

The Songhees Indian Band

Fire Prevention Bylaw No. 01-1998.

A By-law to Provide for the Prevention 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 Songhees Indian Reserve; and

Whereas under paragraphs 81(1)(a),(c),(d),(h),(q)and (r) of the Indian Act, the council of the Songhees Indian Band may make bylaws:

- 1) to provide for the health of residents on the reserve,
- 2) for the observance of law and order,
- 3) for the prevention of disorderly conduct and nuisances,
- 4) for the regulation of the construction, repair and use of buildings,
- 5) with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and
- 6) for the imposition of a penalty for a violation thereof; and

Whereas the Council of the Songhees Indian Band did enact By-law Number 10-1997 on the ___ day of March, 1997,

Now therefore the council of the Songhees Indian Band enacts as a by-law as follows:

Short Title

1. This by-law may be cited as the "Songhees Indian Band Fire Prevention By-law".

Interpretation

2. In this by-law;

"approval" means acceptance as satisfactory to the Songhees Indian Band Fire Prevention Officer.

"authority having jurisdiction" means the Songhees Indian Band Fire Prevention Officer.

"Band" means the Songhees Indian Band.

"Band Council" means the Council of the Songhees Indian Band, as defined in the Indian Act.

“building regulations” means the National Building Code of Canada including all ancillary regulations as adopted by Order-in-Council by the Province of British Columbia.

“Building Inspector” means the person or persons appointed or contracted from time to time by the Songhees Band Council to carry out the duties and responsibilities that are applicable under this by-law. This may include the appointment of a Building Inspector from a municipal or provincial body who may, by resolution of the Band Council, be appointed by title and by specific reference to that municipal or provincial body.

“Electrical Inspector” means the person or persons appointed or contracted from time to time by the Songhees Band Council to carry out the duties and responsibilities that are applicable under this by-law. This may include the appointment of an Electrical Inspector from a municipal or provincial body who may, by resolution of the Band Council, be appointed by title and by specific reference to that municipal or provincial body.

“Electrical Safety Act” means the Electrical Safety Act being Chapter 104 of the Revised Statutes of British Columbia, 1979.

“Fire Prevention Officer” means the person or persons appointed or contracted from time to time by the Songhees Indian Band Council to carry out the duties and responsibilities under this by-law. This may include the appointment of an Fire Prevention Officer from a municipal or provincial body who may, by resolution of the Band Council, be appointed by title and by specific reference to that municipal or provincial body.

“Fire Services Act” means the Fire Services Act being Chapter 133 of the Revised Statutes of British Columbia, 1979.

“occupant or occupier” means any tenant, lessee, agent and any other person who has access to and control of any building or premises to which this by-law applies.

“reserve” means those tracts of land set apart by Her Majesty for the use and benefit of the Songhees Indian Band.

“Songhees Indian Band Fire Department” means such Fire Department as the Songhees Indian Band may establish or contract with to provide fire protection services to the reserve.

Fire Prevention Officer

3.(1) The Band may appoint or contract, 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 within the various Codes and Acts as detailed herein, and as herein adopted as part of this by-law.

(2) The Fire Prevention Officer may take all proper measures for the prevention of fire and may enforce all Codes and by-laws respecting fire prevention, life safety and investigations.

Flammable and Combustible Liquids-Permits and Licences

4.(1) A permit is required from the Fire Prevention Officer in order to maintain, store, or handle materials, or to conduct processes which may produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

(2) Such a permit is in addition to and does not take the place of any license otherwise required by law.

(3) A permit shall not be transferable and any change in use of a building or premises shall require a new permit.

(4) Before a permit may be issued the Fire Prevention Officer may inspect and approve the receptacle, vehicles, buildings or storage places to be used.

Permit Application

5.(1) The application for a permit may be made in the form prescribed by the Fire Prevention Officer and contain at least the following requirements:

- (a) the signature of the applicant;
- (b) a statement of the intended use of the occupancy showing:
 - (i) The dimensions of the building and its locations;
 - (ii) the proposed use of each room or floor area;
 - (iii) fire protection installation including portable extinguishers, fire al arms and detectors;
 - (iv) means of egress; and
 - (v) a plot plan showing the location of all flammable liquid tanks and pumps in relation to buildings and property lines.

Permit Fees

6.(1) The fees hereinafter specified shall be paid to the Songhees Indian Band by all applicants for any permit required by this by-law;

- (2) Inspection and Installation of domestic and commercial oil burners:
 - (i) Each domestic installation \$5.00
 - (ii) Each commercial installation \$100.00

Issuing and Posting of Permits

- 7.(1) The Fire Prevention Officer may issue a permit where
- (a) an application is made
 - (b) the proposed operation or occupancy conforms with applicable by-laws, codes and regulations, and
 - (c) the permit fee has been paid.
- (2) The Fire Prevention Officer may revoke a permit where there is a violation of
- (a) any condition under which the permit was issued, or
 - (b) any requirements of this by-law, codes or regulations.
- (3) Permits and licences shall be posted in the premises in a conspicuous place to the satisfaction of the Fire Prevention Officer.

Fire Protection and Life Safety

8.(1) There is hereby incorporated as part of this by-law the Electrical Safety Act, and all regulations thereto.

(2) It shall be a requirement of all owners, tenants, occupants, contractors or other persons or companies doing any electrical work on new buildings or additions and repairs to existing systems and buildings to obtain a permit as required under the Electrical Safety Act from the person or persons who may be designated from time to time as the Electrical Inspector for the Songhees Indian Band.

(3) The fee for such permit shall be paid to the designated Electrical Inspector of the Songhees Indian Band.

Building Permits

9.(1) It shall be a requirement of all owners, tenants, occupants, contractors or other persons or companies constructing or intending to construct any commercial, industrial, public, residential or any other building of any kind or description to obtain a building permit from the Building Inspector as designated from time to time by the Songhees Indian Band.

(2) The fee for such permit shall be paid to the designated Building Inspector of the Songhees Indian Band.

Vacant Buildings

10.(1) The Owner of any vacant building on the Reserve shall be responsible for the said building at all times.

- (2) The Owner of any vacant building on the Reserve shall insure that:
- (a) grass, weeds and undergrowth are kept short for an area of 50 feet wide around each vacant building;
 - (b) windows, doors and all other openings which may provide entry are kept secure and boarded at all times; and,
 - (c) all vacant buildings are kept free of newspapers, magazines, broken glass, bottles, broken furniture, old clothing and rags, empty paint cans, garbage and any other material that may burn.

Fire Damaged Buildings

11.(1) The owner of any fire damaged buildings shall ensure that the premises are guarded, or that all openings in the buildings are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

(2) Failure to provide the necessary security to the fire damaged building within a reasonable time may cause the Fire Prevention Officer to have the work performed by the Songhees Indian Band, by its employees and others at the expense of the owner.

Inspection of Premises

Right to Inspect and Test

12. The Fire Prevention Officer may at all reasonable hours enter into and upon any land, premises, yards or buildings, including single family dwellings, for the purpose of testing or inspecting.

- (1) buildings, as required by the Fire Service Act;
- (2) to determine if the requirements of this by-law are being carried out.

Entry for inspection

13. No person shall obstruct, hinder or prevent the Fire Prevention Officer from entering into or upon any lands, premises, yards or buildings, including single family dwellings, for the purposes of inspecting or testing the same in the ordinary course of his duties.

Assistance in Inspection

14. The owner, occupier, or lessee of a building or property or any other person having knowledge of building or property shall, upon request, give to the Fire Prevention Officer, who is carrying out an inspection of the building or property, such assistance as he may require in carrying out the inspection.

General requirements and prohibitions

Fire Extinguisher

15.(1) Every owner and occupant of a dwelling house shall maintain at least one (1) approved five (5) pound A-B-C dry chemical fire extinguisher within the said dwelling house.

(2) The said fire extinguisher shall be hung on the wall in the kitchen near the doorway to the outside and away from any stove.

Gasoline and Oil Storage and Use.

16.(1) No person shall store gasoline, oil and flammable liquids in unapproved containers.

(2) No person shall store gasoline, oil and flammable liquids in the area of any dwelling house.

(3) No person shall use gasoline, oil and flammable liquids for lighting fires in stoves, heating units or outside fires.

(4) Gasoline or oil lamps shall be filled outdoors in well ventilated areas, away from any open flame or anything that can cause fire.

Burning

Open Air Burning

17.(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 garden refuse or for ceremonial purposes as detailed in subsection 18(1). The fee for such a special permit shall be twenty-five (25) dollars.

(3) Materials resulting from demolition may not be burned on-site.

(4) Every person to whom a special permit has been issued under subsection (2) shall place and keep a competent person at all times in charge of such fire while the same is burning or smouldering and until such fire is completely extinguished and shall provide that person with sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property. These fires shall not be started when wind and weather conditions are such that to do so is likely to be hazardous or create a nuisance.

(5) The Fire Prevention Officer may refuse to issue or may cancel a special permit whenever burning, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.

Burning Without a Permit

18.(1) With a special permit having first been secured, dry garden refuse of brush grass, weeds, cuttings and like materials resulting from the cleaning of gardens and lots may only be burned in the open air during an open burning period as designated by the Fire Prevention Officer.

(2) Every person who starts a fire during a designated open burning period shall place and keep a competent person at all times in charge of such fire while the same is burning or smouldering and until such fire is completely extinguished and shall provide that person with sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property. These fires shall not be started when wind and weather conditions are such that to do so is likely to be hazardous or create a nuisance.

(3) Burning during the designated open burning period shall be carried out only during daylight hours.

(4) This regulation does not apply to:

- (a) Small confined fires used for cooking food in grill and barbecues;
- (b) necessary burning authorized by Band Administration; or
- (c) sacred burning ceremonies conducted by families from time to time.

(5) A portable incinerator or other portable device or appliance for burning garbage, rubbish or other waste material shall not be erected or used nor shall any enclosed fire be built, set or maintained outside the walls of a building without a permit from the Fire Prevention Officer.

Public Assistance and Fire Control

19.(1) No person shall refuse to permit any member of the Songhees Indian Band Fire Department to enter into or upon any premises for which an alarm of fire has been received or in or upon which such member has reasonable grounds to suspect that a fire exists.

Enforcement

Issuance of Order

20.(1) If the Fire Prevention Officer finds that any provision of the by-law has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the by-law applies and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life or property, he may make such order to ensure full and proper compliance with this by-law and in particular, but

without limiting the generality of the foregoing, he may

- (a) make to the owner, occupier or lessee of the building or property such recommendations as the Fire Protection Officer deems necessary to correct the contravention or to ensure compliance with this by-law or to remove the hazards referred to in the by-law or,
- (b) make such orders as the Fire Protection Officer deems necessary with respect to any of the matters referred to in this by-law.

(2) An order made under this by-law shall be in writing and shall be directed to either the owner, occupier or lessee of the building or property in respect of which the order is made, or to both.

Service of Order

21. An order made under this by-law may be served by

- (a) delivering it or causing it to be delivered to the person to whom it is directed, or
- (b) Sending the order by return registered mail to the address of last known property owner.

Compliance with Order

22. Every person served with an order made under this by-law shall fully comply with the terms of the order.

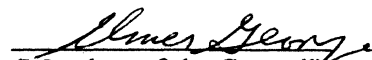
Penalties

23. Every person who violates any of the provisions of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a term not exceeding thirty (30) days, or both.

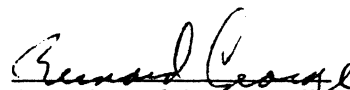
This by-law is hereby made at a duly convened meeting of the Council of the Songhees Indian Band this 13th day of March, 1998 and supersedes the Songhees Indian Band Fire Prevention Bylaw No. 10-1997.

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


(Member of the Council)


(Member of the Council)


(Member of the Council)

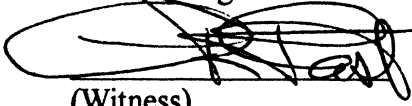

(Member of the Council)

being the majority of those members of the Council of the Songhees Indian Band Present at the aforesaid meeting of the Council.

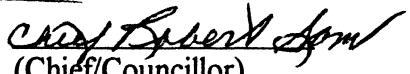
The quorum of the Council is 3 members.

Number of members of the Council present at the meeting: 4.

I, Robert Sam Chief/Councillor of the 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) this 13th day of March, 1998.



(Witness)



(Chief/Councillor)
