



**Skawahlook First Nation  
OUTDOOR FIRES LAW**

**SKAWAHLOOK FIRST NATION**  
**OUTDOOR FIRES LAW, 2014**

(A Law to Regulate the Setting of Outdoor Fires Within the Skawahlook I.R #1 & Ruby Creek I.R #2)

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**WHEREAS** the Skawahlook First Nation has an inherent right to self- government which emanates from our people, culture, and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

**AND** the Skawahlook First Nation has taken over control and management of Skawahlook Reserve lands and resources pursuant to the *Framework Agreement on First Nation land Management* and has enacted the *Skawahlook First Nation Land Code* effective the 5<sup>th</sup> day of August, 2010;

**AND** under the *Skawahlook First Nation Land Code*, Skawahlook Council is authorized to pass various laws relating to lands including laws relating to the setting of outdoor fires under section 4(74) of the Code;

**AND** Council is concerned about the safety of lands, buildings, people and resources on Skawahlook Land and wishes to regulate the setting of outdoor fires;

**NOW THEREFORE BE IT RESOLVED THAT** this *Skawahlook First Nation Outdoor Fires Law, 2011* is hereby enacted as a Law of the Skawahlook First Nation.

**PART 1. NAME**

1.1 This Law may be cited as the *Skawahlook First Nation Outdoor Fires Law, 2011*.

**PART 2. PURPOSE**

2.1 The purpose of this Law is to promote safety and to protect Skawahlook First Nation Lands, Members, occupants, buildings, and resources from potentially hazardous results of improper outdoor fire and burning practices.

### PART 3. WHERE THIS LAW APPLIES

- 3.1 The provisions of this Law apply to the whole area of the Reserve and Skawahlook First Nation Lands as defined in the Skawahlook First Nation Land Code.

### PART 4. DEFINITIONS

- 4.1 For the purpose of this Law, terms have the same definitions as in the Land Code;
- 4.2 For the purpose of this Law, the following definitions apply:

**“Administrator”** means any person, who is appointed by Council in the capacity of Administrative Worker of Skawahlook First Nation;

**“Fire Pit”** means an individual fire pit that meets the size regulation of 1m x 1m as determined by Skawahlook First Nation to be used for burning of natural materials and natural waste;

**“Ceremonial or Traditional Purposes”** means that a fire or a burning is taking place to commemorate a funeral or memorial;

**“Law Enforcement Officer”** means any person or persons appointed by the Council, from time to time, to administer and enforce the provisions of Skawahlook Laws enacted by Council, and includes any delegate, the RCMP, and any peace officer;

**“Natural Waste”** means organic matter or material of plant origin such as leaf litter, grass clippings, branches and any untreated wood debris;

**“Permit”** means a fire pit permit issued under Part 6 of this Law in the form established by Council, from time to time.

**“Skawahlook” or “SKFN”** means the Skawahlook First Nation

### PART 5. GENERAL PROVISIONS

- 5.1 The headings of parts and sections of this Law have been inserted as a matter of convenience and for reference only and in no way define or limit any of its provisions.
- 5.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.
- 5.3 This Law shall be and remain in effect on Skawahlook Land at all times.
- 5.4 A permit is not required under this law for barbeque devices used in the cooking of food.
- 5.5 No permit is required under this Law for starting or kindling a fire in any stove, furnace, or similar device designed to confine the fire and is suitable for that purpose within the dwelling.

- 5.6 No permit is required under this Law for burning for ceremonial or traditional purposes.
- 5.7 Burning for all industrial and land clearing purposes are only permitted when consistent with Forestry Standards and only with a burning permit. Burn piles should not measure more than 6m by 6m; proper hand tools, water supply and equipment must be in close proximity.
- 5.8 All burning permits are subject to the provisions of Open Burning Smoke Control Regulations.
- 5.9 An order made pursuant to this Law shall be binding when it has been advertised once in a newsletter circulating in the community, or when it has been posted in the Skawahlook First Nation Office.

#### **Part 6. FIRE PIT PERMIT**

- 6.1 A fire permit will be issued for the season only if the applicant has an approved fire pit which must meet and maintain the following regulations:
- (a) the fire pit must be a minimum distance of \_\_\_\_\_ from any building or surrounding brush;
  - (b) the fire pit must have a surrounding structure i.e. burn barrel, blocks, brick, or stone;
  - (c) the fire must be contained within the dimensions of the fire pit at all times;
  - (d) from April 30 through October 31 a permit may be issued, but **must** still follow any forestry fire bans, and Outdoor Burning Regulations as set out in Part 7.
- 6.2 Once a permit has been issued, it will be valid for the entire season, within the provisions set out in the Outdoor Fires Law.

#### **PART 7. REGULATIONS**

- 7.1 Any person wishing to obtain a permit under this Law shall make application therefore in the form provided in Schedule "A" attached hereto and forming part of this Law.
- 7.2 Any person who obtains a permit under this Law:
- (a) shall not contravene any condition, restriction or provision incorporated in the permit;
  - (b) shall not start or kindle the fire within ten meters of any building;
  - (c) shall not start or kindle a fire during high winds;
  - (d) shall take all necessary precautions to prevent the fire from spreading to where it can cause damage to property

and, unless the permit includes specific exemption from the following requirements shall

- (e) not leave the fire unattended; and
- (f) completely extinguish the fire before leaving the site of the fire;
- (g) shall not burn when there is any Forestry burning ban in effect.

7.3 If at any time a Law Enforcement Officer deems it advisable for smoke management purposes or because of the existence of hazardous conditions, the Law Enforcement Officer may order, cancel or suspend

- (a) for such time as is specified in the order, and
- (b) in respect of the whole community or of such area in the community as is described in the order, all or any permits issued under this Law, or they may attach to all or any of such permits such conditions or restrictions as they deem proper.

7.4 An order made pursuant to section 7.3 shall become binding when it has been advertised in the manner described in section 5.9

7.5 Every person

- (a) who offends against any of the provisions of this Law;
- (b) who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Law;
- (c) who neglects to do or refrains from doing anything required to be done under this Law;
- (d) who does any act or thing which violates any condition, restriction or provision incorporated in a permit issued under this Law

shall be deemed to have committed an offence under this law and shall be liable, on conviction, to a fine of not more than \$2000 dollars.

7.6 Any person who contravenes any of the provisions of this Law is

- (a) in addition to the fine provided by section 7.5 liable to the community for the cost of fighting any fire which causes damage to property as a result of such contravention, and the same may be recovered by action in any Court of competent jurisdiction at suit of the community; and
- (b) may be guilty of an offence as outlined in the Province of British Columbia Forest Act and may be liable for fire suppression costs and penalties.

## **PART 8. IMMUNITY**

No action for damages lies or may be instituted against Skawahlook, present or past Council, any Law enforcement Officer, or any employees, contractors, servants or agents of Skawahlook for any claim, loss, harm, or damage arising from Outdoor Fires on Skawahlook Lands whether with or without a permit.

BE IT KNOWN that this Law, entitled the *Skawahlook First Nation Outdoor Fires Law, 2014* is hereby enacted by a quorum of Council at a duly convened Council of the Skawahlook First Nation held on June 24, 2014

  
\_\_\_\_\_  
Chief Maureen Chapman

  
\_\_\_\_\_  
Councillor Debra Schneider

A quorum consists of 2  
Council Members



**SCHEDULE 'A'**

**Skawahlook First Nation  
(Skawahlook I.R # 1 and Ruby Creek I.R #2)**

**OUTDOOR FIRES PERMIT**

I, \_\_\_\_\_  
(Print Name)

HEREBY APPLY FOR AN OUTDOOR FIRES PERMIT AT THE FOLLOWING  
DESCRIBED PROPERTY: \_\_\_\_\_  
(Address)

I agree to comply with the provisions of the Skawahlook First Nation  
Outdoor Fires Law No. \_\_\_\_\_ and with any restrictions incorporated in  
the permit.

Signature of Applicant \_\_\_\_\_

**Permission is hereby granted to have Outdoor Fires in approved fire  
pit on Skawahlook First Nation. This permit is subject to suspension or  
cancellation at any time.**

\_\_\_\_\_  
Signature of Authorization for Skawahlook First Nation

Permit Valid for Season of \_\_\_\_\_



Chronological no. - N° consecutive BYLAW – OF 2014-2015
File reference no. - N° de référence du dossier BYLAW OF - 2014

**BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear on all resolutions requesting expenditures from band funds.  
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon les cas doivent paraître dans tous les résolutions portant sur des dépenses à même les fonds des bandes.

The council of the Le conseil de				<b>SKAWAHLLOOK FIRST NATION</b>		Cash free balance – Soldé disponible
Date of duly convened meeting Date de l'assemblée dument convoquée				D-J	M	Y-A
Province				British Columbia		Revenue account Compte revenu \$
				24	06	14
						Capital account Compte capital \$

DO HEREBY RESOLVE:  
DÉCIDE PAR LES PRESENTES:

**WHEREAS:**

Skawahlook First Nation ratified the Skawahlook First Nation Land Code by referendum on the 29<sup>th</sup> day of March 2010;

**WHEREAS:**

The Council of Skawahlook First Nation completed the Outdoor Fires Law (OFL) in consultation with legal guidance and the Skawahlook First Nation Lands Advisory Committee in March 2013.

**WHEREAS:**

The membership received a copy of the Outdoor Fires Law (OFL) and a summary outlining the purpose and intent of the OFL and was requested to provide feedback before June 2, 2014.

**NOW THEREFORE:**

The Chief and Council of the Skawahlook First Nation, at a duly convened meeting, enact this Outdoor Fires Law as a Law of the Skawahlook First Nation.

This resolution is supported by the undersigned and passed this 24 day of June 2014.

A quorum for this Band consists of 2 (two) council members

Chief Maureen Chapman

Councillor Debra Schneider

FOR DEPARTMENTAL USE ONLY – RÉSERVÉ AU MINISTÈRE					
Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens)	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu	Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens)	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu
Recommending officer – Recommandé par			Recommending officer – Recommandé par		
Signature		Date	Signature		Date
Approving officer – Approuvé par			Approving officer – Approuvé par		
Signature		Date	Signature		Date