

# **CHIPPEWAS OF RAMA FIRST NATION**

Being a Band within the meaning of the *Indian Act*

## **SHKODE NAAKONIGEWIN (FIRE BY-LAW)**

### **A LAW TO REGULATE THE USE OF FIRE**

**WHEREAS** the Chippewas of Rama First Nation is a band as defined by the *Indian Act*;

**AND WHEREAS** Section 81 (d), (j), and (q) empower the Chief and Council of a Band to establish bylaw to prevent nuisances, regulate the destruction and control of noxious weeds, and any matters ancillary thereto;

**AND WHEREAS** the Chief and Council of the Chippewas of Rama First Nation deems it necessary to regulate the use of fireworks and manage the use of fire on Chippewas of Rama First Nation Land, in order to improve public safety; reduce the risk to public and private property; prevent nuisance; and control noxious weeds;

**AND WHEREAS** the Chippewas of Rama First Nation has made a commitment to recognize the Ojibwe language as an official language. As such, this Bylaw incorporates elements of the Ojibwe language in an effort to encourage the use of the language in all facets of Anishinaabe life;

**NOW THEREFORE**, the Chief and Council of the Chippewas of Rama First Nation hereby enacts as follows:

#### **1. DEFINITIONS**

- 1.1. “Approval” means review and authorization by the Fire Chief.
- 1.2. “Ceremonial Fire” has the meaning prescribed in section 8.1 below.
- 1.3. “Chippewas of Rama First Nation Lands” means any lands within the Chippewas of Rama First Nation reserve No. 32.

- 1.4. "Consumer fireworks" means an outdoor, low hazard, recreational firework authorized for sale and use in Canada by the Explosives Regulatory Division of the Ministry of Natural Resources Canada, classed as a class F 7.2.1 Fireworks under the *Explosives Act* and includes, but is not exclusive to, fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but does not include sparklers, Christmas clackers, and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;
- 1.5. "Display Fireworks" means high-hazard fireworks classed as class F 7.2.2 under the *Explosives Act*, which are designed for use by Professionals certified to use such items and includes, but is not limited to display shells, bombshells, large wheels, barrages, bombardos, waterfalls and mines;
- 1.6. "Dusk" means the time just before night when the day is losing its light but it is not yet dark;
- 1.7. "Fire Ban" means a prohibition on the use of fireworks, Shkode, and Gchi-twaa Shkode for the purpose of preventing uncontrolled fires, as determined by the Fire Chief of the Rama Fire & Rescue Service in accordance with their duties in section XX of By-Law No. 15-10, *Establishing and Regulating Fire & Rescue Service*.
- 1.8. "Fire Chief" means the Fire Chief of the Chippewas of Rama First Nation Fire & Rescue Service;
- 1.9. "Fire Department" means the Chippewas of Rama First Nation Fire and Rescue Service.
- 1.10. "Fireworks" means a class of explosive pyrotechnic devices, including Display and Consumer Fireworks;
- 1.11. "Public Fireworks Display" means an exhibition of low or high hazard recreational Fireworks in an open-air assembly, attendance to which the public is invited or admitted, with or without a fee being charged.

## **PART I: FIREWORKS**

### **2. GENERAL PROVISIONS**

- 2.1. No person shall set off any fireworks in, on or onto any building, highway or road, sidewalk, park, waterway, automobile or public property within the Chippewas of Rama First Nation lands.
- 2.2. No person shall set off any Display Fireworks within the boundaries of the Chippewas of Rama First Nations Lands without a permit from the Fire Department.
- 2.3. No person shall set off any Consumer Fireworks from any property in the Chippewas of Rama First Nation Lands without first obtaining a permit from the Fire Department.
- 2.4. Only persons over the age of 18 are permitted to set off Consumer Fireworks in accordance with this Bylaw. Permits shall only be issued to persons over the age of 18.
- 2.5. No person shall set off any Fireworks of any type under any circumstances if there is a Fire Ban in place within the Chippewas of Rama First Nation Lands.
- 2.6. No person shall discharge Fireworks in a manner which may cause danger to person or property or constitute a nuisance to any person or property.
- 2.7. Notwithstanding Section 2.3 above, a permit is not required to set off Consumer Fireworks on the following days and times:
  - a) New Year's Eve – between dusk and 1:00 a.m.; and
  - b) Canada Day, National Indigenous Peoples Day, Victoria Day and Labour Day – between dusk and 11:00 p.m., on the weekend closest to which, or on which, the respective holiday falls.

### 3. PERMITS FOR THE DISCHARGE OF FIREWORKS

- 3.1 A permit may be issued by the Fire Chief or designate to a property holder for Consumer or Display Fireworks upon receipt of a completed application form.
- 3.2 Every application for a permit to discharge Consumer Fireworks and every application to discharge Display fireworks, on days other than those stated in Section 2.5, shall be made to the Fire Department.
- 3.3 Notwithstanding Section 2.4 above, an application for a Public Fireworks Display during a fire ban period may be presented to the Fire Chief for approval. At the discretion of the Fire Chief, they may allow the display of Commercial Fireworks during this period provided they are satisfied that all safety precautions are in place to prevent any fire damage as the result of the fireworks display.

### PART II: Controlled Burns

4. For the purpose of this Part, the following words have the following meanings,
  - 4.1. **Controlled Burn** means the process of burning all the land in a defined area under the close supervision of the allocation/CP holder of the property or their designate;
5. No person shall engage in a Controlled Burn unless:
  - a) There is no Fire Ban in place;
  - b) The allotment or CP holder of the property has obtained a valid permit from the Fire Chief;
  - c) The material to be burned is organic in nature, such as leaves, grass, or underbrush; and
  - d) The person conducting the Controlled Burn has taken all precautions outlined by the Fire Chief upon receipt of a valid permit including ensuring a means to extinguish the fire is available on site.

### **PART III: SHKODE (RECREATIONAL FIRE AT A PERSON'S HOME)**

6. No person shall engage in shkode unless they meet the following criteria:
  - a) There is no declared fire ban in effect;
  - b) The diameter of the fire is no larger than 1 metre;
  - c) The shkode is surrounded by non-combustible material to prevent spread;
  - d) The shkode is a minimum of 5 metres from a dwelling, building, structure or property line;
  - e) The shkode is supervised at all times;
  - f) The direction of smoke does not hinder traffic or the quality of life of neighboring people;
  - g) Wind speed will have no adverse effect on control of the shkode;
  - h) A means to extinguish the shkode is present such as water, a shovel, sand, and/or a fire extinguisher; and
  - i) The materials being burned are organic in nature such as dry wood, leaves, grass and paper.
7. Where the Fire Department attend at a property where the shkode does not comply, in the opinion of the attending fire personnel, to the requirements listed above, the fire may be extinguished by the Fire Department.

### **PART IV: GCHI-TWAA SHKODEWAG (CEREMONIAL FIRES)**

#### **8. REQUIREMENTS**

- 8.1. Gchi-twaa Shkoden is a fire lit for the purpose of carrying out ceremonies for cultural purposes, with teachings and protocols to be

followed. A Gchi-twaa Shkode may be a sacred fire, funeral fire, or sweat lodge fire.

8.2. A Gchi-twaa Shkode may be held at a private residence or one of the designated locations within the Chippewas of Rama First Nation. Designated Gchi-twaa Shkode pits identified in the Chippewas of Rama First Nation are located at:

- a) Moonlight Bay;
- b) RFN Culture Building pavilion;
- c) John Snake Memorial Grounds;
- d) Hubs Rock;
- e) Victoria Park; and
- f) Behind the Rama United Church.

8.3. Gchi-twaa Shkode must comply with the criteria set out in section 6 above except that, notwithstanding section 6 above, when a fire ban is in place, a Gchi-twaa Shkode may be conducted so long as the following conditions are met:

- a) The shkodewinini or shkodewininiwag (firekeeper or firekeepers) or oshkaabewis (*special term referring to a ceremonial helper*) of the Gchi-twaa Shkode has notified the Fire Department;
- b) The Gchi-twaa Shkodewag is properly constructed and within a reasonable size, not to exceed 1 m<sup>3</sup>;
- c) the shkodewinini or shkodewininiwag (firekeeper or firekeepers) or oshkaabewis (*special term referring to a ceremonial helper*) has, at all times, a fire extinguisher and/or functioning water hose available within a reasonable distance from the Gchi-twaa Shkodewag; and
- d) the Gchi-twaa Shkodewag allowed to burn only so long as is necessary to carry out the purpose for which the Gchi-twaa Shkodewag was lit.

## **PART VI: STORAGE OF FLAMMABLES**

### **9. STORAGE OF FLAMMABLE MATERIALS**

- 9.1. Flammable materials shall only be stored in accordance with the Ontario Fire Code.
- 9.2. Any person found to be storing flammable materials in a quantity or manner not consistent with the Ontario Fire Code as amended from time to time is guilty of an offence under this bylaw.

## **PART V: OFFENCES AND PENALTIES**

### **10. INORGANIC WASTE**

- 10.1. At no time will the burning of inorganic waste such as garbage or other household, commercial or industrial waste be permitted.

### **11. OFFENCE AND PENALTY**

- 11.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine of not more than \$1,000, imprisonment for a term of not more than 30 days, or both.

**12. SEVERABILITY**

12.1. If any section or part of this By-law is found to be invalid for any reason, such section or part or item shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

**13. EFFECTIVE DATE**

13.1. This law shall come into full force and effect on November 14<sup>th</sup>, 2022.

**THIS LAW IS HEREBY** made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this 14<sup>th</sup> day of November.

**Chief and Council Signatures of Approval**

  
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*Chief Ted Williams*

  
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*Councillor Lorraine McRae*

  
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*Councillor Ted Snache*

  
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*Councillor Rodney Noganosh*

  
\_\_\_\_\_  
*Councillor Anne Harrigan*

  
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*Councillor Jeremy St. Germain*

  
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*Councillor Dillon Bickell*

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of Chief and Council.

The quorum of Chief and Council is four members.

Number of members of Chief and Council present at the meeting: 7