

By-Law No. 1998-2
Nadleh Whut'en Indian Band No. #612
By-Law To Establish And Regulate
A Fire Department And To Establish
A Fire Safety Committee

WHEREAS section 81 of the Indian Act empowers a Council of a Band to make by-laws respecting various aspects of community services, on matters ancillary thereto and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS it is deemed to be expedient for the health and welfare of the residents of the Nadleh Whut'en Reserves to establish a Fire Department and to establish a Fire Safety Committee to monitor and assess the progress and function of the Fire Department.

NOW THEREFORE the Council of the Nadleh Whut'en Band by-law thereof as follows:

Nadleh Whut'en Band of Indians enacts as follows:

Interpretation

1. In this by-law,

"Council" means the Council, as defined in the Indian Act, of the Nadleh Whut'en Band;

"Department" means the Nadleh Whut'en Band Volunteer Fire Department;

"Member" means and includes officers and personnel;

"Committee" means the Fire Safety Committee of the Nadleh Whut'en Band;

"Reserve" means Nadleh Whut'en Band Reserves as such reserves are defined in the Indian Act, section 2(1), any land held as a special reserve for the use and benefit of the Nadleh Whut'en Band pursuant to section 36 of the Indian Act and any future reserves or any additions to existing reserves.

Establishment of Volunteer Fire Department

2. A Department for the Nadleh Whut'en Reserves to be known as the Volunteer Fire Department is hereby established and the Head of the Department shall be known as the Fire Chief of the Department.

3. In addition to the Fire Chief of the Department, the Department personnel shall consist of a Deputy Chief and such number of Division Chiefs, Captains, and other officers and members as from time to time may be deemed necessary by the Council.

Fire Safety Committee

4.(1) A Fire Safety Committee for the Nadleh Whut'en Reserves to be known as the Nadleh Whut'en Band Fire Safety Committee is hereby established.

(2) The terms of reference of the Fire Safety Committee shall be to:

- a) monitor and assess the progress and functions of the Department;
- b) assist in the recruitment and selection process for the Department;
- c) ensure that there is implementation of all of the following provisions of this by-law;
- d) provide continuity for a Fire Safety Fire Prevention program;
- e) provide support and back-up services to the Department; and
- f) make recommendations to the band council by way of written reports.

5. a) The Fire Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department;

b) A person is qualified to be appointed as a member of the department for fire fighting duties if he is:

- i) not less than 18 years of age and not more than 50 years of age;
- ii) has successfully completed at least Grade 8 or equivalent;
- iii) of good character;
- iv) passes such aptitude tests as may be required by the Chief of the Department; and,
- v) is medically fit to be a member of the department as certified by a physician designated by the Chief of the Department.

c) A person appointed as a member of the Department for fire fighting duties shall be on a probationary period of one (1) year during which period he shall take such training and examinations as may be required by the Chief of the Department;

d) If a probationary member appointed for fire fighting duties fails any such training and examinations, the Chief of the Department may recommend to the council, that he be dismissed.

Remuneration

6. The remuneration of all members of the department shall be determined by the council.

Chief of the Department

7. The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, for the discipline of its members, and:

i) may make such general orders and Departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members of the Department, and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the Council;

ii) shall review periodically the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers as he may determine from time to time to assist him in his duties;

iii) shall take all proper measures for the prevention, control and extinguishing of fires and for the protection of life and property and shall enforce all Council By-laws respecting fire prevention and exercise the powers and duties imposed on a Fire Marshall by the Fire Marshall's Act of the Province of British Columbia;

iv) recommend to the Council to enter into and make agreements with surrounding municipalities and band councils in the area for mutual aid in fire fighting;

v) is responsible for the enforcement of this by-law and the general orders and departmental rules; and,

vi) shall report all fires to the Fire Safety Officer, Region of the Department of Indian Affairs and Northern Development.

Deputy Chiefs

8. The Deputy Chiefs shall report to the Chief of the Department on the activities of the divisions that are their responsibilities and carry out the orders of the Chief, and, in the absence of the Chief, has all the powers and shall perform all the doing of the Chief.

9. Divisions

a) The Department shall be composed of the following divisions:

- i) Division of Administration,
- ii) Division of Apparatus and Equipment,
- iii) Division of Fire Fighting,
- iv) Division of Fire Prevention,
- v) Division of Training, and
- vi) Division of Communications.

b) The Division of Apparatus and Equipment, Division of Communications, Fire Fighting and Training are under the direction of the Deputy Chiefs who are responsible to the Chief of the Department for the proper operation of each Division.

Division of Administration

10. The Fire Chief shall be responsible for the carrying out of the following duties of the Division of Administration:

a) Provide administration facilities for the Chief and Deputy Chiefs of the Department,

b) Prepare the Departmental Budget and exercise control of the Budget,

- c) Prepare the payroll of the Department and initiate requisitions for materials and services and certify all accounts of the Department,
- d) Maintain personnel records,
- e) Arrange for the provision of medical services,
- f) Arrange for the provision of new buildings,
- g) Prepare the annual report of the Department,
- h) Carry out the general administrative duties of the Department,
- i) Provide liaison with the District Fire Coordinator, and
- j) Assist the District Fire Coordinator in the preparation of a District Emergency Fire Service Annex and operating procedures.

Division of Apparatus

11. The Deputy Chief shall be in charge of the Division of Apparatus, Equipment and Communications and shall be responsible to the Chief for the carrying out of the following duties of Divisions:

- a) Prepare specifications for the purchase of apparatus and equipment,
- b) Maintain and keep in repair all existing buildings, fire equipment for fire fighting, rescue and salvage apparatus of the Department,
- c) Modify apparatus and equipment,
- d) Provide recharging facilities for fire fighting extinguishers and cylinders and to test and repair hoses,
- e) Where a waterworks commission is established, provide liaison in order to ensure an adequate flow of water in new waterworks projects and the adequate maintenance of existing waterworks facilities for the use of the Department,
- f) issue clothing, equipment, and cleaning supplies,

- g) Receive alarms and dispatch apparatus,
- h) Prepare specifications for new Communications Systems and for additions to existing communication systems,
- i) Maintain the communication system of the Department, and
- j) Prepare the annual report and budget of the Division of Apparatus Equipment and Communications to be submitted to the Division of Administration.

Division of Fire Fighting

12. a) The Deputy Chiefs shall be responsible to the Chief of the Department for the management and operation of the Division of Fire Fighting and for the carrying out of the following duties of the Division:

- i) Prevent, control and extinguish fires,
- ii) Conduct, through the Division of Fire Fighting or the Division of Fire Prevention, investigations of fires in order to determine Cause, Origin, and where appropriate, to notify the authority having jurisdiction to conduct an investigation,
- iii) Perform rescue and salvage operations and render first aid,
- iv) Respond and assist at such emergencies as may be required by the Chief of the Department,
- v) Participate in training at stations,
- vi) Conduct company fire prevention and familiarization inspection of premises,
- vii) Perform apparatus maintenance and cleaning duties at stations, and
- viii) Prepare the annual report and budget of the Division of Fire Fighting to be submitted to the Division of Administration.

b) A captain should be in command of the Company to which he is assigned and is responsible for the proper operation of the Company to the Deputy Chief.

c) Where the Chief of the Department designates a member to act in the place of an officer in the Department, such member, when so acting has all the powers and shall perform all the duties of the officer replaced.

Division of Fire Prevention

13. The Fire Chief shall be responsible for the carrying out the following duties of the Division of Fire Prevention:

- a) Conduct fire prevention inspections of premises,
- b) Enforce fire prevention by-laws of the Council,
- c) Examine building plans,
- d) Establish and maintain photography facilities,
- e) Maintain fire loss records,
- f) Receive, process and follow-up reports of fire prevention inspections conducted under the Division of Fire Fighting,
- g) Provide personnel for fire prevention lectures, and
- h) Prepare the annual report and budget of the Division of Fire Prevention to be submitted to the Division of Administration.

Division of Training

14. The Deputy Chiefs shall be responsible for the carrying out of the following duties of the Division of Training:

- a) Conduct training for all personnel of the Department in Fire Administration, Fire Prevention and Fire Fighting,
- b) Administer training programs in stations,
- c) Prepare and conduct examinations of members as required by the Chief of the Department, and
- d) Prepare the annual report and budget of the Division of Training to be submitted to the Division of Administration.

Promotions

15.(1) a) Any member having at least three (3) years of service with the Department may make application to the Chief of the Department to qualify him for promotion to a rank immediately superior to his present rank.

b) Every recommendation for promotion of a member made to the Council by the Chief of the Department shall be based on the evaluation of:

- i) The results of an examination taken by the member;
- ii) The age and physical fitness of the member; and,
- iii) The fire and station record of the member.

c) When, in the opinion of the Chief of the Department, all other factors for promotion of two or more members are equal, seniority of service in the Department shall govern.

d) The Fire Fighting and Station record of each member of the Department shall be evaluated as follows:

i) The Captain of each company shall evaluate each member of the company.

e) The Chief of the Department and the Deputy Chief shall evaluate all members of the Department who are participating in an examination for promotion.

f) Every applicant for promotion shall take such written, oral and practice examinations as may be required by the Chief of the Department.

(2) The provisions of this section respecting the promotion of members shall not apply to the Deputy Chiefs.

Medical Examination

16. Every member of the Department appointed for fire fighting duties is subject to a medical examination at least once annually and at such other times as the Chief of the Department may require.

General

17. a) Every member of the Department shall report for duty at the time prescribed by the Departmental Rules and shall remain on duty until relieved.

b) In case of a member failing to report for duty, the Officer-In-Charge shall report this in writing, through his superior officer, to the Chief of the Department.

c) No member:

i) while in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performance of his Departmental duties;

ii) if his ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty; and,

iii) while on duty, shall consume any intoxicating beverage or drug.

d) No member shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.

18. a) The Chief of the Department may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this By-Law or general orders and departmental rules that in the opinion of the Chief, would be detrimental to the discipline and efficiency of the Department.

b) Following the suspension of any member, the Chief of the Department shall report the suspension and his recommendation to the Council.

c) A member shall not be dismissed without being afforded the opportunity for a hearing before Council, if he makes a written request for such hearing within seven (7) days after receiving notice of his proposed dismissal.

19. The Department shall not respond to a call with respect to a fire or emergency outside the limits of the Nadleh Whut'en Reserves, except with respect to a fire or emergency:

a) That in the opinion of the Chief of the Department threaten property in

the Nadleh Whut'en Reserves or property situated outside the Reserves that is owned or occupied by a municipality or other Reserve;

b) In a municipality or on the Reserve with which an agreement has been entered into, to provide fire protection, or;

c) On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection thereof.

Offences

20. No person shall impede, interfere with or hinder any officer or fire fighter in the discharge of his duties at a fire, in responding to a fire alarm or at a practice, and no person shall damage apparatus, equipment and supplies, and no person shall put to any use not authorized by the chief any apparatus, equipment and supplies.

Penalty

21. Any person contravening any of the provisions of this by-law shall be Liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.

Enactment

This By-law is hereby enacted at a duly convened meeting of the Council of the Nadleh Whut'en Indian Band this 18 day of Dec., 1998.

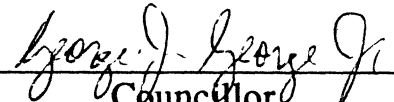
Voting in favour are the following members of Council:



Chief



Councillor



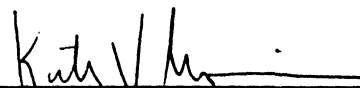
Councillor

Councillor

being a majority of those members of the Council of the Nadleh Whut'en Indian Band present at the aforesaid meeting of the Council

The quorum of the Council of three members. The number of members of Council present at the meeting : 3.

I, C. H. E. T. L. O., Chief / Councilor of the Nadleh Whut'en 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 pursuant to section 82(1) of the Indian Act, this 18 day of Dec., 1998



Witness



Chief/Councilor