

**BY-LAW NO. 1997-02
of the Red Bank Band**

**A By-law Regulating the Installation of Above and Underground Storage Tank
Systems Containing Petroleum Products and Allied Petroleum Products on the Red
Bank Indian Reserves No. 4 and No. 7.**

Enacted on the 25th day of July 1997.

WHEREAS the Council of the Red Bank Band desires to make a by-law regulating the installation of above and underground storage tank systems containing petroleum products and allied petroleum products;

AND WHEREAS the Council of the Red Bank Band is empowered to make such by-law pursuant to paragraphs 81(1)(h), (q) and (r) of the Indian Act;

AND WHEREAS it is considered necessary for the protection and development of the reserve lands of the Red Bank Band to regulate the installation of above and underground storage tank systems containing petroleum products and allied petroleum products;

NOW THEREFORE the Council of the red Bank Band hereby makes the following by-law:

PART I - GENERAL

Short Title

1. This by-law may be cited as the "Red Bank Band Above and Underground Storage Tank Regulation By-law".

Interpretation

2. In this by-law,

"allied petroleum product" means a mixture of hydrocarbons other than a *petroleum product* that may be water miscible and may have a density greater than water, and includes, without limiting the generality of the foregoing, paint thinners and solvents, varnish, inks, acetone, benzene, toluene, isopropanol, and methanol.

"Band" means the Red Bank Band;

"Council" means the Council, as defined in the *Indian Act*, of the Red Bank Band;

"owner" means any person lawfully in possession of land, buildings or structures;

"permit" means a document issues by the Installation Inspector giving lawful permission to operate an underground or aboveground storage tank system.

"person" includes an individual, an association, a chartered organization, a firm, a partnership and a corporation;

"petroleum product" means a single product or mixture of at least 70% hydrocarbons, refined from crude oil, with or without additives, that is used, or could be used, as a fuel, lubricant, or power transmitter. Without restricting the generality of the foregoing, such products include gasoline, diesel fuel, aviation fuel, kerosine, naphtha, lubricating oil, fuel oil, engine oil (including used oil), and excludes propane, paint, and solvents

"reserve" means the reserve of the Red Bank Band and includes the Band's Reserves No. 4 and No. 7;

Application of By-law

- 3.(1)** The provisions of this by-law apply to all lands of the reserve of the Red Bank Band, and shall apply to commercial establishments offering petroleum or petroleum allied products for retail sale or wholesale, or the storage of said products for industrial or commercial uses.

PART II - ADMINISTRATION

Installation Inspector

- 4.(1)** The Council may, by resolution, appoint or designate a person as Installation Inspector whose duty it shall be to administer and enforce this by-law.
- (2)** The Council may, in the resolution, provide for reasonable remuneration to be paid to the Installation Inspector .
- (3.1)** The installation inspector shall have the authority to inspect the installation, repair or removal of any above-ground or below ground storage tank system situate on reserve;
- (3.2)** The installation inspector shall have the authority to order such remedial action as deemed necessary to alleviate any deficiencies in the installation, repair or removal of any above-ground or below ground storage tank system, and shall have the authority to order to cease the installation, repair or removal of any above-ground or below ground storage tank system until such time as deficiencies are alleviated.

PART III - GENERAL INSTALLATION PROVISIONS

Prohibition

- 5.(1) No person shall operate or use an above-ground or below-ground storage tank system without a permit issued by the Installation Inspector.
- (2) No person shall install, or cause to be installed, any above-ground or below ground storage tank system except in conformity with the provisions of this by-law.
- (3) Notwithstanding any other by-law of the Council, no permit shall be issued where the proposed storage tank system or use would be in violation of any provision of this by-law.

Installation

6. The installation of all above-ground and below-ground storage tank system will be in strict accordance with the *Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products, 1993 Edition*, and the *Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products, 1993 Edition*, published by the Canadian Council of Ministers of the Environment.

PART III-INSURANCE

7. Insurance

The user of an aboveground or below ground storage tank system for petroleum products and allied petroleum products shall indemnify and save harmless Canada and the Red Bank Band for actions or claims arising from the use of any aboveground or below ground storage tank system for petroleum products and allied petroleum products in the amount of \$1,000,000.00, (One Million Dollars).

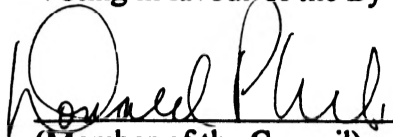
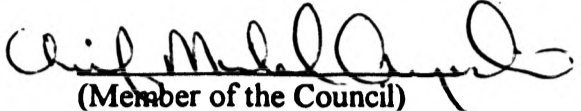
PART IV - PENALTY

8. Penalty


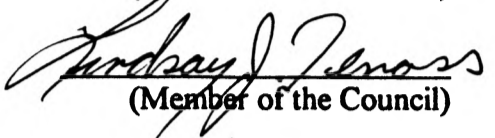
Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars or to imprisonment for a term of 30 days, or to both a fine and imprisonment.

This By-Law is hereby made at a duly convened meeting of the Council of the Red Bank First Nation this 25 day of July, 1997

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


(Member of the Council)

(Member of the Council)

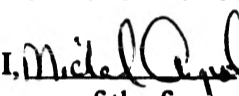
(Member of the Council)



(Member of the Council)

(Member of the Council)

(Member of the Council)

being the majority of those members of the Council of the Red Bank First Nation 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,  Chief/Councillor of the Red Bank First Nation, 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 Leominster offices of the department pursuant to subsection 82(1) of the Indian Act, this 25 day of July, 1997



(Witness)



(Chief/Councillor)