



Nipissing First Nation

Outdoor Fires Law No. LM-2020-02

BEING a Law for fire safety protection of community members and to protect community member's properties from harm and damage due to indiscriminate use of Fire, Fireworks, Smoke and Fire Pits on Nipissing First Nation hereinafter referred to as Nipissing First Nation Fire Outdoor Fires Law No. LM-2020-02

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Outdoor Fire Law

Whereas under section 6.1 (a) of the Nipissing First Nation Land Code, Nipissing First Nation may make land laws for the development, conservation, protection, management, use and possession of Nipissing First Nation land.

1. Purpose:

Nipissing First Nation believes in the keeping its Community Members safe and protect Community Member's land and property from harm and damage due to indiscriminate use of fire, fireworks, smoke and fire pits.

2. Definitions:

- a) "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics, and any other materials which contents include any of the aforementioned;
- b) "Enforcement Officer" means a person designated as an enforcement officer by Nipissing First Nation and includes the Fire Chief;
- c) "Fire Chief" means the Fire Chief employed by the Nipissing First Nation;
- d) "Consumer Fireworks" means an outdoor, recreational firework as classified under the *Explosives Act* and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns. This type of firework may also be referred to as "family fireworks";
- e) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, or other material which contents include any of the aforementioned;
- f) "Fire Ban" means a timeframe declared by the Fire Chief or Designate when no open air burning is permitted within the boundaries of Nipissing First Nation under the recommendation of the Ministry of Natural Resources and Forestry;
- g) "Outside Fire" means the burning of material outside of a building;

3. Application of Law:

3.1 This law shall apply to all lands within the boundaries of Nipissing First Nation and inclusive of designated or leased lands.

4. Restrictions

4.1 No person shall set, maintain or cause or permit to be set or maintained an outdoor fire without a current valid permit. Without limiting the generality of the foregoing, this excludes recreational open air fires not measuring more than 3 feet in diameter.

4.2 No person shall set, maintain or cause or permit to be set or maintained an outdoor fire in contravention of any condition on a permit.

5. Exception

5.1 A fire wholly contained within a permanent or portable barbeque that is used for the preparation of food for human consumption shall not be deemed to be an outdoor fire for the purposes of this law.

6. Permits

6.1 The Chief Fire may issue permits, in the form attached hereto as Schedule "A" authorizing open air fires, at their sole discretion.

6.2 In issuing a permit the Chief Fire may impose any additional requirements or exempt any conditions in this law as the Chief Fire official considers necessary in the interest of public safety or to minimize inconvenience to the public.

6.3 Prior to issuing the permit the Chief Fire may require an inspection of the location where the fire is proposed and conducted and may require an inspection of any open air burning device as well.

6.4 The Chief Fire may revoke, suspend, or amend permits authorizing open air fires in his or her sole discretion. The permit holder shall extinguish any fire started under the permit. Should the fire not be extinguished by the permit holder, the Fire Department will be called in to extinguish the fire at the permit holder's expense.

6.5 A permit is non-transferable to any other person or to new location and is valid from the date issued for the balance of the calendar year unless set out otherwise on the permit.

6.6 Where a fire is permitted under this law it shall only be permitted between the hours of 6:00 pm and 6:00 am.

6.7 No permit shall allow for the burning of industrial waste, domestic waste, petroleum products, tires, rubber, painted and or pressure treated lumber, mixed demolition debris or anything else that will cause excessive smoke or toxic fumes in addition to any other material identified in the regulations contained in the *Environment Protection Act*.

6.8 Where a permit is issued for an outdoor fire no permittee shall leave an outdoor fire unattended at any time and must have a garden hose, shovels, pails, sand or any other additional fire suppression items available prior to igniting the fire.

7. Fire Bans

7.1 (1) Notwithstanding any other provisions of this Law, the Chief Fire may impose a First Nation fire ban prohibiting all open air fires for the whole or any part of the First Nation, when weather or other conditions so warrant, for any period of time as the Chief Fire deems necessary.

(2) The provisions of this Law and any permit issued under it shall be superseded by:

(a) a First Nation fire ban; and/or

(b) a restricted fire zone declaration.

(3) No person shall set, maintain, or cause or permit to be set or maintained, an open air fire nor discharge fireworks during a First Nation fire ban or a restricted fire zone declaration.

8. Consumer Fireworks

8.1 No person shall discharge Consumer Fireworks without a permit except for the following periods December 24th to January 1st from 6:00 pm to 11:00 pm, Victoria Day, Canada Day, Aboriginal Solidarity day, Labour day;

8.2 No person shall discharge Consumer Fireworks into, inside of, or on top of any building, accessory building, structure, or motor vehicle;

8.3 Every person to whom a permit is issued for the discharge of Consumer Fireworks shall immediately after the conclusion of the setting off or discharge of fireworks, carry out a site inspection and remove all unused, used or partly used fireworks from the site and dispose of or store by following at least these necessary steps:

- a) Soak the used fireworks in water immediately after use;
- b) Spray water on any dud fireworks from a distance using a garden hose;
- c) After use, scour the site for loose debris and clean the area of all used fireworks;
- d) Wrap the soaked fireworks in a trash bag and place in a safe location; and
- e) Any undischarged fireworks that you are disposing of must be soaked first and then the fuse must be removed to prevent accidental detonation.

9. General Requirement for Permitted Fires

9.1 Where a fire Permit is issued the person to whom the permit has been issued is responsible for any damage and/or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and is to ensure that:

- a) Only dry material is burned (including leaves);
- b) The fire is kept a minimum of six (6) meters away from any dwelling and/or from any structure;
- c) When obtaining a fire Permit, the site may be inspected by the Fire Chief or designate;
- d) No damage results to property or injury to persons with respect to the setting of a fire or permitting the fire to burn;
- e) Set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in visibility on any roadway or cause danger to any person or structure;
- f) Create, by the setting or burning of the fire, any odor which causes discomfort to any person residing in the area;
- g) Set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the *Environmental Protection Act*.

10. Fire Service fees

10.1 Nipissing First Nation may recover the costs related to responding to fire calls where any person sets a fire without a permit.

10.2 Should the Nipissing First Nation fire department respond to a fire that is in violation of this law, the person deemed responsible shall pay upon demand the costs incurred by the Nipissing First Nation Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire set or burning contrary to any permit issued or this law in accordance with schedule "B".

10.3 If any person fails to pay the costs under section 10 upon demand, that amount will be a debt to the First Nation and the First Nation may, in addition to any other remedies Nipissing First Nation may have, be recovered in like manner as any other debt a person may have with Nipissing First Nation.

11. Enforcement

11.1 (a) An Enforcement Officer shall be permitted to enter upon any land at any reasonable time based on a reasonable belief that this law is being violated.

(b) An Enforcement Officer exercising a power of entry on behalf of the First Nation under this Law shall, on request, display or produce proper Identification.

(c) An Enforcement Officer may at his or her sole discretion, order a fire extinguished or brought into compliance with this Law or Permit and this order shall be final.

12. Offences and Penalty

12.1 Every person who contravenes section 4 or other section of this law is guilty of an offense and on conviction is liable to a fine of \$300.00 exclusive of costs.

12.2 Any person may, upon presentation of an infraction notice issued for an offence committed under this law, may pay to Nipissing First Nation within 10 days, exclusive of Saturdays, Sunday and Holidays, from the date of issue of the said infraction notice, the sum of \$200.00. If payment is not made in accordance with the procedures set out in this section, the fine provided for in section 12.1 shall be recoverable under the provisions of the summary conviction procedures of Part xxvii of the Criminal Code as amended.

13. Signature of Council:

THIS LAW IS HEREBY enacted at a duly convened meeting of the Council of Nipissing First Nation this 4th day of August, 2020.

Voting in favor of this law are the following members of the Council:



Chief Scott McLeod



Deputy Chief Muriel Sawyer

Councillor Corey Goulais



Councillor June Commanda



Councillor Rick Stevens



Councillor Brian Couchie

Councillor Mike Sawyer



Councillor Jane Commanda

Being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council. The quorum of the Council is five members. Number of the Council present at the meeting: 6.



SCHEDULE "A"

OUTDOOR FIRE PERMIT

I, _____ of _____ hereby apply for a burning permit for a prescribed burn at _____ on or about _____, 20___. I acknowledge and understand the Nipissing First Nation Fire Outdoor Fire Law No. LM-2020-02 and agree to abide by the Outdoor Fire law and I further agree to assume all liabilities involved. I agree to contact the Nipissing First Nation Fire Department prior to burning and immediately after extinguishing the fire.

Please Do

- ✓ Burn only dry materials
- ✓ Keep at least 6 meters or 20 feet from buildings for contained fires
- ✓ Keep at least 30 meters or 100 feet from buildings for open fires
- ✓ Burn less than 3 foot by 3 foot area of material at one time
- ✓ Keep a sufficient supply of water or a fully charged garden hose available
- ✓ Supervise the fire at all times
- ✓ Inform your neighbors when you plan to burn to minimize complaints

Please Don't

- ✓ Don't burn petroleum products, plastics, rubber or anything that will cause excessive smoke
- ✓ Don't burn on days where rain, fog or any weather condition that prevents the smoke from dissipating
- ✓ Don't burn when smoke will bother your neighbors or blow across roadways and hamper driving visibility

FAILURE TO COMPLY WITH THE ABOVE SHALL RESULT IN IMMEDIATE CANCELLATION OF THIS PERMIT

SHOULD THE NIPISSING FIRST NATION FIRE DEPARTMENT BE REQUIRED TO RESPOND AND EXTINGUISH THE FIRE, IT WILL RESULT IN A CHARGE OF THE TOTAL COST TO EXTINGUISH THE FIRE AND WILL BE BILLED TO THE APPLICANT OF THIS PERMIT

Printed Name

Signature of person assuming responsibility

Printed Name

Signature of Fire Chief or Designate

Date



SCHEDULE "B"

SCHEDULE OF FEES, AND INTEREST

Attendance by the Nipissing First Nation Fire Department or Fire Department Personnel and determining that a fire has been set, maintained, or allowed to burn in contravention of the outdoor fire law shall be charged the following:

Section A - Costs:

1. \$350 Fee for service rate per truck for every hour, in one-hour increments. Any additional cost for special supplies used including but not limited to, firefighting foam and hazardous material absorbent, portable fire extinguishers.
2. \$100 Fee for service rate per hour for a Fire Department Officer and apparatus sent to attend the fire.
3. Time will be charged from the receipt of the alarm through to the time responding personnel leave the location of the fire to return to their respective station.

Section B – Interest and Penalties

1. Approved rate charge for Fire truck
2. Approved Rate charge for each Fire Department Officer attending

Section C – Current Approved Rates

1. All unpaid amounts owing by any person shall accrue interest at the rate of 24% per annum, calculated monthly until paid in full.

****This Schedule of Fees, Interest and Penalties shall be used for billing purposes to Insurance Companies where applicable.**