

**The Chippewas of Georgina Island First Nation  
in the  
Province of Ontario  
Open Air Burning By-law  
By-Law # 2**

**BEING A BY-LAW** to prescribe the time and precaution for Open Air Burning Material.

**WHEREAS** the Chippewas of Georgina Island First Nation Land Management Code, section 8.1 authorizes the Council of the Chippewas of Georgina Island First Nation to “make Laws respecting the development, conservation, protection, management, use and possession of Georgina Island First Nation Lands, and interests and licences in relation to those lands. These powers include the power to make laws in relation to all matters necessary or ancillary to the making of laws in relation to Georgina Island First Nation lands”.

**NOW THEREFORE** the Council of the Chippewas of Georgina Island First Nation enacts the following:

**Short Title**

1. This By-law shall be cited as the “Chippewas of Georgina Island First Nation Open Air Burning By-law”.

**Definitions**

2. In this By-law:
  - (a) “Chief Fire Official” means the Fire Chief of the Chippewas of Georgina Island First Nation or such employees of the Chippewas of Georgina Island First Nation who have been designated by the Fire Chief for the purpose of this By-law;
  - (b) “Council” means the Chippewas of Georgina Island First Nation;
  - (c) “Fire” means the burning or combustion of materials in the open air, but shall not include any fire entirely contained in an apparatus designed, constructed or manufactured for the purpose of barbecuing food for consumption.
  - (d) “Permit” means a permit issued by the Fire Chief Official pursuant to the provision of this By-law in the form attached as Schedule “A” hereto;
  - (e) “Person” includes a natural individual and their heirs, executors, administrators or other legally appointed representative, a corporation, partnership or other form of business association.


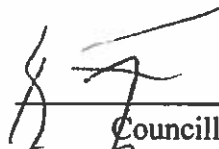

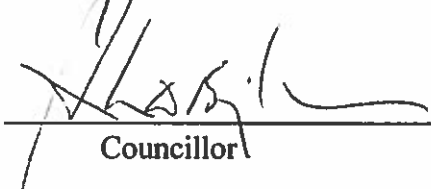

- (f) "Prohibited Material" shall include industrial materials, such as automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, shingles, dry wall, insulation, painted or treated wood and other materials whose contents include any of the above, and shall include animal husbandry refuse, such as animal fecal deposits or manure and animal carcasses and shall include domestic waste such as food scraps, cloth, rags, clothing and household plastics and shall include flammable or combustible or accelerates;
  - (g) "Day Light Hours" means the time period beginning one half hour before sunrise and ending one half hour after sunset;
  - (h) "Recreational Fire" means a fire which burns within an area that is no greater than 0.6 meters (approx. 2 feet) in length by 0.6 meters (approx. 2 feet) in width by 0.6 meters (approx. 2 feet ) in height, provided such fire is used for entertainment purposes, which may include cooking food;
  - (i) "Outdoor Fire Place" shall include, but not be limited to, a steel box with screened in opening, clay fire pots, ceramic fire pots and acorn stoves. For the purpose of this by-law "Outdoor fire Places" shall be considered Open Air Burning;
3. No person shall set a fire or allow a fire to burn except in accordance with the provisions of this By-law and all applicable Federal laws and regulations.
4. No person shall set a fire or allow a fire to burn except in accordance with the following provisions:
- (a) no person shall set a fire unless it is contained in a manner that will control the spread of fire;
  - (b) no person shall set or maintain a fire involving prohibited materials;
  - (c) no person shall set or maintain a fire unless it is under constant watch and control from the time of ignition until it is completely extinguished;
  - (d) no person shall set or maintain a fire that burns within an area greater than 1.2 meters (approx. 4 feet) in length by 1.2 meters (approx. 4 feet) in width by 1.2 meters (approx. 4 feet) in height;
  - (e) no person shall set or maintain a recreational fire after 1:00 a.m.
  - (f) no person shall set or maintain a fire to burn, with the exception of a recreational fire, without obtaining a permit form the Chief Fire Official;

- (g) no person shall set or maintain a fire to burn, at a distance of less than 7 meters (22.96 feet) from any building, structure, hedge, trees, fence or a combustible material of any kind;
  - (h) no person shall set or maintain a fire on any land or premises without the consent of the owner of such land or premises; and
  - (i) no person shall set or maintain a fire, when the direction or intensity of the wind may cause any of the following:
    - (i) impaired or reduced visibility on any vehicular roadway;
    - (ii) excessive smoke odour of a degree or quality that may cause discomfort to persons in the immediate area of the fire; and
    - (ii) the spread of fire or transfer of products of combustion to other materials, land or premise.
5. Notwithstanding section 3(e) and section 8, a person who is actively involved in the farming of land, who wishes to set or maintain a fire for the purpose of disposal of vegetation of farm lands that is normal and incidental to farming purposes shall be issued a permit to cover the period of the proposed fire.
  6. The Chief fire Official shall be entitled to revoke or deny issuance of any permit for fires that in his/her opinion, would create a hazard of any type.
  7. The provisions of this by-law shall apply to all lands within the territory of the Chippewas of Georgina Island First Nation.
  8. Any person who sets or maintains a fire without a permit, and any person that sets or maintains a fire that requires the response of the Chippewas of Georgina Island Fire Department or the Georgina Fire Department to control the fire, shall be liable for all the expenses incurred by the Chippewas of Georgina Island Fire Department or the Georgina Fire Department including, but not limited to, personnel, equipment, and apparatus costs.
  9. No one permit shall be issued for a period exceeding three calendar days.
  10. Every person who contravenes any provisions of this by-law is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars (\$1000.00) or imprisonment of a term not exceeding thirty days, or both fine and imprisonment.
  11. The short title for this by-law shall be the Open Air Burning By-Law”.

12. This by-law shall be administered by the Chief Fire Official.

APPROVED AND PASSED this 07 Day of April 2003 by the Council of The Chippewas of Georgina Island at a duly convened meeting at which a quorum of the Councillors of the Band are present and voting in favour of this "Open Air Burning By-law".

Voting in favour of this By-law are the following members of Council:

	 _____ Chief	
 _____ Councillor		 _____ Councillor
 _____ Councillor		 _____ Councillor


being the majority of those members of Council of the Chippewas of Georgina Island First Nation Band present at the foresaid meeting of Council.

The quorum of the Council is 3 Members.

No. Of members of the Band Council present at the meeting: 5.

I, William M. McCue, Chief of the Chippewas of Georgina Island First Nation Band, do hereby certify that an original of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull Office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 07 Day of April, 2003.

  
\_\_\_\_\_  
(Witness)

  
\_\_\_\_\_  
(Chief William M. McCue)

Schedule "A" to By-Law # 2  
Fire  
**THE CHIPPEWAS OF GEORGINA ISLAND**

879 Chief Joseph Snake Road  
Georgina Island, ON L0E 1R0

No person shall set a fire or allow a fire to burn in accordance with the provisions of this By-law and all applicable laws of the Chippewas of Georgina Island.

**PERMIT FOR OPEN AIR BURNING**

Material to be burned: \_\_\_\_\_

Permission is hereby granted to: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

For the purpose of having an open air fire:

The applicant agrees to comply with all the regulations as outlined on this permit and to assume full responsibility for any damage arising from fire for which this permit is issued.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Authorizing Signature

Fire Department Office (705) 437-3477  
Emergency Fire Telephone 9-1-1