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Halifax Regional Council
March 25, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in dark ink, appearing to be "G. McLellan", written over a horizontal line.

George McLellan, Chief Administrative Officer

DATE: March 4, 2003

SUBJECT: By-Law O-102, Respecting Open Air Burning

SUPPLEMENTARY REPORT

ORIGIN

At the Regional Council Meeting of June 11, 2002 By-Law O-102 passed First Reading, on July 2, 2002, By-Law O-102 was before Council for Second Reading. A staff report prepared for George McLellan, Chief Administrative Officer dated June 5, 2002, regarding second reading of By-Law 102 for consideration.

RECOMMENDATION

It is recommended that:

1. Council adopt, in principle, By-Law O-102 Respecting Open Air Burning to amend By-Law 101 Respecting Open Air Burning as written and submitted.

BACKGROUND

At Regional Council meeting of August 21, 2001, By-Law O-101 Respecting Open Air Burning passed first reading. A supplementary report was requested from staff for the Second Reading seeking additional information regarding outdoor wood burning appliances.

At the October 2, 2001, Council Meeting, By-Law O-101 passed second reading and staff were requested to review and make recommendations for possible amendments to Sections 5, 6 & 12.

At the November 7, 2001, Council Meeting, a supplementary report was submitted to Council addressing changes to Sections 5, 6, & 12. Further discussions of the By-Law resulted with staff being directed to re-examine issues and concerns raised at this meeting and report back to Council. Staff re-examined the issues and concerns raised and submitted a reported back to Council on June 11, 2002

DISCUSSION

Staff were directed to look at following areas of the proposed By-Law O-102:

- 1) That staff delete the following words in Section 4(d) “except a fire for the sole purpose of burning tree in open air”. This has been done.
- 2) That staff remove Section 4(e) which had been added to permit an applicant to file a Bond. This section has remained and is now 4(f) and has been kept as advised by Legal Services.
- 3) That staff delete Section 6(d) which allowed commercial burners to apply twice a year for permits to burn in the No Burn Zone. Section 6(d) has been deleted.
- 4) That Section 4(g) be amended to state “Limited Burn Zone or No Burn Zone”.

Section 4(g) has been deleted and the term “Limited Burn Zone” has been removed from the proposed By-Law. This section has been reworded and is now Section 4(f).

- 5) That Sections 5 & 6 be re-examined and obtain input from the public and Fire Services as to how they would like to proceed with this issued.

Staff have re-examined Section 5 & 6 that deals with Outdoor Wood Burning Appliances and Camp Fires. Areas contained in these sections have been rewritten to reflect that outdoor wood burning appliances and camp fires are no longer permitted in the No Burn Zone. The No Burn Zone will be designated by an Administrative Order.

The Fire Service received citizen feedback on open air burning as well as the comments from the public hearing of July 2, 2002, which were used to address the most important concerns raised regarding Outdoor Wood burning.

Also minor changes have been made in:

- Definitions to further clarify "No Burn Zone" and "Outdoor Wood Burning Appliance";
- Restrictions - to clarify the times when burning can take place outside the "No Burn Zone";
- Penalty - additional paragraphs have been added as advised by Legal Services.

An education program has also been prepared to ensure that all the residents of HRM, Staff, and Council are aware of the changes to this By-Law, where and when outdoor wood burning can take place. Advertisements, media spots, educational material, flyers, web site, internal communications with staff, will assist us to ensure that everyone is aware of the changes that will take place as a result of the passing of this by-law amendment.

BUDGET IMPLICATION

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

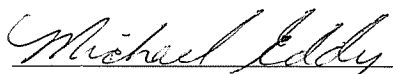
None

ALTERNATIVES

- 1) Leave By-Law O-101 as currently written.
- 2) Restrict Open Air Burning across HRM.

ATTACHMENTS

- 1) By-Law O-101, Respecting Open Air Burning with amendments underlined.
- 2) By-Law O-102.

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:	Wayne Chapdelaine, Fire Prevention, 490-5036
Report Approved by:	 Michael E. Eddy, Chief Director, 490-4238

BE IT ENACTED by the Halifax Regional Council that By-Law O-101 Respecting Open Air Burning is hereby enacted:

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER O-101
RESPECTING OPEN AIR BURNING

Title

1. This By-Law shall be known as By-Law Number O-101 and may be cited as the "Open Air Burning By-Law".

Definitions

2. In this By-Law:
 - (a) "Domestic Waste" means leaf and yard waste and/or box board waste and/or waste material resulting from construction activities, including without limitation, grass clippings, twigs, house and garden plants, saw dust, wood shavings, planking, siding, wood beams, cereal, shoe, tissue, detergent, and frozen food boxes or other similar items.
 - (b) "Fire Chief" means the Chief Director of the Halifax Regional Fire & Emergency Service, the Captain or Chief Officer of a fire department or fire company, Fire Prevention Officers or other person designated by the Chief in and for the fire protection district of the Municipality in which the fire is proposed to be ignited or has been ignited.
 - (c) "Fire Protection District" means that area of the Municipality which a fire department or a fire company serves and for which it is responsible.
 - (d) "Municipality" means the Halifax Regional Municipality.
 - (e) "Permit" means a permit for burning in the open air issued by the Fire Chief under authority of this By-Law.
 - (f) "Suitably Equipped" means being in possession of tools or equipment, including without limitation, brooms, rakes, back tanks, shovels, hoses and an adequate water supply, which shall be used to contain and/or prevent the spread of a fire ignited in the open air.
 - (g) "Grate" means a metal rack supported on a non-combustible enclosure.
 - (h) "No Burn Zone" means the area designated as such by Administrative Order.

- (i) "Open Air" means not within a structure.
- (j) "Person in Charge of a Fire" means the owner of the property upon which the burning is taking place, or the person who has the owner's written consent to conduct the burning.
- (k) "Outdoor Wood Burning Appliance" means an appliance used in the open air to burn wood. This does not include external wood furnaces.

Application of By-Law

- 3. (a) This By-Law shall apply to all areas of the Municipality and during the entire year.
- (b) Notwithstanding Section 3(a), a permit pursuant to this by-law is not required:
 - (i) during the fire season as established by the Department of Natural Resources, provided a permit issued by that department is obtained;
 - or
 - (ii) for burning in those areas set out in Schedule "A" attached to and forming part of this By-Law.

Prohibition

- 4. (a) Notwithstanding any other provision of this By-Law, but subject to Subsections 4(b), 4(c), and Sections 5 and 6, no person shall light, ignite or start or allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air without first having obtained a permit to do so from the Fire Chief except in those areas identified in Schedule "A" where a permit is not required.
- (b) Nothing in this By-Law shall prohibit the making of a fire by a person traveling in the woods for the purpose of cooking or obtaining warmth or as a distress signal if the fire is made in a suitable place and precautions are taken against the spreading of the fire.
- (c) A permit is not required to cook food in barbeques, grates, or other cooking devices. The requirements of Section 12(b)(e)(h)(j)(k)(l) and Section 13(a)(d)(e)(f)(g)(j)(m)(o)(p) shall apply. Cooking with an outdoor wood burning appliance within the No Burn Zone is prohibited.

- (d) Notwithstanding any other provision of this By-Law, but subject to Sections 5 and 6, no person shall light, ignite or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever within the No Burn Zone.
- (e) Notwithstanding any other section of this bylaw but subject to sections 5, 6, 12 & 13 no person shall conduct burning on a property that is less than 1.5 acres in size outside the No Burn Zone.
- (f) In the area outside the No Burn Zone of the Halifax Regional Municipality, contractors wishing to burn brush on land that has been cleared must apply for and receive a permit in respect of such burning and in addition to any other requirement of this By-law, in support of the application shall post a bond, irrevocable letter of credit or certified cheque in a form acceptable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount of ten thousand dollars. A bond posted pursuant to this clause shall be used to pay any expenses arising under Section 12 (j) of this By-law or any damages associated with the fire getting beyond the control of the contractor, provided however that the bond pursuant to this clause shall not absolve the contractor from any liability resulting from the fire.

Outdoor Wood Burning Appliances

- 5. Outdoor wood burning appliances shall not be used in the No Burn Zone of the Halifax Regional Municipality. These appliances may be used outside the No Burn Zone, but the following provisions shall apply:
 - (a) The manufacturer's installation instructions are followed;
 - (b) They are not placed on wooden decks or combustible platforms;
 - (c) Only dry seasoned firewood shall be used as it burns with little or no smoke by-product;
 - (d) Clearances of 4.57 meters (15 feet) shall be observed in all directions from other combustible materials.
 - (e) These appliances shall not be used when the Department of Natural Resources or the Halifax Regional Municipality have placed a ban on all open air burning;
 - (f) Only one outdoor wood burning appliance may be used on a property at a time;

- (g) The outdoor wood burning appliance must be of sufficient construction to withstand the effects of heating and cooling and must be constructed of non-combustible material which will prevent the accidental spreading of fire.

Exemptions

- 6. (a) Camp fires are permitted outside the No Burn Zone but the following provisions shall apply:
 - (i) All campfires shall be contained, using non-combustible material, which will prevent the accidental spreading of the fire;
 - (ii) Camp fires 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;
 - (iii) Only dry seasoned firewood shall be used as it burns with little or no smoke by-product;
 - (iv) Clearances of 4.57 meters (15 feet) from other combustible material must be maintained;
 - (v) No campfires shall be permitted when the Department of Natural Resources or the Halifax Regional Municipality have placed a ban on all open air burning;
 - (vi) Only one campfire may be permitted on a property at a time;
 - (vii) Written permission from the property owner shall be obtained and available on site before having a campfire on any property when the individual controlling the fire is not the property owner.
- (b) For the purpose of campgrounds, both public and private, each individual camping lot will be considered a separate property.
- (c) Fires to be used for religious or ceremonial purposes shall require a burning permit and are not subject to the restriction of the no burn zone. Fires of this nature may exceed the 600 mm (24 inches) size restriction, providing all other clearance restrictions in Section 6 are met.

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.

Special Burning

8. (a) This By-Law shall allow for the open air burning of trees, wood, shrubs, bushes or fields that have been determined to have an infestation of insects or disease that pose a risk of spreading to other areas or that pose a risk of damaging the Natural Resources of the Halifax Regional Municipality.
- (b) Open Air Burning pursuant to subsection 8(a) shall:
 - (i) require special permission through an Administrative Order from the Halifax Regional Fire & Emergency Service;
 - (ii) require a burning permit, and;
 - (iii) comply with the provisions of this By-Law.

Permit Application

9. (a) Where a permit is required under this By-Law, an application shall be made to the Fire Chief.
- (b) Where the Fire Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of the By-Law, the Fire Chief shall refuse to issue a permit.
- (c) In making a determination under Section 9(b) the Fire Chief may take into consideration the following:
 - (i) The number of permits issued on a particular day;
 - (ii) The velocity of the wind;
 - (iii) The general weather conditions prevalent;
 - (iv) whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - (v) The proposed manner and method of burning;
 - (vi) Whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced

- prior to the issuance of the permit, of the owner of the land which the burning will occur;
- (vii) Whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (viii) Any other matter the Fire Chief determines relevant to safety.
- (d) A permit issued under the authority of this By-Law may be revoked by the Fire Chief at any time where it is determined that the proposed burning will pose a hazard to persons or property or where the conditions of the permit have not been met.
- (e) The Fire Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid, and in so doing, may distinguish between permits issued for commercial or other uses, but no permit shall be issued for a period exceeding fourteen (14) days.
- (f) The Fire Chief may designate the location where and the hours during which applications for permits shall be received.

Blueberry Fields

10. (a) A Permit shall be required for the burning of blueberry fields.
- (b) A Permit shall not be issued for the burning of blueberry fields in excess of two(2) hectares unless a Commercial Burning Permit has also been issued by the Department of Natural Resources.

Fees

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

Burning Restrictions

12. The following requirements shall apply at all times to the making of the fire for which a permit is issued:
- (a) The holder of the permit shall ensure that the permit is available for inspection at the scene of the fire.

- (b) No person shall burn rubber tires, oil, plastic, petroleum products, like materials or other Domestic Waste.
- (c) All material to be burned shall be piled and placed at least 15 meters (50 feet) from other combustible material or adjacent property line.
- (d) Where two (2) or more piles to be burned are situated on a single site, only one pile shall be burned at a time. The size of the pile will be at the discretion of the Fire Chief taking into account location, distance to combustibles, wind velocity as well as any other hazards deemed appropriate.
- (e) No fire shall be ignited when the wind is blowing of sufficient velocity such that it may jeopardize the permit holder's ability to control the fire.
- (f) The person to whom a permit was issued shall ensure that the fire is not left unattended and that all smoldering embers are completely extinguished after burning is completed.
- (g) The person to whom a permit is issued shall ensure that the method of burning and material burned is consistent with the information provided to the Fire Chief when the permit was issued.
- (h) The fire department shall be immediately notified if the fire is or appears to be getting out of control.
- (i) Burning of brush shall only be conducted outside the No Burn Zone during the period that a Provincial Burning Permit is not required. 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.
- (j) The permit holder may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control or be in danger of doing so or extend to lands of others.
- (k) No person shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.

- (l) No person shall refuse to extinguish a fire pursuant to an order/direction of the responding officer under Section 7 of this By-Law.

Requirements

13. Notwithstanding the provisions of this By-Law, the following requirements shall apply at all times to a fire in those areas set out in Schedule "A":

- (a) No person shall burn rubber tires, oil, plastic, petroleum products, like materials or other domestic waste;
- (b) All material to be burned shall be piled and placed 15 meters (50 feet) from other combustible material or adjacent property;
- (c) Where two or more piles to be burned are situated on a single site, only one pile may be burned at a time. The size of the pile will be at the discretion of the Fire Chief taking into consideration location, distance to combustibles, wind velocity as well as any other hazards deemed appropriate;
- (d) No fire shall be ignited when the wind is blowing of sufficient velocity that it may jeopardize the ability to control the fire;
- (e) The Person in Charge of a Fire shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished after burning is completed;
- (f) The Person in Charge of a Fire shall ensure that the method of burning and material burned is consistent with this By-Law;
- (g) The Fire Department shall be notified immediately if the fire is or appears to be getting out of control;
- (h) No burning shall commence before 17:00 hours and the fire must be extinguished by 22:00 hours of the same day during the burning season, as established by the Department of Natural Resources. Burning may be conducted between the hours of 08:00 hours and 22:00 hours when such burning is to be conducted outside of the burning season.
- (i) The Fire Chief may specify the hours of the day and the number of days during which burning may be permitted;

- (j) 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 or be in danger of doing so or extends to lands of others;
- (k) At least two people nineteen (19) years of age or older must be present while the fire is burning or smoldering and both must be Suitably Equipped to control the fire;
- (l) If the person igniting the fire is not the owner of the land on which the burning is intended to occur, then written consent of the owner must be obtained before any fire is started;
- (m) Where the Fire Chief determines that a fire is or would be a hazard to safety or where there is a failure to meet the requirements of this By-Law, the Fire Chief shall require the fire to be extinguished or that the fire not be started;
- (n) The Person in Charge of a Fire must ensure that the burning does not pose a hazard to person or property;
- (o) No person shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.
- (p) No person shall refuse to extinguish a fire pursuant to an order/direction of the responding officer under Section 7 of this By-Law.

Penalty

14. (1) Any person who fails to comply with any permit issued hereunder or any condition of such a permit, or any provision of this By-Law shall be liable to a penalty on conviction of not less than One Hundred Dollars (\$100) and not more than Five Thousand Dollars (\$5,000) or in default of payment, to imprisonment for a period not exceeding sixty (60) days.
- (2) In addition to any fine or imprisonment imposed pursuant to Section 14 (1), 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 by that person in the manner and within the time specified in the written direction.

(4) Upon the failure of the person to comply with such notice the Fire Chief, where the notice is given by the Fire Chief, may order the remedy, and may recover the cost of such work from the property owner.

(5) The Municipality's cost to remedy the contravention pursuant to any provisions of this 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.

Compliance with Other Acts

15. Nothing in this By-Law serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other By-Law or regulation of the Municipality or any statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

Repeal

16. The Halifax Regional Municipality By- Law O-101, respecting Open Air Burning, is hereby repealed.

SCHEDULE "A"

A burning permit is not required in the following Fire Protection Districts:

Cooks Brook	Three Harbours Sheet Harbour	Upper Musquodoboit
Dutch Settlement	Mushaboom	
Meagher's Grant	Musquodoboit Harbour	
Middle Musquodoboit	Ostrea Lake	
Moser River	Oyster Pond	
Mooseland	Tangier	

Done and passed by Council this _____ day of _____ A.D., 2003.

Mayor

Municipal Clerk

I, Vi Carmichael, 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 _____, 2003.

Vi Carmichael
Municipal Clerk

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER O-102

A BY-LAW TO AMEND THE BY-LAW RESPECTING OPEN AIR BURNING

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of the *Municipal Government Act* as follows:

1.
 - (1) (a) of Section 2 - Definitions - "Commercial Burning" is deleted.
 - (2) (b) of Section 2 - Definitions - is re-lettered clause (a) and the rest of this section has been relettered.
 - (3) (h) of Section 2 - Definitions - "No Burn Zone" is amended to re-define the definition. The new wording reads; means the area designated as such by Administrative Order
 - (4) (k) of Section 2 - Definitions - "Outdoor Wood Burning Appliance" was added to define an Outdoor Wood Burning Appliance. "Outdoor Wood Burning Appliance" means an appliance used in the open air to burn wood. This does not include external wood furnaces.
2.
 - (1) (a) of Section 3 - Area of Application - the words "and during the entire year" have been added at the end of the sentence.
 - (2) (b) of Section 3 - Area of Application - has been re-worded and now reads "Notwithstanding Section 3(a), a permit pursuant to this by-law is not required:
 - (1) during the fire season as established by the Department of Natural Resources, provided a permit issued by that department is obtained;
 - Or
 - ii for burning in those areas set out in Schedule "A" attached to and forming part of this bylaw.
3.
 - (1) (c) of Section 4 - Prohibition - has been reworded to reflect the change in the numbering system as a result of other amendments. The section now reads; A permit is not required to cook food in barbeques, grates, or other cooking devices. The requirements of Section 12(b)(e)(h)(k)(l) and Section 13(a)(d)(e)(f)(g)(j)(m)(p) shall apply. Also a new sentence has been added which reads; Cooking with an outdoor wood burning appliance within the No Burn Zone is prohibited.
 - (2) (e) of Section 4 - Prohibition - has been added to determine the minimum lot size

- (2) (a) (iv) Section 6 - Exemptions - the distance has been increased to 4.57 meters (15 feet) from three (3) meters (10 feet).
- (3) (v) Section 6 - Exemptions - the name Halifax Regional Parks & Natural Resources has been changed to Halifax Regional Municipality.
- 6. (1) Section 7 - Authority - title has been added to clarify the purpose of this section.
- 7. (1) Section 8 - Special Burning - title has been added to clarify the purpose of this section
- 8. (1) (a) Section 10- BlueberryFields - period after the word fields. The rest of the sentence - under two(2) hectares is deleted.
- (2) (b) Section 10 - Blueberry Fields - has been rewritten and now reads: A Permit shall not be issued for the burning of blueberry fields in excess of two(2) hectares unless a Commercial Burning Permit has also been issued by the Department of Natural Resources.
- 9. (1) (c) Section 12 - Burning Restrictions - the word "line" has been added to the end of the sentence.
- (2) (i) Section 12 - Burning Restrictions - has been rewritten to allow for the burning of brush as reads: Burning of brush may be conducted outside the No Burn Zone during the period that a Provincial Burning Permit is not required, seven days a week, between the hours of 08:00 hrs. and 21:00 hrs. All fires must 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.
- (3) (k) Section 12 - Burning Restrictions - has been added to ensure that a person is suitably equipped to contain and extinguish a fire and reads: No person shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.
- (4) (l) Section 12 - Burning Restrictions - has been added to ensure that persons must extinguish a fire if ordered or directed to do so and reads; No person shall refuse to extinguish a fire pursuant to an order/direction of the responding officer under Section 7 of this By-Law.
- 10. (1) (h) Section 13 - Requirements - has been reworded to remain consistent with the wording changes in Section 12 (i). The new wording reads; No burning shall

of 1.5 acre and the boundary requirement of being outside the No Burn Zone and reads; Notwithstanding any other section of this bylaw but subject to sections 5, 6, 12 & 13 no person shall conduct burning on a property that is less than 1.5 acres in size outside of the No Burn Zone.

- (3) (f) of Section 4 - Prohibition - has been added to include a provision to allow and control the burning of brush outside the No Burn Zone on a commercial basis and it reads; In the area outside the No Burn Zone of the Halifax Regional Municipality, contractors wishing to burn brush on land that has been cleared must apply for and receive a permit in respect of such burning and in addition to any other requirement of this By-Law, in support of the application shall post a bond, irrevocable letter of credit or certified cheque in a form acceptable to the Fire Chief from a bonding company or financial institution acceptable to the Fire Chief in the amount of ten thousand dollars. A bond posted pursuant to this clause shall be used to pay any expenses arising under Section 12(j) of this By-Law or any damages associated with the fire getting beyond the control of the contractor, provided however that the bond pursuant to this clause shall not absolve the contractor from any liability resulting from the fire.
- 4. (1) Section 5 - Outdoor Wood Burning Appliances title has been added to clarify the purpose of this section.
- (2) Section 5 - Outdoor Wood Burning Appliances - replaced the word "may" with "shall not", changed the word "throughout" to "in", and add the words "No Burn Zone of" immediately after; place a period after the word Municipality and deleted the words, "without a permit". A new sentence was started by inserting the words; These appliances may be used outside the No Burn Zone.
- (3) (d) Section 5 - Outdoor Wood Burning Appliances- the distance has been increased to 4.57 meters (15 feet) from three (3) meters (10 feet).
- (4) (e) Section 5 - Outdoor Wood Burning Appliances- the name Halifax Regional Parks & Opens Spaces has been changed to Halifax Regional Municipality and now reads; These appliances shall not be used when the Department of Natural Resources or the Halifax Regional Municipality have placed a ban on all open air burning.
- (5) (g) of Section 5 - Outdoor Wood Burning Appliances - has been added and reads; The outdoor wood burning appliance must be of sufficient construction to withstand the effects of heating and cooling and must be constructed of non-combustible material which will prevent the accidental spreading of fire.
- 5. (1) (a) Section 6 - Exemptions - the first part of the sentence, No permit is required for a camp fire, has been removed and replaced with, Camp Fires are permitted outside the No Burn Zone, rest of the sentence remains the same.

commence before 17:00 hrs. and the fire must be extinguished by 22:00 hrs. of the same day during the burning season, as established by the Department of Natural Resources. Burning may be conducted between the hours of 08:00 hrs and 22:00 hrs. when such burning is to be conducted outside of the burning season.

- (2) (o) Section 13 - Requirements - has been added and will apply at all times to a fire in those areas set out in Schedule "A": to ensure that a person is suitably equipped to contain and extinguish a fire and reads: No person shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire
 - (3) (p) Section 13 - Requirements - has been added and will apply at all times to a fire in those areas set out in Schedule "A": to ensure that persons must extinguish a fire if ordered or directed to do so and reads; No person shall refuse to extinguish a fire pursuant to an order/direction of the responding officer under Section 7 of this By-Law.
11. (1) (1) Section 14 - Penalty - now has been numbered 1 to 5. The change in (1) is that 30 days has been changed to 60 days to be consistent with other HRM By-Laws.
- (2) (2) Section 14 - Penalty - has been added and reads; In addition to any fine or imprisonment imposed pursuant to Section 14 (1), 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) (3) Section 14 - Penalty - has been added and reads; 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 by that person in the manner and within the time specified in the written direction.
 - (4) (4) Section 14 - Penalty - has been added and reads; Upon the failure of the person to comply with such notice the Fire Chief, where the notice is given by the Fire Chief, may order the remedy, and may recover the cost of such work from the property owner.
 - (5) (5) Section 14 - Penalty - has been added and reads; The Municipalities cost to remedy the contravention pursuant to any provisions of this 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.