



KAMLOOPS INDIAN BAND COUNCIL RESOLUTION

DATE APPROVED AT COUNCIL MEETING: DECEMBER 14, 1987.

DISTRICT: CENTRAL

PROVINCE: BRITISH COLUMBIA

PLACE OF APPROVAL: KAMLOOPS

QUORUM: 3.

The Kamloops Indian Band Council does hereby resolve that:

The Kamloops Indian Band Fire Prevention Bylaw No. 1977-1 and Amending Bylaw 1978-2 be hereby repealed, and that - Kamloops Indian Band Fire Prevention Bylaw No. 1987-1 be adopted and approved this date.

CHIEF: _____

COUNCILLOR: *[Signature]*

COUNCILLOR: *Russell Casimir*

COUNCILLOR: *Naini Saphat*

COUNCILLOR: *Richard Seppner*

Comments:

THE KAMLOOPS INDIAN BAND

FIRE PREVENTION BY-LAW

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THE KAMLOOPS INDIAN BAND

FIRE PREVENTION BY-LAW NO. 1987 - 1

A BY-LAW TO PROVIDE FOR THE PREVENTION OF FIRE
AND THE PROTECTION OF PERSONS AND PROPERTY

The Council of the Kamloops Indian Band, pursuant to Section 81 of the Indian Act, enacts as a by-law thereof as follows:

1. This by-law may be cited as the "Kamloops Indian Band Fire Prevention By-law".
2. Kamloops Indian Band Fire Prevention By-law No. 1977-1 and all amendments thereto are hereby repealed.
3. Metric units are used for all measurements in this by-law. The approximate equivalent of those units in currently used units of Canada measure are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this by-law.
4. The British Columbia Fire Code Regulation as amended from time to time is hereby adopted and made applicable within the Reserve Lands.
5. This by-law is divided into the following parts:

Part I	Definitions
Part II	Fire Prevention Officer
Part III	Flammable and Combustible Liquids
Part IV	Fire Protection and Life Safety
Part V	Inspection of Premises
Part VI	Enforcement
Part VII	Penalties

PART I - DEFINITIONS

APPROVAL means acceptance as satisfactory to the Kamloops Indian Band Fire Prevention Officer.

BUILDING INSPECTOR means the person or persons appointed from time to time by the Kamloops Indian Band Council to carry out the duties and responsibilities that are applicable under this by-law. This shall include the appointment of a building inspector from a municipal body who may be appointed by title and by specific reference to that municipal body.

BAND means the Kamloops Indian Band.

BAND COUNCIL means the Council of the Kamloops Indian Band.

ELECTRICAL SAFETY ACT means the Electrical Safety Act being Chapter 104 of the Revised Statutes of British Columbia and shall include the regulations made by Order-in-Council 2642, August 14, 1975 and any other regulations and amendments as may be proclaimed or be in existence under this Act from time to time.

PART I DEFINITIONS (CONTINUED)

ELECTRICAL INSPECTOR means the person or persons appointed from time to time by the Kamloops Indian Band Council to carry out the duties and responsibilities that are applicable under this by-law. This shall include the appointment of an electrical inspector from a municipal or provincial body who may be appointed by title and by specific reference to that municipal or provincial body.

BRITISH COLUMBIA BUILDING REGULATIONS means the National Building Code of Canada as amended from time to time, including all ancillary regulations and amendments as adopted by Order-in-Council by the Province of British Columbia.

OCCUPANT OR OCCUPIER means any tenant, lessee, agent and any other person who has access to and control of any building or premise to which this by-law applies.

AUTHORITY HAVING JURISDICTION means the Kamloops Indian Band Fire Prevention Officer.

FIRE PREVENTION OFFICER means the person or persons appointed from time to time by the Kamloops Indian Band Council to carry out the duties and responsibilities under this by-law.

PART II - FIRE PREVENTION OFFICER

201 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 within the various Codes and Acts as detailed herein, and as herein adopted as part and parcel of this by-law.

202 The Fire Prevention Officer shall take all proper measures for the prevention of fire and shall enforce all codes and by-laws respecting fire prevention, life safety and investigations.

PART III - FLAMMABLE AND COMBUSTIBLE LIQUIDS -
Permits and Licences

301 Permits

- (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 permit does not take the place of any license 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 receptacles, vehicles, buildings or storage places to be used.

302 Permit Application

- (1) The application for a permit shall be made in the form prescribed by the Fire Prevention Officer and contain at least the following requirements:
- (a) the signature of the applicant; and
 - (b) a statement of the intended use of the occupancy showing:
 - (i) the dimensions of the building and its location;
 - (ii) the proposed use of each room or floor area;
 - (iii) fire protection installations including portable extinguishers, fire alarms and detectors;
 - (iv) means of egress; and
 - (v) a plot plan showing the location of all flammable liquid tanks and pumps in relations to buildings and property lines.

303 Permit Fees

- (1) The fees hereinafter specified shall be paid to the Kamloops Indian Band by all applicants for any permit required by this by-law, or under the Code adopted by this by-law, or by the regulations passed pursuant to the provisions of the Fire Services Act, as amended from time to time, and for inspection of any work or thing for which the said permit is required:

- (a) for any installation of gasoline tanks, oil tanks, diesel tanks and dispensing pump

2,300 Litres	(500 I.G.)	\$15.00
2,301-4,600 Litres	(501-1000 I.G.)	20.00
4,601-23,000 Litres	(1001-5000 I.G.)	30.00
23,001-46,000 Litres	(5001-10,000 I.G.)	40.00
46,001-115,000 Litres	(10,001-25,000 I.G.)	60.00
115,001-230,000 Litres	(25,001-50,000 I.G.)	100.00
230,001-460,000 Litres	(50,001-100,000 I.G.)	150.00
460,001-920,000 Litres	(100,001-200,000 I.G.)	200.00
920,001-2,300,000 Litres	(200,001-500,000(I.G.)	250.00

Each dispensing Pump 10.00

- (b) Inspections and installation of domestic and commercial oil burners

Each domestic installation \$ 5.00
Each commercial installation 10.00

304 Issuing and Posting of Permits

- (1) The Fire Prevention Officer shall 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.

304 Issuing and Posting of Permits (Continued)

- (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) This by-law shall not be construed to hold the Kamloops Indian Band responsible for any damage to persons or property by reason of
 - (a) inspections authorized by this by-law;
 - (b) the failure to carry out an inspection;
 - (c) the permit issued as herein provided, or
 - (d) the approval or disapproval of any equipment authorized herein.
- (4) Permits and licences shall be posted in the premises in a conspicuous place to the satisfaction of the Fire Prevention Officer.

PART IV - FIRE PROTECTION AND LIFE SAFETY

401 Electrical Safety Act

There is incorporated as part and parcel of this by-law the Electrical Safety Act, and all regulations thereto, as amended from time to time. 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 Kamloops Indian Band. The fee for such permit shall be paid to the designated electrical inspector of the Kamloops Indian Band.

402 Building Permits

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 or any kind or description to obtain a building permit from the building inspector as designated from time to time by the Kamloops Indian Band. The fee for such permit shall be paid to the designated building inspector of the Kamloops Indian Band.

403 Fire Damaged Buildings

- (1) The owner of any fire damaged building shall ensure that the premises are guarded, or that all openings in the building 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 Kamloops Indian Band by its employees and others at the expense of the owner.

404 Open Air Burning

- (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 Section 405(1). For commercial and industrial purposes the fee for such permit shall be Twenty-Five (\$25.00) Dollars.
- (3) Materials resulting from demolition may only be burned on-site with the approval of the Fire Prevention Officer.
- (4) Every person to whom a special permit has been issued under sub-section (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.

405 Burning Without A Permit

- (1) Without a special permit being secured, dry garden refuse of brush, grass, weeds, prunings and like materials resulting from the cleaning of gardens and lots may be burned in the open air in small fires at times designated and advertised 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

405 Burning Without A Permit (Continued)

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 grills and barbecues;
 - (b) Necessary burning authorized by Band Administration.
- (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.

406 Fireworks

- (1) The manufacture, storage, transportation, display and sale of high hazard fireworks (Class 7, Division 2, Subdivision 2, Canada Explosives Act and Regulations) shall conform to the Federal Explosives Act and Explosives Regulations, as amended from time to time.

PART V - INSPECTION OF PREMISES

501 Right to Inspect and Test

The Fire Prevention Officer may at all reasonable hours enter into and upon any lands, premises, yards or buildings, other than 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.

502 Entry for Inspection

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

503 Assistance in Inspection

The owner, occupier, or lessee of a building or property or any other person having knowledge of a 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.

504 Public Assistance and Fire Control

- (1) No person shall impede, hinder or obstruct the extinguishment of any fire. Any person who fails to comply with the orders or instructions of an officer of the Kamloops Fire Department engaged or about to be engaged in the extinguishment of a fire shall be liable to the penalties provided herein and such person may be forceably removed from the scene of such emergency or fire by a Police Officer or Firefighter.
- (2) No person shall refuse to permit any member of the Kamloops 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.

PART VI - ENFORCEMENT

601 Issuance of Order

- (1) If the Fire Prevention Officer finds that any provision of this 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 and/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 he 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 he 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.

602 Service of Order

An order made under this by-law shall 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 last known property owner.

603 Compliance with Order

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

PART VII - PENALTIES

701 Every person who violates any of the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.00 or imprisonment for a term not exceeding thirty (30) days or both, for each offence. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

702 Where a fine imposed under Section 701 is not paid within thirty (30) days, the Court may commit the offender to imprisonment for a term not exceeding thirty (30) days.

APPROVED AND PASSED at a duly convened meeting of the Council this 14th day of December, 1987

CHIEF

Marie Baptiste
COUNCILLOR

Richard Seymour
COUNCILLOR

Paul Johnson
COUNCILLOR

Russell Casimir
COUNCILLOR