



# BY-LAW NUMBER O-109

## Respecting Open Air Burning

COW Presentation – Tuesday, September 14 / 2010

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Background:

- Halifax Regional Council directed staff for a report to deal with smoke as a nuisance from any source.
- Spring / Summer / Fall - majority of “smoke complaints” are mainly related to the very popular outdoor wood burning appliance; which are permitted under By-Law O-103. Winter “smoke complaints” do occur because of indoor wood burning appliances (wood stoves).
- HRFE are “required” to order all fires extinguished, even if the outdoor appliance meets all by-law fire safety requirements, based on “health hazards”.

**Authority**

7. The responding officer shall have the authority to extinguish or order extinguished any fire (or fires) which poses a health or fire hazard to persons or property or does not meet the provisions of this By Law. (By-Law O-103)

- Upon review, staff felt that the By-Law was attempting to address two separate issues within one document – 1) Fire Safety and, 2) Respiratory Health Issues caused by wood smoke.

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By-Law O-103 Respecting Open Air Burning:

- Burn / No Burn Zones somewhat confusing to new and current residents.
- Permissible “burn” areas need to be reviewed under fire safety requirements and relate to preventing fires.
- HRFE Staff are not equipped nor trained to properly monitor outdoor air quality - nor to medically confirm what is a respiratory “health hazard” – caused by wood (and other debris) smoke. Some Canadian City “Open Air Burning By-Laws” require the resident to provide medical documentation to the Fire Officer of their respiratory medical condition.
- Imposed “Burning Bans” are all inclusive and do not allow for conditions / risk.
- Air Quality Monitoring falls under the province:

“We are all responsible for taking care of our air. Our department strives to monitor and protect our **outdoor** air quality through regulations and programs to reduce pollutants that lead to issues like smog, acid rain, climate change and the thinning ozone layer. Poor air quality can affect our health, lead to increased health care costs and also affect natural resources.” <http://www.gov.ns.ca/nse/air/> and <http://www.gov.ns.ca/nse/air/action.asp>

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**NO BURN ZONE**

**Eastern Passage** includes **Samuel Daniel Drive** and to the end of **Murray Road**. **Cole Harbour** includes all **Forest Hills** from **Cole Harbour Road** to **Main Street**, **Colby Village**, **Bissett Road**, **Parkland Drive**, **Bass Court** and **Morash Drive**.

**Westphal** includes **Broom Road**.

In **Dartmouth/Sackville** the divider is **Highway 107**. From **Highway 107** to **Highway 102**. The boundary line follows **Hwy. 102 North** to the south side of the community of **Lakeview**. From **Cobequid Road** to the secondary rail line to **Capilano Estates** and along the westerly side of this subdivision to the **New Ashburn Golf Course Property**.

In **Sackville/Lucasville** the line comes down behind **Millwood Drive** and includes all the streets off of it to **Sackville Drive** near **Melham Drive** and does not include the golf course to Hwy. 101.

The line continues to **McCabe Lake**, traveling the eastern shore of the lake, and includes **West Point Dr** and **Waterstone Run**. Then east, crossing **Lucasville Road** to **civic 960**, continuing east to approximately the west side of **Sandy Lake**, where it cuts across the **Hammonds Plains Road at Kearney Lake Road intersection**. The line includes all **Kearney Lake Road** and travels south behind Kearney Lake Road to **Belle St.** and includes all of Belle St and **Collins Rd**. The lines then travels west, around **Kingswood** to **Exit 4 on Highway 103**, and excludes all of Kingswood but includes **Maple Lake Road** and **Merganser Avenue**

The boundary then travels behind the **Otter Lake Waste Facility** to **Goodwood** where the cut-off is **Evergreen Road**.

The line then extends through Spruce Hill Lake to **Harrietsfield**, to **Mercury Avenue** and **Whitehead Road**. It extends on to **Herring Cove** at the **Halibut Bay sign on Highway 349 (Ketch Harbour Road)**.

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Proposed Open Air Burning By-Law (O-109):

- Remove “Burn / No Burn Districts” – replace with “Permit Required / Not Required”, based on municipal services.
- **No open air burning** (appliances excluded) between April 15 to October 15 throughout all of HRM.
- Open Air Burning **permitted** between October 15 to April 15, if site address does not have both, municipal water and sewer; however no HRM Burning Permit required.
- Open Air Burning **permitted** between October 15 to April 15, if site address does have both, municipal water and sewer; however a HRM Burning Permit is required. Burning Permit approved based on Fire Safety Factors outlined within the By-Law.

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- **PERMIT REQUIRED ZONE**

- 2. A municipal burning permit is required in locations that are fully serviced with both municipal water and sewer, providing all requirements of By-law O-103 are met, with the exception of Section 10.

- **NO PERMIT REQUIRED ZONE**

- 3. The No Permit Required Zones include all locations that are not serviced with municipal water or sewer, and providing all requirements of By-law O-103 are met, with the exception of Section 10.

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Proposed Open Air Burning By-Law (O-109):

- Promotes “Winter Burning” of brush

(<http://www.gov.ns.ca/natr/forestprotection/wildfire/firecentre/winterburn.asp> )

- “Traditionally, many Nova Scotia property owners think about cleaning up the yard in the spring, but unless we’ve had a number of large snowfalls over the winter, dead grass and other vegetation in your yard can dry out quickly becoming flammable as early as mid-March. In fact the highest number of wildfires occur in April and May, usually the result of grass or brush burning that got out of control.
- There are alternatives to burning such as chipping or composting, but if your best option is burning, the best time to do it is during the winter when the woods are protected from fire with a blanket of snow. Burning outside of the fire season, especially when snow is on the ground, greatly reduces the chances of a fire spreading and saves you a few dollars in burning permit fees.
- You can also pick your day when weather conditions are favourable for smoke dispersal so as not to annoy the neighbours! So if you must burn brush, avoid the fire season, the most dangerous time of the year to burn, and do it safely, with very little smoke during the winter.”

City	Allows Burning (Y/N)	Distances Open Air Burning	Distances Campfires	Distances Burning Appliances	Special Notes	Nuisance Related (Y/N)	Burning Appliances Allowed (Y/N)
St. John's, NF	Yes	Not specified	Not Specified	3 M	Permit needed for open air fire	Y	Y
Ottawa, ON	Yes	30 M	10 M	5 M	Must obtain permit	N	Y
St Catherines, ON	Yes	Not specified	Not Specified	5 M	Without permit between 7 am & 11 pm	Y	No chimenias or outdoor fireplaces
Oshawa, ON	No				By-law prevents open air burning		
Hamilton, ON	Yes	30 M	Not Specified	Not Specified	Only permitted in rural area. Permit Needed	Y	Yes but is equal to open air burning
Kitchener, ON	Yes	20 M	10'	5 M	Must obtain permit. Time restrictions on fires	Y	Y
London, ON	Yes	50 M	4 M	4 M	Size limitations put in place for open air burning and time	Y	Y
Saskatoon, SK	Yes	Not Specified	Not Specified	Not Specified	Permit issued for open air burn for block parties / community	Y	
Calgary, AB	Yes	Not Specified	2 M	2 M	Flames may not exceed 1 M in height	N	Y
HRM,NS	Yes	75'	30'	15'		N	Y
CBRM, NS	Yes	Not Specified	Not Specified	10'		Y	Y