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Item No. 14.1.9
Halifax Regional Council
August 1, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Dave Reage, A/Chief Administrative Officer

DATE: May 3, 2017

SUBJECT: Nuisance Smoke petition dated February 12, 2016

ORIGIN

On February 16, 2016, Item 12.2.1, Councillor Watts submitted a petition to Regional Council which requested a staff report and recommendation for a Nuisance Smoke By-law to reduce negative impact smoke from indoor wood burning appliances, electric smokers or any other device that emits smoke.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, c. 39,

188 (1) The Council may make by-laws, for municipal purposes, respecting

(a) the health, well being, safety and protection of persons;

.....

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

By-law O-109, *Respecting Open Air Burning*

RECOMMENDATION

It is recommended that Halifax Regional Council decline to direct the CAO to draft a by-law that would regulate nuisance smoke from indoor wood burning appliances, electric smokers or any other device that emits smoke.

BACKGROUND

This report will focus on the concern noted in the petition of nuisance smoke resulting from indoor wood burning appliances. A separate report is being prepared with respect to By-law O-109 and smoke related to outdoor burning devices.

Halifax Regional Fire and Emergency respond to calls regarding nuisance smoke. If the smoke is resulting from an indoor burning device they offer to provide information to educate the resident on appropriate burning methods and fuel to burn. No regulatory action is taken. If the nuisance smoke is a result of an outdoor burning device, the appropriate protocols are followed to assess the situation and take necessary enforcement action if required.

The majority of calls are from urban areas where there are higher density residential areas. Individuals throughout HRM choose to heat their homes either primarily or supplementary with wood burning appliances. If Regional Council directs staff to create a Nuisance Smoke By-law, consideration would have to be given to individuals impacted.

In researching other jurisdictions, staff discovered that there are two primary methods in addressing nuisance smoke: regulating solid fuel burning appliances and or regulating smoke emitting from an open-air burn. HRM's current practice is to respond to nuisance smoke calls for service to determine if the fire poses a risk and respond by extinguishing the fire if required. In 2016 there were 673 calls for service and 308 of these fires did not meet the by-law regulations and were extinguished by HRM Fire and Emergency.

DISCUSSION

Staff conducted a jurisdictional scan of eight cities throughout Canada. Five of the cities (Edmonton, Moncton, Toronto, Charlottetown, and Kingston) all responded that they do not have legislation that regulates nuisance smoke from indoor burning appliances.

The cities of Montreal, Kimberley and Town of Smithers British Columbia regulate solid fuel burning appliances. They do not regulate smoke. All three cities require residents to install and use solid fuel burning appliances that meet particulate emission standards to reduce the impact on the environment.

The City of Montreal refers in their by-law to education and registry programs where residents are required to meet an Environmental Protection Agency (EPA) standard. Their By-law was implemented in August 2015 and has provided for an effective date of October 1, 2018 for all wood burning appliances to comply with the by-law. Focus has been placed on an awareness program for residents in the City of Montreal to understand the requirements of the by-law.

In preparing this report, staff consulted with the Lung Association of Nova Scotia. The Lung Association is supportive of any steps the municipality can take to reduce nuisance smoke and understand that many residents choose to heat their homes with wood burning appliances. The Lung Association supports the idea of an education program that better informs residents on appropriate burning appliances that meet EPA standards. The Environmental Protection Agency has developed a Burn Wise education program and encourages residents to utilize wood burning appliances that meet EPA standards.

Staff with Halifax Regional Fire and Emergency will continue to respond to calls for service, determine risk, extinguish fires as required and educate residents on best burn practices. Based on the jurisdictional scan, analysis of annual calls for service and best practices followed by other Canadian cities, staff do not recommend creating a Nuisance Smoke By-law.

If Council wishes to take steps to mitigate Nuisance Smoke, an alternative would be to direct staff to further research and develop a by-law that regulates indoor burning appliances. Consideration would need to be given to include a licensing and inspection program to meet the requirements of the by-law. This alternative would focus on residents installing wood burning appliances that meet EPA standards to heat their homes and thereby reducing nuisance smoke. Given the minimal complaints received regarding nuisance smoke,

this alternative is not recommended by staff.

FINANCIAL IMPLICATIONS

There are no financial implications of the recommendation in this report.

However, any of the three alternatives, below, would have cost implications. Alternatives 2 and 3 have broad implications and would require staff to return to Council with a supplementary report.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report.

COMMUNITY ENGAGEMENT

Staff consulted with community members noted on the petition, other jurisdictions and the Lung Association of Nova Scotia.

ENVIRONMENTAL IMPLICATIONS

By staff developing a best burn practice and education program, environmental implications of nuisance smoke would be reduced.

ALTERNATIVES

1. Regional Council could direct the CAO to develop a best practice and education program related to nuisance smoke.
2. Regional Council could direct the CAO to draft a Nuisance Smoke By-law. This alternative is not recommended by staff.
3. Regional Council could direct the CAO to draft a by-law to regulate indoor burning devices through a similar program as the City of Montreal. This alternative is not recommended by staff.

ATTACHMENTS

None.

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 902.490.4210, or Fax 902.490.4208.

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