


Halifax Regional Council

May 24, 2005

July 5, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer

DATE: May 18, 2005

SUBJECT: **By-Law O-108, An Amendment to Open Air Burning By-Law O-103,
Section 3, Subsection (b) Section (i)**

ORIGIN

At the Regional Council Meeting of May 17, 2005, Councillor Hendsbee put forward a Notice of Motion to amend the Open Air Burning By-Law O-103 Section 3, Subsection (b) Section (I) and amend the By-law to allow for more local municipal involvement and control over the issuance of provincial burning permits.

RECOMMENDATION

It is recommended that:

1. Council approve First Reading to amend the Open Air Burning By-Law O-103 Section 3, Subsection (b) Section (I) pertaining to the application of the By-law to permit the issuance of municipal burning permits during the provincial fire season at the discretion of the local fire chiefs when safe climate conditions warrant it to do so.
2. Council not approve an amendment to Open Air Burning By-Law O-103 to allow for more local municipal involvement and control over the issuance of provincial burning permits, until more information is obtained on HRM's ability to have control over the issuance of Department of Natural Resources permits.

BACKGROUND

Currently, municipal burning permits are only issued from October 16 to April 14 to areas outside the No Burn Zone for those areas not found in Administrative Order No. 33, Section 2. The exception to this is the Extra-Ordinary Exception to handle the burning of Hurricane Juan debris, which is still in effect.

DISCUSSION

The change to Section 3, Subsection (b) Section I of the By-law will result in municipal permits being issued year-round to areas outside the No Burn Zone. The areas covered under Administrative Order No. 33, Section 2, are exempt from this requirement as they only require a Department of Natural Resources permit from April 15 to October 15, and from October 16 to April 14, a municipal permit is not required.

The second amendment to allow for more local municipal involvement and control over the issuance of provincial burning permits, would require discussions with the Department of Natural Resources as we do not have the ability to control the issuance of these provincial permits.

BUDGET IMPLICATION - None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN - None

ALTERNATIVES -

Council not approve the amendment to By-Law O-103.

ATTACHMENTS - None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Michael E. Eddy, Chief Director

Report Approved by: Michael E. Eddy
Michael E. Eddy, Chief Director, 490-4238

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER O-108**

RESPECTING AN AMENDMENT TO THE OPEN AIR BURNING BY-LAW

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law O-103 the Halifax Regional Municipality Open Air Burning By-Law be amended as follows:

1. Clause (b) of Section 3 of said By-Law O-103 is repealed and the following substituted therefor:

(b) Notwithstanding Section 3(a), a permit pursuant to this By-Law is not required for burning in those areas prescribed by Administrative Order Number 33.

2. Clause (i) of Section 12 of said By-Law O-103 is repealed and the following substituted therefor:

(i) Burning of brush shall only be conducted outside the No Burn Zone if a municipal burning permit is issued by the Local Fire Chief. This is in effect seven days a week, between the hours of 08:00 hrs and 21:00 hrs. All fires shall be completely extinguished by 22:00 hrs. Permits issued are at the discretion of the local Fire Chief, based on the Provincial Forest Fire Index or any hazardous conditions that may cause a fire safety issue in their local area as covered in Section 9 of this By-Law.