. Subsection 1 of section 6 is amended by:
- (a) striking out the word “April” after the word “until” and before the number “14th”;
 - (b) adding the word “March” after the word “until” and before the number “14th”;
 - (c) striking out the word “No.” after the word “Order” and before the number “33”;
 - (d) adding the word “Number” after the word “Order” and before the number “33”.
6. Section 6 is amended by adding the following subsections after subsection 1 and before subsection 2:
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: “Burn Day”, “Restricted Burn Day”, and “Non-Burn Day”.
 - (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for “Burn Day”, “Restricted Burn Day”, and “Non-Burn Day”.
7. Subsection 4 of Section 6 is amended by adding a period at the end of the subsection.

8. Section 6 is amended by adding the following subsections after subsection 5 and before subsection 6:
 - (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
 - (5b) From October 16th to March 14th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).
9. Section 6 is amended by repealing subsection (6).
10. Section 8 is amended by the following:
 - (a) striking out the words “Camp Fires” in the section title;
 - (b) adding the word “Campfires” in the section title;
 - (c) adding the word “Required” after the word “Permit” and before the word “Zone”;
 - (d) repealing clause (b).
11. Section 10 is amended by:
 - (a) striking out the word “Commercial” before the word “Burning” in the section title;
 - (b) adding the word “Industrial” before the word “Burning” in the section title;
 - (c) adding the subsection (1) before the word “Contractors that”;
 - (d) striking the word “a” after the word “must obtain” and before the word “permit therefor”;
 - (e) adding the words “an industrial burning” after the word “must obtain” and before the word “permit therefor”;
 - (f) adding a period after the bracketed number “10,000.00”;
 - (g) lettering the clause starting after the newly inserted period and before the word “A bond” as subsection (2) of section 10.

Done and passed in Council this ___ day of _____, 2014.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2014.

Cathy Mellett
Municipal Clerk

Attachment 3
(Incorporating Proposed Changes)

Halifax Regional Municipality
BY-LAW NUMBER O-109
Respecting Open Air Burning

BE IT ENACTED by the Halifax Regional Council that By-Law O-109 Respecting Open Air Burning is hereby enacted:

Title

1. This by-law shall be known as By-Law Number **O-109** and may be cited as the “Open Air Burning By-law.”

Definitions

2. In this By-Law:
 - (a) “**brush**” includes trees, wood, shrubs, bushes or branches;
 - (aa) “**burn day**” means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may carry out domestic burning;
 - (ab) “**campfire**” means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;
 - (ac) “**C.S.A.**” means Canadian Standards Association or its successors;
 - (ad) “**domestic burning**” means burning, for no remuneration, tree limbs or brush,
 - (i) no more than one pile which is no wider than 3 m in diameter and no taller than 2 m,
 - (ii) as a campfire,
 - (iii) while burning for blueberries within an area smaller than or equal to 2 ha, and
 - (iv) includes all outdoor wood burning appliances;
 - (b) “**domestic waste**” includes:
 - (i) leaf and yard waste including grass and grass clippings, twigs, and house and garden plants;
 - (ii) box board including cereal, shoe, tissue and detergent boxes; and
 - (ii) construction or demolition material, including saw dust, wood shavings,

planking, siding, wood beams, plastic and rubber.

- (c) **“dry seasoned fire wood”** means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
- (d) **“Fire Chief”** means the Chief Director of Halifax Regional Fire and Emergency or other person(s) designated by the Fire Chief;
- (da) **“Fire Season”** means the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the *Forest Fire Protection Regulations*;
- (db) **“industrial burning”** means burning that meets any of the following criteria:
 - (i) it is carried out by a person for remuneration,
 - (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
 - (iii) the material being burned is in more than one pile of any size,
 - (iv) the material being burned is wider than 3 m in diameter or taller than 2 m;
- (dc) **“industrial burning permit”** means a permit to burn that authorizes the holder to carry out industrial burning;
- (e) **“Municipality”** means the Halifax Regional Municipality;
- (ea) **“non-burn day”** means a day during a fire season that is publicly announced as a day on which an individual or group of individuals may not carry out domestic burning;
- (f) Repealed
- (g) **“No Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (h) **“open air”** means not within a structure and includes:
 - (i) domestic burning,
 - (ii) industrial burning; and
 - (iii) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved;
- (i) **“outdoor wood burning appliance”** means an appliance manufactured to be used in the open air to burn wood, equipped with a spark arrester;

(Showing Proposed Changes to By-law O-109)

- (j) **“permit”** means a permit for burning in the open air issued by the Fire Chief under authority of this by-law;
- (ja) **“Permit Required Zone”** means the areas designated as such by Administrative Order Number 33;
- (k) **“person in charge of a fire”** includes the owner of the property upon which the burning is to take place, or the person who has the owner’s consent to conduct the burning, and the person who is conducting or directing the burning.
- (ka) **“restricted burn day”** means a day during a fire season that is publicly announced as a day which an individual or group of individuals may carry out domestic burning after 1900hrs (7:00 p.m.);
- (l) **“spark arrester”** means a device fitted to an outdoor wood burning appliance to prevent the release of sparks into the atmosphere or surrounding area; and
- (m) **“suitably equipped”** means being in possession of tools or equipment including, but not limited to, rakes, back tanks, shovels, hoses and an adequate water supply, sufficient to contain or prevent the spread of a fire ignited in the open air.
- (n) **“U.L.C.”** means Underwriters’ Laboratories of Canada or its successors.

Application of By-Law

- 3. This by-law shall apply throughout the Municipality.

Permit Requirements

- 4. (1) No person shall light or be in charge of an open air burning fire, or be the owner of a property on which an open air fire occurred, without first obtaining a permit except as otherwise provided in this by-law.
- (2) A HRM Burning permit is not required for burning in the “No Permit Required Zone”, as prescribed by Administrative Order Number 33. A Department of Natural Resources Domestic Burning Permit will be required during March 15th to October 15th in accordance with Provincial Regulations.

- (3) No permit is required for:
 - (a) a campfire in a public or private campground;
 - (b) burning in an enclosed C.S.A. or U.L.C. approved appliance; or
 - (c) natural gas or propane heating devices.
- (4) Fires for religious or ceremonial purposes are allowed in the Permit Required Zone, between March 15th and October 15th and shall require a burning permit, subject to any terms and conditions imposed by the Fire Chief.
- (5) The Fire Chief may issue a permit for the open air burning of brush to deal with any natural disasters, agricultural reasons or similar conditions or to deal with an infestation of insects or disease that pose a risk of damaging the natural resources of Halifax Regional Municipality in accordance with sections 5, 6, and 9 of this by-law and shall be subject to any terms and conditions imposed by the Fire Chief.
- (6) In cases of insect or disease infestations, documentation from the Federal or Provincial authority confirming the infestation and action to be taken, shall be provided to the Fire Chief, prior to the issuance of a permit.
- (7) The Fire Chief may specify the hours of the day and the number of days during which burning may be permitted.

Permit Application

5.
 - (1) Pursuant to section 4, where a permit is required under this by-law, an application shall be made to the Fire Chief.
 - (2) Where the Fire Chief determines the proposed burning would pose a fire hazard to persons or property, or where there is a failure to meet the requirements of the by-law, the Fire Chief shall refuse to issue a permit.
 - (3) In making a determination under section 5(2), the Fire Chief may take into consideration:
 - (i) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur or has written consent, produced prior to the issuance of the permit, of the owner of the land on which the burning will occur;
 - (ii) the prevalent weather conditions;
 - (iii) whether the applicant is suitably equipped to ensure the fire is

(Showing Proposed Changes to By-law O-109)

- maintained under control;
 - (iv) whether the applicant is able to comply with the instructions set out in section 6; and
 - (v) any other matter the Fire Chief determines relevant.
- (4) A permit may be revoked by the Fire Chief at any time where it is determined the proposed burning will pose a fire hazard to persons or property or where the conditions of the permit have not been met.

Burning Restrictions

6. (1) Open air burning shall only occur during the period of October 16th until March 14th in the "Permit Required Zone" in accordance with Administrative Order Number 33.
- (1a) Open air burning shall only occur during the period of March 15th to October 15th in accordance with the *Forest Fire Protection Regulations* categories: "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (1b) The Department of Natural Resources 305m (1000ft) perimeter (distance from woods) shall be expanded to include the entire Municipality for "Burn Day", "Restricted Burn Day", and "Non-Burn Day".
- (2) At least two people nineteen (19) years of age or older must be present while burning is being conducted and in possession of a Municipal Burning Permit.
- (3) Open air burning shall not take place within 23 metres (75 feet) of any dwelling or accessory building.
- (4) No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste.
- (5) No fire shall be ignited when the wind velocity may jeopardize the ability to control and contain the fire.
- (5a) From March 15th to October 15th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 1400hrs (2:00 p.m.).
- (5b) From October 16th to March 14th no person or person in charge of a fire shall burn between 0001hrs (12:01 a.m.) and 0800hrs (8:00 a.m.).

- (6) Repealed.
- (7) A person in charge of the burning shall have the means to call 911 from the site.
- (8) The person in charge of a fire shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished prior to leaving the site after burning is completed.
- (9) No person shall ignite, allow or cause to be ignited, a fire of any kind in the open air without being suitably equipped to contain or extinguish the fire, and shall remain in attendance while the fire is burning or smoldering.
- (10) Where the Fire Chief determines that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this by-law, the Fire Chief shall require the fire to be extinguished.
- (11) The person in charge of a fire may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control, is in danger of doing so, or extends to the lands of others.

Outdoor Wood Burning Appliances

7. Outdoor wood burning appliances may be used throughout the Municipality, subject to the following:
 - (a) manufacturer's instructions are followed;
 - (b) outdoor wood burning appliances are not placed on wooden decks or combustible platforms;
 - (c) the appliance is equipped with a spark arrester with no opening larger than 9.65 mm (3/8");
 - (d) only dry seasoned firewood is used;
 - (e) clearances of 4.75 metres (15 feet) are maintained from a dwelling or accessory building and;
 - (f) only one outdoor wood burning appliance is used on a property at a time.

Campfires

(Showing Proposed Changes to By-law O-109)

8. Campfires are permitted in the “No Permit Required Zone” throughout the year, but the following provisions shall apply:
 - (a) all campfires shall be contained, using non-combustible material, which will prevent the accidental spreading of the fire;
 - (b) Repealed.
 - (c) only dry seasoned firewood shall be used;
 - (d) clearances of 4.75 metres (15 feet) shall be maintained from a dwelling or accessory building; and
 - (e) only one campfire may be permitted on a property at a time.

Authority

9. (1) The Fire Chief shall have the authority to extinguish or order extinguished any fire which poses a fire hazard to persons or property, or does not meet the provisions of this by-law.
- (2) No person shall refuse to extinguish a fire pursuant to an order of the responding officer.

Industrial Burning

10. (1) Contractors that conduct open air burning in the municipality on land being cleared for development or for insect infestation or disease control must obtain an industrial burning permit therefor, and in addition to any other requirements of this by-law, shall post a bond, irrevocable letter of credit or certified cheque in a form suitable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount of ten thousand dollars (\$10,000.00).
- (2) A bond posted pursuant to this clause shall be used to pay expenses arising under section 6 (11) of this by-law or any damages associated with the fire getting beyond the control of the contractor; provided however, that the bond shall not absolve the contractor from any liability from the fire.

Fees

11. The fees for burning permits shall be established by Administrative Order Number 15.

Penalty

12. (1) Any person who fails to comply with a permit issued hereunder or any other provision of this by-law shall be liable to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000).
- (2) In addition to any fine or imprisonment imposed, the Court or Judge may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
- (3) Where any person is in contravention of any provision of this by-law, the Fire Chief may direct in writing that the contravention be remedied in the manner and within the time specified.
- (4) Upon the failure of the person to comply with such notice, the Fire Chief may order the remedy, and recover the cost of such work from the property owner.
- (5) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner which shall be applied and enforced in the same manner as for rates and taxes under the *Assessment Act* or the Halifax Regional Municipality Charter.

Repeal

13. Halifax Regional Municipality By-Law O-103, respecting Open Air Burning, is hereby repealed.

Done and passed in Council this 19th day of October, 2010.

Mayor

(Showing Proposed Changes to By-law O-109)

Municipal Clerk

I Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on October 19, 2010.

Cathy Mellett, Municipal Clerk

Notice of Motion:	September 21, 2010
First Reading	September 28, 2010
Notice of Second Reading – Publication:	October 2, 2010
Second Reading:	October 19, 2010
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 23, 2010

Attachment 4
(Showing Proposed Changes to AO 15)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

Minor Variances

By-law #	Short Title	Section	Fee
2. By-law 70 (County)	Lot Grading By-law	S.7.1	\$75.00
3. By-law 23290	Grade Alteration By-law	S.6	\$75.00
4. By-law O-100109	Open Air Burning By-law Residential Commercial	S.5(8)(d) S.10(1)	No Fee \$50.00

Attachment 5
(Amending Administrative Order)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

1. Item 4 in the table labeled “Minor Variances” is amended by:
 - (a) striking the “100” immediately after the letter “O” and the dash in the first column;
 - (b) adding the number “109” after the letter “O” and the dash in the first column;
 - (c) striking the section number “S.5(8)(d)” in the third column;
 - (d) adding the section number “S.10(1)” in the third column.

Attachment 6
(Incorporating Proposed Changes to AO 15)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

Minor Variances

By-law #	Short Title	Section	Fee
2. By-law 70 (County)	Lot Grading By-law	S.7.1	\$75.00
3. By-law 23290	Grade Alteration By-law	S.6	\$75.00
4. By-law O-109	Open Air Burning By-law Residential Commercial	s.10(1)	No Fee \$50.00

Attachment 7

(Copy of Provincial Forest Fire Protection Regulations)

This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the [Registry of Regulations](#), or refer to the [Royal Gazette Part II](#).

Regulations are amended frequently. Please check the list of [Regulations by Act](#) to see if there are any recent amendments to these regulations filed with the Registry that are not yet included in this consolidation.

Although every effort has been made to ensure the accuracy of this electronic version, the Registry of Regulations assumes no responsibility for any discrepancies that may have resulted from reformatting.

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Forest Fire Protection Regulations
made under subsection 23(2) and Section 40 of the
Forests Act
R.S.N.S. 1989, c. 179
O.I.C. 87-341 (March 26, 1987), N.S. Reg. 55/87
as amended up to O.I.C. 2013-163 (May 14, 2013, effective January 1, 2014), N.S. Reg. 207/2013

1 These regulations may be cited as the “Forest Fire Protection Regulations”.

2 In these regulations,

“Act” means the *Forests Act*;

“burn day” means a day during a fire season that is publicly announced in accordance with Section 3 as a day on which an individual or group of individuals may carry out domestic burning in accordance with subsection 3A(1);

“campfire” means any open fire that burns no larger than 0.5 m in diameter and is intended for recreation and not for survival;

“day” means the 24-hour period between 2 p.m. on any day and 2 p.m. on the following day;

“domestic burning” means burning, for no remuneration, tree limbs, leaves, brush or cut grass

(i) in no more than 2 piles, each of which is no wider than 3 m in diameter and no taller than 2 m,

(ii) as a campfire, or

(iii) while burning for blueberries within an area smaller than or equal to 2 ha;

“domestic burning permit” means a permit to burn in the form of an announcement of a burn day or restricted burn day;

“industrial burning” means burning that meets any of the following criteria:

- (i) it is carried out by a person for remuneration,
- (ii) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha,
- (iii) the material being burned is in more than 2 piles of any size,
- (iv) the material being burned is wider than 3 m in diameter or taller than 2 m,
- (v) the fire will not be extinguished by 8:00 a.m. of the morning following the ignition of the fire;

“industrial burning permit” means a permit to burn that authorizes the holder to carry out industrial burning;

“non-burn day” means a day during a fire season that is publicly announced in accordance with Section 3 as a day on which, except as provided in subsection 23(4) of the Act and in subsection 3A(3), a person is prohibited by subsection 23(3) of the Act from carrying out burning in or within 1000 ft. (305 m) of woods;

“operation or activity” means any work carried out and includes a construction project, industrial project or forestry operation;

“permit to burn” means a permit issued under the Act and these regulations that authorizes a person to carry out burning;

“restricted burn day” means a day that is publicly announced in accordance with Section 3 as a day on which an individual or group of individuals may carry out restricted domestic burning in accordance with subsection 3A(2).

Section 2 replaced: O.I.C. 2013-163, N.S. Reg. 207/2013.

- 3 (1)** The fire season for the Province is the period during each year from March 15 to October 15, both dates included.
- (2)** Each day during a fire season, the Minister or a person delegated by the Minister must publicly announce, for each county in the Province, whether that day is a burn day, a restricted burn day or a non-burn day in that county.

- (3) A public announcement required by subsection (2) must be published on the Department's Forest Protection website and be available by telephone at the Department's toll-free number.

Section 3 replaced: O.I.C. 2013-163, N.S. Reg. 207/2013.

- 3A (1)** On a burn day, domestic burning is permitted in or within 1000 ft. (305 m) of woods only if all of the following conditions are met:
 - (a) every reasonable effort is taken to prevent the fire from spreading;
 - (b) the fire is not left unattended;
 - (c) piles of material to be burned are at least 10 m apart;
 - (d) the fire is extinguished by 8 a.m. on the morning following the ignition of the fire.
- (2)** On a restricted burn day, domestic burning is permitted in or within 1000 ft. (305 m) of woods only if all of the following conditions are met:
 - (a) every reasonable effort is taken to prevent the fire from spreading;
 - (b) the fire is not left unattended;
 - (c) piles of material to be burned are at least 10 m apart;
 - (d) burning takes place only during the time period specified on the Department's Forest Protection website and by telephone at its toll-free number.
- (3)** On a non-burn day, the prohibition in subsection 23(3) of the Act against burning in or within 1000 ft. (305 m) of woods does not apply to a person who has the express written permission of the local Area Supervisor of the Department to carry out burning as part of a special event.

Section 3A added: O.I.C. 2013-163, N.S. Reg. 207/2013.

- 3B (1)** The fee for an industrial burning permit is \$60.50, inclusive of any applicable taxes.

Subsection 3B(1) replaced: O.I.C. 2013-163, N.S. Reg. 207/2013.

- (2)** Any person authorized or designated by the Minister to issue an industrial burning permit shall complete such returns as directed by the Minister, and shall remit to the Minister all money received from the sale of such industrial burning permits, less any amount allowed by the Minister by way of commission.

Subsection 3B(2) amended: O.I.C. 2013-163, N.S. Reg. 207/2013.

Section 3A added: O.I.C. 94-257, N.S. Reg. 52/94; renumbered 3B: O.I.C. 2013-163, N.S. Reg. 207/2013.

- 3C (1)** Where a municipality operates a municipal land fill site and applies for a permit to burn for the purpose of the operation of the landfill site, the Minister or a person authorized or designated by the Minister may issue to the Municipality an industrial burning permit for a period of time equivalent to the fire season for the area in which the landfill site is located.
- (2)** Notwithstanding subsection (1), and in addition to any other conditions that may be imposed, an industrial burning permit issued pursuant to subsection (1) may contain such conditions respecting suspension or cancellation as considered necessary by the Minister or a person authorized or designated by the Minister to issue such a permit for the adequate protection from and control of forest fires.

Section 3B added: O.I.C. 94-257, N.S. Reg. 52/94; renumbered 3C: O.I.C. 2013-163, N.S. Reg. 207/2013.

- 4** Any person failing to comply with the terms and conditions contained on a permit to burn or on any sheet annexed thereto is guilty of an offence.
- 5 (1)** Where a permit holder is notified of the suspension or cancellation of the permit to burn, the permit holder or any person acting on that person's behalf is guilty of an offence if any fire ignited under the permit is not immediately extinguished.
- (2)** Where a permit to burn is cancelled or suspended, the permit holder shall forthwith upon request surrender the permit to the Department.
- 6 (1)** Except where the Department has prescribed or approved specific alternatives, every person in charge of an operation or activity conducted in the woods or within 1000' (305 m) of the woods during the fire season shall provide and maintain fire fighting equipment as follows:

Crew size Persons	Water tank 200 gal. or bag with hand pump	Motor pump* & 1000' (305 m) 1.5 in. (38 mm) hose & nozzle** or motor pump, portable (910 L) tank & 200' (61 m) of 1.5 in. (38 mm) hose & nozzle***	Shovels	Pails	Axes or equivalent+	Grub hoes or equivalent+
1-2	-	-	1	-	-	-
3-5	1	-	2	1	1	1

6-10	2	-	4	2	2	1
11-20	3	1	8	4	4	2
21-30	5	1	12	6	6	3
31-40	8	1	16	8	8	4
41-50	12	1	20	10	10	5
51-60	15	2	24	12	12	6
61-70	18	2	28	14	14	7
71-80	21	2	32	16	16	8
81-90	24	2	36	18	18	9
91-100	27	2	40	20	20	10
100+	30	3	40	20	24	12

*Minimum 40 gal (180 L) per minute @ 100 psi (690 kPa).

**Minimum 1000' (305 m). Sufficient hose must be available to reach from an acceptable water source to all areas of the work site.

***Minimum 50 psi (345 kPa) shutoff pressure capable of reaching all areas of the work site.

+ A pulaski tool = axe + grubhoe.

Subsection 6(1) replaced: O.I.C. 97-446, N.S. Reg. 82/97.

- (2) All fire fighting equipment required under subsection (1) shall be maintained in proper working order and shall be made readily available in the general area of the operation or activity.

7 (1) In this Section,

- (a) "Class I machine" means a farm tractor, a skidder, a forwarder, a roadside slasher, a roadside delimeter, a loader, a wood transporting vehicle, road construction equipment, a welding vehicle or an equipment servicing vehicle;
- (b) "Class II machine" means a chipper, a feller buncher, a wood harvester or a wood processor.
- (2) Every person in charge of an operation or activity in the woods or within 1000' (305 m) of the woods during the fire season where a Class I machine is used or operated shall ensure that the following equipment is securely affixed to the machine:

- (a) one 5-lb. (2.25 kg) or two 2.5-lb. (1.13 kg) ABC fire extinguishers of a type approved by the Canadian Standards Association (C.S.A.) or the Underwriters' Laboratories of Canada (U.L.C.) or their successors, fully charged and equipped with pressure gauges; and
 - (b) one round point shovel.
- (3)** Every person in charge of an operation or activity in the woods or within 1000' (305 m) of the woods during the fire season where a Class II machine is used or operated shall ensure that the following equipment is securely affixed to the machine:
- (a) where the machine is equipped with an on-board suppression system,
 - (i) one 10-lb. (4.54 kg) or two 5-lb. (2.25 kg) ABC fire extinguishers of a type approved by the C.S.A. or U.L.C. or successors, fully charged and equipped with pressure gauges,
 - (ii) one round point shovel, and
 - (iii) one back tank pump unit containing not less than 4 gal. (18 L) of water, or an additional 10-lb. (4.54 kg) ABC fire extinguisher of a type approved by the C.S.A. or U.L.C. or successors, fully charged and equipped with pressure gauges, or equivalent;
 - (b) where the machine is not equipped with an on-board suppression system,
 - (i) one 20-lb. (9.0 kg) or two 10-lb. (4.54 kg) ABC fire extinguishers of a type approved by the C.S.A. or U.L.C. or successors, fully charged and equipped with pressure gauges,
 - (ii) one round point shovel, and
 - (iii) one back tank pump unit containing not less than 4 gal. (18 L) of water, or an additional 20-lb. (9.0 kg) ABC fire extinguisher of a type approved by the C.S.A. or U.L.C. or successors, fully charged and equipped with pressure gauges, or equivalent.
- (4)** In addition to the requirements of subsection (3), every person in charge of an operation or activity in the woods or within 1000' (305 m) of the woods during the fire season where a Class II machine is used or operated shall have the following available at the operating site:
- (a) a source of water of not less than 45 gal. (205 L);
 - (b) one back tank pump containing not less than 4 gal. (18 L) of water; and
 - (c) a two-way communications system.

(5) A person subject to the provisions of this Section shall ensure that the required equipment is kept in proper working order at all times.
Section 7 replaced: O.I.C. 97-446, N.S. Reg. 82/97.

8 (1) No person shall operate a power saw on forest land during the fire season unless the power saw is equipped with an exhaust muffler in functional condition and a spark arresting device in functional condition.

(2) A person who operates a power saw on forest land during the fire season shall keep a fire extinguisher containing not less than .5 lb. (.225 kg) of ABC dry chemical at the site where the person refuels the power saw.

Section 8 replaced: O.I.C. 97-446, N.S. Reg. 82/97.

9 (1) Where a complaint is laid and information furnished by a person other than a conservation officer, the Minister may pay to the complainant a sum not exceeding one-half of any fine collected as a result of a prosecution for a violation of the Act or the regulations.

(2) Where a complaint is laid by a conservation officer upon information furnished by any other person, the Minister may pay to the person who furnished the information a sum not exceeding one quarter of any fine collected as a result of a prosecution for a violation of the Act or the regulations.

10 These regulations shall come into force on the 1st day of April, 1987.