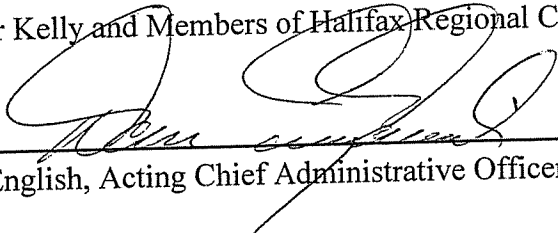


8.1

Halifax Regional Council  
June 8, 2004

*June 29, 2004*

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Dan English, Acting Chief Administrative Officer

**DATE:** June 2, 2004

**SUBJECT:** **Amendment to Administrative Order No. 33 and Amendment to By-Law O-103, Respecting Open Air Burning**

---

**ORIGIN**

At the Regional Council Meeting of May 25, 2004, Councillor Hendsbee gave Notice of Motion of his intent at the next Regular Council Meeting adoption as a policy, an amendment to Administrative Order No. 33, Section 2.

Councillor Hendsbee also gave Notice of Motion of his intent at the next Regional Council Meeting to place before Council amendments to By-Law O-103 under Sections 4 (e), 4 (e)(i), Section 12(c) and Section 13(b).

**RECOMMENDATION**

It is recommended that:

1. Council approve for adoption the Amendment to Administrative Order No. 33, Section 2 as recommended.
2. Council not approve the proposed amendments to By-Law O-103 as proposed by Councillor Hendsbee:
  - 1) amend Section 4(e) to reduce the distance from the nearest adjacent dwelling that a person may conduct burning outside the No Burn Zone from 125 feet to 75 feet.
  - 2) amend Section (4)(I) to further reduce the distance from the nearest adjacent dwelling to no less than 50 feet if the owner of the adjacent dwelling consents to such a reduction, and permitting a joint application for a burning permit outside the no Burn Zone being made by the owners of adjacent dwellings.
  - 3) amend Section 12(c) and 13 (B) to reduce the distance that materials to be burned shall be piled and placed from other combustible materials or adjacent property lines from 50 feet to 25 feet.

## BACKGROUND

Administrative Order No. 33 was amended and would stay in effect on a temporary basis until such time as an amendment to By-law O-103 was adopted by Regional Council. The amendment, By-Law O-106 was approved by Council on May 18, 2004 which was to amend By-Law O-103 by adding immediately following Section 13 the following Heading and Section:

### **Extraordinary Exemption**

**13A** Notwithstanding any other provision of the By-Law, in order to deal with any natural disasters or other similar conditions, the Chief Director or his designate may give special permission for the issuance of Permits for the open air burning of trees, wood, shrubs, bushes or brush and any such Permits may be issued 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, in accordance with Section 9 of this By-Law and shall be subject to any terms and conditions imposed by the Local Fire Chief.

## DISCUSSION

With the approval of the By-Law O-106, the Extraordinary Exemption then the temporary change to Administrative Order Section 2 can now be amended to reinstate the Fire Protection Districts who do not require a burning permit.

The further amendments to By-Law O-103 to amend:

- 1) Section 4(e) to reduce the distance from the nearest adjacent dwelling that a person may conduct burning outside the No Burn Zone from 125 feet to 75 feet.
- 2) amend Section (4)(I) to further reduce the distance from the nearest adjacent dwelling to no less than 50 feet if the owner of the adjacent dwelling consents to such a reduction, and permitting a joint application for a burning permit outside the no Burn Zone being made by the owners of adjacent dwellings.
- 3) amend Section 12(c) and 13 (B) to reduce the distance that materials to be burned shall be piled and placed from other combustible materials or adjacent property lines from 50 feet to 25 feet.

Staff do not agree that these changes should be made to the present by-law.

Staff have been before council on several occasions to deal with requests that would reduce the distance requirements contained within the by-law to allow for more areas to conduct burning.

The Fire Service have developed educational materials for members of the service and the public so as to explain the requirements of the existing By-Law. Staff want to maintain By-law O-103 as written in order to assess its benefits and to fully implement the education of our Open Air Burning Bylaw for our members and the citizens of HRM.

**BUDGET IMPLICATION**

None

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

None

**ALTERNATIVES**

- 1) Restrict Open Air Burning across HRM.

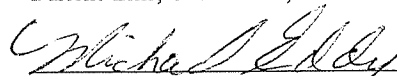
**ATTACHMENTS**

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: Darlene Ellis, Coordinator, Chief Director's Office

Report Approved by:



Michael E. Eddy, Chief Director 490-4238

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER O-107**

**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 (e) of Section 4 of said By-Law O-103 is amended by deleting the numbers "125" and by substituting therefor the numbers "75" and by adding to the end of the clause a comma and the words "provided however that the distance from the nearest adjacent dwelling may be reduced to no less than 50 feet if the owner of the adjacent dwelling consents to such reduction".
2. Section 9 of said By-Law O-103 is amended by adding immediately following clause (f) thereof, the following clause:
  - (g) A joint application for a burning permit outside the No Burn Zone may be being made by the owners of adjacent dwellings
3. Clause (c) of Section 12 of said By-Law O-103 is amended by deleting the numbers, words and symbols "15 meters (50 feet)" and by substituting therefor the numbers, words and symbols "7.5 meters (25 feet)".
4. Clause (b) of Section 13 of said By-Law O-103 is amended by deleting the numbers, words and symbols "15 meters (50 feet)" and by substituting therefor the numbers, words and symbols "7.5 meters (25 feet)".