

**BY-LAW 2004-800(L)
OF THE ENOCH CREE NATION
A BY-LAW FOR FIRE PREVENTION AND
FIRE RESCUE SERVICES FOR
THE RIVER CREE RESORT AND CASINO**

*Ref. to Dupl F
A 6190
PA'd 09/10/04*

WHEREAS the Council of the Enoch Cree Nation desires to make a By-law governing certain offices and powers of enforcement related to Fire Prevention and Fire Rescue Services for the River Cree Resort and Casino;

AND WHEREAS the Council of the Enoch Cree Nation is empowered to make such By-law pursuant to its inherent right to self government paragraphs 81 (1), (c), (q) & (r) of the Indian Act (appendix);

AND WHEREAS Enoch Community Developments Corp. ("ECDC"), a wholly owned subsidiary of the Enoch Cree Nation, is a Lessee of Designated Lands for the purpose of developing an entertainment complex, hotel, recreation, and casino project (hereinafter the "Project");

AND WHEREAS ECDC has chosen the City of Edmonton (the "City") as the Service Provider for Fire Rescue Services for the Project and proposes to enter into a Master Services Agreement with the City (the "Master Services Agreement");

AND WHEREAS the Enoch Fire Department will assist the City, upon request to provide Fire Rescue Services to the Project;

AND WHEREAS it is a condition of receiving Fire Rescue Services from the City that the Council of the Enoch Cree Nation have enacted this By-law;

AND WHEREAS nothing in this By-law shall be construed to alter, diminish, derogate or abrogate the Treaty and Aboriginal Rights of the Enoch Cree Nation.

NOW THEREFORE the Council of the Enoch Cree Nation hereby enacts the following By-law:

SHORT TITLE

1. This By-law may be cited as "The Enoch Cree Nation Project Fire Services By-law".

INTERPRETATION

2. In this by-law:

"City" means the municipal corporation of the City of Edmonton.

"Council" means the Chief and Council of the Enoch Cree Nation.



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“Fire Chief” means the highest ranking Fire Officer of the City and his or her authorized representatives.

“Fire Officer” means a member of the Emergency Response Department of the City.

“Fire Rescue Services” means fire suppression services and fire investigation and inspection services.

“Incident” means a fire, explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to people or property on the project lands to which a Fire Officer has responded.

“Incident Commander” means the officer of the City in charge of directing all other officers or firefighters at the scene of an incident.

“Officer” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, including a By-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order;

“Project” means an entertainment, hotel, recreation and casino project known as the River Cree Resort and Casino, including all buildings, lands and facilities within the project lands.

“Project Lands” means the 49 acre portion of the Enoch Cree Nation that was designated on June 14th, 2001 by the Enoch Cree Nation and is described as “Project Land” and “Project Development Area” on the map appended to this By-law, and entitled “River Cree Resort and Casino”, and related facilities necessary to the Project and located on adjacent lands (such as the pump house and water retention pond).

OFFENCES

3. The Fire Chief, Fire Officers and Officers are delegated by Council the power to enforce the following offences to providing Fire Rescue Services in relation to a fire or suspected fire which originates on the Project Lands or threatens people or property on the project lands:
 - 3.1 No person shall in any way impact or hinder a Fire Officer or any other person who is assisting in extinguishing any fire or mitigating a medical emergency or performing any other duties provided for in this By-law, and no person shall move any fire hose or drive a vehicle over any fire hose at any fire without permission of an Incident Commander;
 - 3.2 No person shall place or cause to be placed, any matter or thing, so as to obstruct or interfere with the operation or use of any fire hydrant, emergency

response water inlet or outlet connections on buildings, fire alarm control panels, manual alarm stations, or any fire detection device or equipment;

- 3.3 No person shall use a fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the Fire Chief except:
- a) a Fire Officer;
 - b) a person acting under the direction of a Fire Officer; or
 - c) a member of the Enoch Fire Department for emergency fire suppression purposes.
- 3.4 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, cisterns or bodies of water designated for firefighting purposes;
- 3.5 All persons at or near any fire shall assist in extinguishing the same and in removing furniture, goods or merchandise from any building on fire or in danger thereof, in guarding and securing the same, and in demolishing any building or structure at, near or adjacent to the fire, or aid in the evacuation of persons from any building on fire or in danger of fire, when conscripted to do so by an Incident Commander:
- 3.6 Any person who in any way obstructs, prevents or refuses to admit a fire Inspector or Investigator in, to or upon any land, premises, yards, or buildings, for the purpose of inspection or investigating on the same, or who incites or abets such shall be considered in breach of this By-law;
- 3.7 No person shall park a vehicle for any period of time whatsoever at the following locations, namely:
- a) where the vehicle may in any way interfere with the use of a doorway intended as a fire or emergency exit from any building abutting the highway; or
 - b) upon any highway or portion thereof providing emergency vehicle access to any property (except emergency vehicles) where the highway is marked by a traffic control device as an emergency vehicle access;
- 3.8 No person shall willfully or maliciously destroy or injure any property at a fire or any emergency units belonging to the City or Enoch Fire Department;
- 3.9 No person shall falsely represent themselves to be a Fire Officer;

- 3.10 No person shall wear, use or have in their possession or under their control any official badge, identification card, insignia, button, cap, helmet or uniform of the City's Emergency Response Department unless such person is a regular or retired member of the said Emergency Response Department, and has direct and specific authority to wear or have in their possession or under their control such items;
- 3.11 No person shall use, or have in their possession or under their control, any key for an emergency response vehicle belonging to the City, or key for any fire alarm on the Project Lands unless directly and specifically authorized to do so by the Fire Chief;
- 3.12 No person shall use, or have in their possession or under their control, any key for any emergency response vehicle belonging to the Enoch Fire Department, unless specifically authorized to do so by the Chief of the Enoch Fire Department;
- 3.13 No person, unless authorized by the Fire Chief for practice purposes, shall, by use of a fire alarm, telephone, or any other method normally used, make or cause to be made any false alarm;
- 3.14 No person shall falsely state that they have the sanction of the City's Emergency Response Department in soliciting any person or company on any matter; and
- 3.15 Any person who refuses to provide or furnish any information required under this By-law, when requested by a Fire Officer or Officer, or who encourages such, shall be considered in breach of this By-law.

POWERS OF INCIDENT COMMANDER

- 4. The Incident Commander shall have the following powers and authorities:
 - 4.1 The Incident Commander is empowered to enter premises or property where the Incident occurred and to cause any Fire Officers, apparatus or equipment of the City to enter as he or she deems necessary in order to combat, control, or to deal with the Incident;
 - 4.2 The Incident Commander shall also have the power, if he or she shall deem it necessary, for the protection of any building or other property to enter or pass through, or to cause Fire Officers to enter or pass through, any building or premise adjacent or near the scene of the Incident, or to convey through or to use to operate through, in, or from such adjacent or nearby building or premise any emergency units or equipment which he or she shall deem necessary;

- 4.3 The Incident Commander may in his or her discretion prescribe the limits in the vicinity of the Incident within which, until he or she removes or changes such limits, no person or vehicle shall be permitted to come, unless such person is a Fire Officer, or Officer or is admitted by order of the Fire Chief, and any person who shall without permission enter upon any portion of such limits herein specified during the time the same shall be so closed;
- 4.4 For the prevention or extinguishing of fires and for preservation of life and property from injury or destruction by fire, the Incident Commander may compel adults on the Project Lands to assist in the extinguishing of fires and to assist in the prevention or the spread thereof;
- 4.5 Incident Commander in charge of an incident shall have the power to commandeer and authorize payment for the possession or use of any equipment necessary for the purpose of mitigating an Incident;
- 4.6 If there is any property damaged by fire on the Project Lands, it shall immediately be reported to the Fire Chief and particulars of the fire, which are satisfactory to the Fire Chief.

5. SEVERABILITY

- 5.1 Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.

6. PENALTY

- 6.1 Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does not act or omits any act or thing thus violating any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law and is liable on summary conviction to a fine not exceeding one thousand (\$1000.00), or to imprisonment for a term not exceeding thirty (30) days or to both fine and imprisonment. Where the offence is a continuing one, each day that the offence continues, shall be a separate offence.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Enoch Cree Nation this 24th day of November, 2004.

Voting in favor of the By-law are the following members of Chief and Council:

(Chief Ronald Morin)

Blair Morin
(J. Blair Morin, Member of Council)

(Clark Peacock, Member of Council)

Albert Thomas
(Albert Thomas, Member of Council)

(Barney Ward, Member of Council)

Ben Ground
(Ben Ground, Member of Council)

(Kelly Morin, Member of Council)

Howard Peacock
(Howard Peacock, Member of Council)

Elaine Papin
(Elaine Papin, Member of Council)

(Leroy Ward, Member of Council)

being the majority of those members of the Council of the Enoch Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 5

I, Ronald Morin, Chief of the Enoch Cree 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 District/Regional/Hull office pursuant to subsection 82(1) of the Indian Act, this 24
th, day of November, 2004.

Shirley Paureain
(Witness)

Ronald Morin
(Chief/Councilor)

APPENDIX

POWERS OF THE COUNCIL

By-laws

81. (1) The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely,

(c) the observance of law and order;

(q) with respect to any matter arising out of or ancillary to the exercise of powers under this section; and

(r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

