



**The MISTAWASIS Band**  
**OPEN AIR BURNING BY-LAW No. 2007-03**  
**A By-law to Provide For The Protection of Fire And The**  
**Protection of Persons And Property**

**WHEREAS** it is deemed to be expedient to prevent the outbreak of fire for the health and welfare of the inhabitants, in order to maintain law and order and to prevent nuisances on the Mistawasis Indian Reserve;

**AND WHEREAS** paragraphs 81 (1)(a), (c), (d), (h), (q) and (r) of the Indian Act empowers the Council of a Band to make by-laws to provide for the health of residents on the reserve, for the observance of law and order, for the prevention of disorderly conduct and nuisances, for the regulation of the construction, repair and use of buildings, with respect to any matter arising out of or ancillary to the exercise of powers under Section 81, and for the imposition of a penalty for a violation thereof;

**AND WHEREAS** the Council of the Band did enact By-law Number 2006-03 on the 27 day of April 2007

**NOW THEREFORE** the Council of the Mistawasis Band, pursuant to section 81, of the Indian Act , enacts as by-law thereof as follows:

**Short Title**

1. This by-law may be cited as the “Open-Air Burning Fire By-law”.

## **Interpretation**

### 2. In this by-law:

“Approval” means acceptance as satisfactory to the Mistawasis Band Fire Prevention Officer.

“Band” means the Mistawasis Band.

“Band Council” means the Council of the Mistawasis Band as defined in the Indian Act.

“fire prevention officer” means the person or persons appointed from time to time by the Mistawasis Band Council to carry out the duties and responsibilities under this by-law and includes any fire ranger or member of the Royal Canadian Mounted Police and any fire warden who is an employee or appointee of the government of Saskatchewan and whose duties include preventing and extinguishing forest fires.

“reserve” means that tract of land set apart by her Majesty for the use and benefit of the Band and known as the Mistawasis Indian Reserve NO. 103.

3. (1) The Band may appoint, from time to time, a Fire Prevention Officer and deputies and assistants as it sees fit, for the purpose of enforcing and carrying out the duties and responsibilities as set out in this by-law.
- (2) The Fire Prevention Officer shall take all the proper measures for the prevention of fire and shall enforce all Codes and by-laws respecting fire prevention, life safety and investigations.

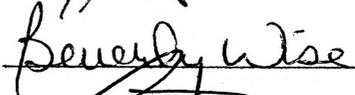
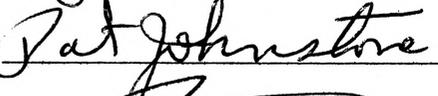
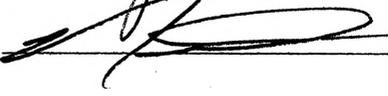
## **Burning**

### **Open Air Burning**

1. (1) Except as hereinafter provided, no person shall light, ignite or start, or allow, or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air.
- (2) The Fire Prevention Officer may issue a special permit for open air burning of materials other than garden refuse as detailed in subsection 18(1). For commercial and industrial purposes, the fee for such permit shall be five (\$5.00 ) dollars.
- (3) Materials resulting from demolition may only be burned on-site with the approval of the Fire Prevention Officer.

This by-law is hereby passed at a duly convened meeting of the Band Council of the Mistawasis First Nation Indian Band,  
this 10 day of MAY, 2007.

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

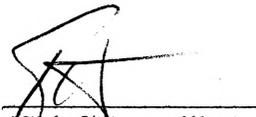
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being the majority of those members of the Band Council of the Mistawasis Indian Band present at the aforesaid meeting of the Council.

The quorum of the Band Council is of 4 members.

Number of members of the Band Council present at the meeting: 6.

I, DARYL WATSON Chief/Councillor of the Mistawasis Indian Band, do hereby certify that a true copy 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 10 day of MAY, 2007.

 \_\_\_\_\_ (Chief/Councillor)  
 \_\_\_\_\_ (Witness)