

**THE CORPORATION OF THE VILLAGE OF LYTTON**  
**BYLAW NO. 619, 2009**

**A Bylaw to amend Burning Bylaw 556, 2002**

**WHEREAS** pursuant to Sections 8(3)(h) and 64 of the Community Charter, Council may, by Bylaw, require the owners of real property or their agents to eliminate or reduce fouling or contamination of the atmosphere, through the emission of smoke, dust, gas, sparks, ash, soot, cinders and fumes;

**AND WHEREAS** under Section 48 of the Fire Services Act and the regulations made under it, Council is required to enforce local regulations for the protection of persons and property from fire;

**AND WHEREAS** Council deems it advisable in the interest of protection to persons and property to regulate the use of outdoor fires;

**AND WHEREAS** the requirements as hereinafter described may provide to the taxpayer a reduction in the operational costs of the Lytton Fire/Rescue;

**NOW THEREFORE**, the Council of the Corporation of the Village of Lytton, in open meeting assembled, **ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS**

- 1.1** a) **Burnable debris** means those materials permitted to be burned in accordance with the statutes and bylaws written to protect and enhance the environment, and shall include but not be limited to materials described as;
- i. grass and weeds;
  - ii. leaves and tree prunings;
  - iii. wood material from the construction or demolition of buildings which does not contain wood preservatives;
  - iv. wood material from sawmills or planing mills, subject to Provincial requirements for industry.
- b) **Village** means the Village of Lytton.
- c) **Council** means the Elected Council of the Village of Lytton.
- d) **Corporate Officer** means that person appointed to that position and title by the Council of the Village of Lytton and shall include any person appointed by the Corporate Officer to act as his appointee.
- e) **Open fire** means any outdoor fire which is not an incinerator fire or public park site fire and, without limiting the generality of the foregoing, includes grass fires, forest and brush fires, running fires, structure or building fires, wood scrap fires, ground thawing fires and chattel fires.
- f) **Incinerator** means a non-combustible structure or container that is intended to be used to burn flammable materials.
- g) **Portable appliance** means any appliance sold or constructed for the purpose of cooking food in the out-of-doors and shall be deemed to include any non-moveable structure erected for the purpose of cooking food out-of-doors and which is designed to use charcoal briquettes, natural gas or propane as a heat source.

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- h) **Prohibited debris** means any material that when burned will result in the release to the atmosphere of dense smoke or toxic air contaminants and shall include but not be limited to the following;
- i. animal cadavers
  - ii. animal manure
  - iii. chemicals and chemical containers
  - iv. combustible material in automobile bodies
  - v. combustible material in automobiles
  - vi. household refuse
  - vii. non-wooden material
  - viii. paints and painting materials
  - ix. pathological waste
  - x. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances
  - xi. tires
  - xii. toxic substances
  - xiii. used oil, which includes furnace oil unless burned in an approved stove or furnace
  - xiv. wood or wood products containing substances for the purpose of preserving wood.
- i) **Fire Pit** shall be a hole dug into the ground to a depth of a minimum of 15 inches (38 cm) and a diameter of 30 inches (76 cm) and lined with non-flammable material on the sides which shall extend a minimum of 3 inches (8cm) above the surface of the surrounding ground.

**2.0 REGULATIONS**

- 2.1 No person shall operate, install or construct any incinerator or burning barrel.
- 2.2 No person shall ignite or cause to be ignited any prohibited debris.
- 2.3 All outdoor burning is prohibited within Village boundaries except as allowed by the exceptions stated within this bylaw.

**3.0 EXCEPTIONS**

- 3.1 a) Outdoor burning of burnable debris as defined in Section 1.1 a) will be allowed in the Village at any time during the year when the Corporate Officer considers weather conditions to be such that the lighting of a fire will not endanger any person or property in the Village or the surrounding area. Fires lit in backyard fire pits shall be fired with wood or charcoal only. The fuelling of the fire shall be such that the flames will not exceed a height of 12 inches (30 cm) above ground level. In all instances, permission for the lighting of outdoor fires must be obtained from the Corporate Officer and a permit allowing the fire must be obtained from the Village Office prior to any outdoor fire being lit. The permit shall be in a form similar to Schedule "A" appended hereto and shall not be transferable.

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- b) The Village does not assume any liability with the issuance of a permit under this Bylaw and shall not be held responsible for any damage caused by any person for any reason in respect to the provisions of the Bylaw.
  - c) Requests for a permit to burn under this Bylaw may be requested in person, by telephone, or by e-mail. The permit is not valid until the Corporate Officer has approved the permit.
  - d) Nothing in this Bylaw shall be construed to prohibit the use of Portable appliances as defined in Section 1.1 g).
  - e) Unless conditions dictate otherwise, burning in the Village is prohibited when wind speed exceeds 20 kilometres per hour.
- 3.2** The burning of burnable debris is permitted, as specified in Section 3.1 a), provided that:;
- a) Any such fire once ignited is attended by an adult at all times, and
  - b) There is sufficient quantity of fire extinguishing materials at the site of the fire to extinguish the fire, and
  - c) All flammable materials have been removed from a **one metre** strip surrounding the fire, and
  - d) The material being burned is burnable debris as defined in Sec 1.1 a).
- 3.3** The owner or occupier of land of not less than .8 hectares (approx. 2 acres) is permitted to burn industrial waste provided that:
- a) The industrial waste is plant matter or other fuels permitted by the Ministry of Water, Land and Air Protection, and
  - b) That the burning takes place on the said land area, and
  - c) That suitable precautions are in place to extinguish the fire and prevent spreading, and
  - d) That the owner occupier has obtained permission from the Ministry of Water, Land and Air Protection.
- 4.0 ENFORCEMENT**
- 4.1** This bylaw is enforceable by the Corporate Officer, any person designated by Council and by the Fire Chief of the Lytton Volunteer Fire Department.
- 4.2** Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of, or in violation of any of the provisions of this bylaw, or neglects anything required to be done by any of the provisions of this bylaw, shall be held responsible for all costs incurred by the Village if that violation, contravention or neglect results in the Lytton Volunteer Fire Department being required to fight the fire.
- 5.0 TITLE**
- 5.1** This bylaw may be cited for all purposes as "Bylaw No. 619, 2009 – Burning Bylaw".
- 6.0 REPEAL**
- 6.1** The Village of Lytton Outdoor Fires Regulation Bylaw No. 556, 2002 is hereby repealed. ✓

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**READ A FIRST TIME** this

22<sup>nd</sup> day of June, 2009

**READ A SECOND TIME** this

13<sup>th</sup> day of December , 2010

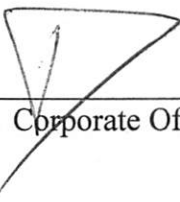
**READ A THIRD TIME** this

10<sup>th</sup> day of January, 2011

**RECONSIDERED AND ADOPTED** this

24<sup>th</sup> day of January, 2011

  
Mayor

  
Corporate Officer

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(SCHEDULE A)

**BURNING PERMIT**

Permission is hereby granted to \_\_\_\_\_,

of \_\_\_\_\_, to light an open fire at \_\_\_\_\_

\_\_\_\_\_ in the Village of Lytton, during the hours of

\_\_\_\_\_ ( am/pm) to \_\_\_\_\_ (am/pm) on the \_\_\_\_\_ of \_\_\_\_\_,

20\_\_\_\_\_, subject to the following conditions:

1. No person shall operate an incinerator or burning barrel.
2. All fires are to be supervised by an adult and controlled at all times and are the full responsibility of the permittee.
3. No burning is permitted during winds exceeding twenty (20) Kilometres per hour.
4. All other conditions are met according to the Burning Bylaw #619, 2009.

This permit is subject to cancellation at any time by the Corporate Officer or Fire Chief.

Agreed to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Permittee

The Corporation of the Village of Lytton

\_\_\_\_\_  
Corporate Officer