

RED PHEASANT FIRST NATION

Fire Prevention By-Law No. 2002-10

A By-Law To Provide For The Prevention Of Fire And The Protection Of Persons And Property

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

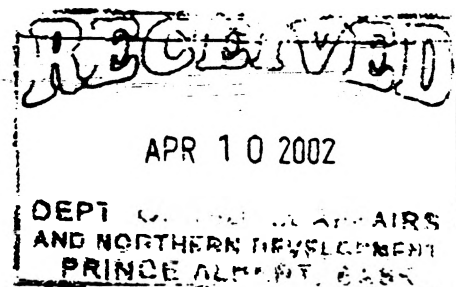
1. This By-law shall be cited as the "Red Pheasant First Nation Fire Prevention By-Law".
2. Red Pheasant First Nation Fire Prevention By-Law No. 2002-10 and all amendments there to are hereby repealed.
3. Metric units are used for measurements in this by-law. The approximate equivalent of those units 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 Saskatchewan Fire Code Regulations as amended from time to time is hereby adopted and made applicable within the Reserve Lands.

Or

The Saskatchewan Fire Code Regulations as amended from time to time is hereby enshrined and may be applicable within the Reserve Lands.

5. This by-law is divided into the following parts:

- Part 1. Definitions.
- Part 2. Fire Prevention Officer or Fire Chief
- Part 3. Flammable and Combustible Liquids
- Part 4. Fire Protection and Life Safety
- Part 5. Inspection of Premises
- Part 6. Enforcement
- Part 7. Penalties



Part one Definitions

- Approval** means acceptance as satisfactory to the Red Pheasant First Nation Fire Prevention Officer or Fire Chief
- Building Inspector** means the person or persons appointed from time to time by the Red Pheasant First Nation Band Council, or person or persons stationed at Tribal 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 Red Pheasant Band No. 108 also known as Red Pheasant First Nation.
- Band Council** means the Chief and Councillors of the Red Pheasant Band No. 108 and also known as Red Pheasant First Nation.
- Saskatchewan 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 Saskatchewan.
- 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 Red Pheasant First Nation Fire Prevention Officer or Fire Chief.
- Fire Prevention Officer or Fire Chief** means the person or persons appointed from time to time by the Red Pheasant First Nation Band Council to carry out duties and responsibilities under this by-law.
- Fire Hall** means a building, built and designated by Red Pheasant First Nation to be used for that purpose and to include equipment and water outlet.
- Fire Truck** means a motor vehicle certified to be used for that purpose, equipped with water tank, hoses, ladders, pumps and other related accessories.

Part Two – Fire Prevention Officer or Fire Chief

Red Pheasant First Nation Band Council may appoint from time to time, a Fire Prevention Officer or Fire Chief and deputies and assistants as it see fit, for the purpose of enforcing and carrying out duties and

responsibilities as set out within the various Codes and Acts that are detailed therein, and as herein adopted as part and parcel of this by-law.

The Fire Prevention Officer or Fire Chief shall take all proper training in fire prevention leading to certification. Such training costs shall be provided by Canada or reimbursed the Band on such costs as absorbed by the Band.

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

Part Three – Flammable and Combustible Liquids – Permits and Licenses

Permits

- (1) A permit is required from Fire Prevention Officer or Fire Chief 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 or Fire Chief may inspect and approve the receptacles, vehicles, building or storage places to be used.

Permit Application

- (1) The application for a permit shall be made in the form prescribed by the Fire Prevention Officer or Fire Chief and contain at least the following requirements;
 - (a) The signature of the applicant; and
 - (b) 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 locations of all flammable liquids, tanks and pumps in relations to buildings and property lines.

Permit Fees

(1) The fees hereinafter specified shall be paid to Red Pheasant First Nation 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 Service 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 commercial or regular gasoline tank, oil tanks, diesel tanks and dispensing pumps (underground or subsurface as approved prior to installations on location).

2300 litres	500 l.G	\$40.00 first hour (\$30 thereafter)
2301-4600 litres	501-10001.G	\$40.00 first hour (\$30 thereafter)
4601-23000 litres	1001-50001.G	\$40.00 first hour (\$30 thereafter)
23001-46000 litres	5001-100001.G	\$40.00 first hour (\$30 thereafter)
46001-115000 litres	10001-250001.G	\$40.00 first hour (\$30 thereafter)
115001-230000 litres	25001-50000 l.G	\$40.00 first hour (\$30 thereafter)
230001-460000 litres	50001-1000001.G	\$40.00 first hour (\$30 thereafter)
460001-920000 litres	100001-2000001.G	\$40.00 first hour (\$30 thereafter)
920001-2300000 litres	200001-5000001.G	\$40.00 first hour (\$30 thereafter)

Each dispensing pump

(b) Inspection and installation of domestic and commercial gas burners

Each domestic installation	\$40.00
Each commercial installation	\$50.00

Issuing and Posting of Permits

- (1) The Fire Prevention Officer or Fire Chief 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.

- (2) The Fire Prevention Office or Fire Chief may revoke a permit where there is a violation of
 - (a) Any condition under where the permit has issued, or;
 - (b) Any requirements of this by-law, codes or regulations.

- (3) This by-law shall not be construed to hold the Red Pheasant First Nation 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 license shall be posted in the premises in a conspicuous place to the Satisfaction of the Fire Prevention Officer or Fire Chief.

Part four – Fire Prevention and Life Safety

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 such as renovations to existing systems and buildings to obtain 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 Red Pheasant First Nation. The fee for such permit shall be paid to the designated electrical inspector of the Red Pheasant First Nation.

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 Red Pheasant First Nation. The fee for such permit shall be paid to the designated building inspector of Red Pheasant First Nation.

Fire Damaged Builder

- (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 any distured for insurance purpose and to prevent the entry of unauthorized persons.

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 or Fire Chief may issue a special permit for open air burning of materials other than garden refuse as detailed for commercial and industrial purposes the fees for such permit shall be \$40.00.

- (3) Materials resulting from demolition may only be burned on-site with the approval of the Fire Prevention Officer or Fire Chief.
- (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 appliance 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 to hazardous or create a nuisance.

Burning Without A Permit

- (1) Without a special permit being secured, dry garden refuse of brush, grass, weeds, pruning and like materials resulting from the cleaning of gardens and lots yard may be burned in the open air in small fire at times designated and authorized by the Fire Prevention Officer or Fire Chief.
- (2) Every person who starts a fire during a designated open air 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 likely to be hazardous or create a nuisance.
- (3) Burning during the designated open burning period shall be carried out only during day light hours.
- (4) This regulation of the By-Law 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 or Fire Chief.

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 Five – Inspection of Premises

Right to Inspect and Test

The Fire Prevention Officer or Fire Chief 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) building, as required by the Fire Service Act;
- (2) to determine if the requirements of this by-law are being carried out.

Entry for Inspection

No person may obstruct, hinder or prevent the Fire Prevention Office or Fire Chief 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/her duties.

Assistance in Inspection

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

Public Assistance And The Control

- (1) No person shall impede, hinder or obstruct the extinguishments of any fire. Any person who fails to comply with the order or instructions of an officer or fire chief of the Red Pheasant First Nation Fire Department engaged or about to be engaged in the extinguishments of a fire shall be liable to the penalties provided herein and such person may be forcibly removed from the scene of such emergency or fire by a Police Officer or Fire fighter.
- (2) No person shall refuse to permit any member of the Red Pheasant First

Nation Fire Department to enter into or upon any premises for which an alarm of fire has been received as in or upon which such member has reasonable grounds to suspect that a fire exists.

Part Six – Enforcement

Issuance of Order

- (1) If the Fire Prevention Officer or Fire Chief 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/she 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) made 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) made such orders as he/she 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

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
- (c) sending the order by return registered mail to the last known address of the property owner.

Compliance with Order

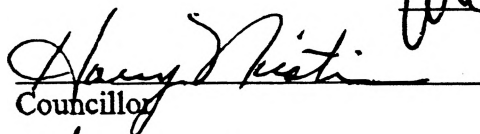
Every person served with an Order made under this by-law shall fully comply with the terms of the Order.

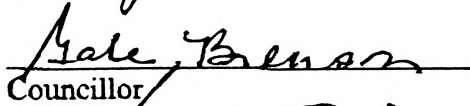
Part Seven – Penalties

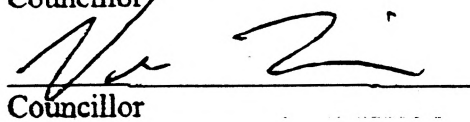
Every person who violates any of the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00 (Five Hundred Dollars) or imprisonment for a term not exceeding thirty (30) days or both, for each offence. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continue.

Where a fine imposed under Section 2 is not paid within thirty (30) days, the Court may commit the Offender to imprisonment for a term not exceeding thirty (30) days.

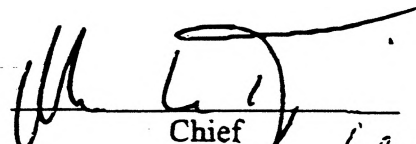
Approved and Passed at a duly convened meeting of the Chief and Council this
28 day of March 2002

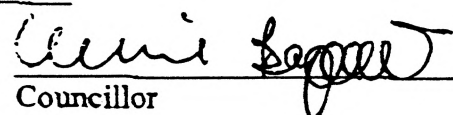

Councillor


Councillor


Councillor

Councillor


Chief


Councillor


Councillor


Councillor

Councillor

**Schedule "A"
Form (1) one**

Red Pheasant First Nation Fire and Emergency Services

Permit to Burn

Date: _____

Permit is hereby issued to _____ residing at _____
for _____ days from the _____ from the date hereof, to burn the following _____
_____ at the following location _____
while competent and constant attendants are left in charge of such fire to keep it under
control.

If is an express condition of this permit that the applicants whose signature appears
hereunder, shall be responsible for any injury or damage or property arising from the use
of this permit.

Signature of Applicant

Signature of Fire Chief

Comments: _____

Schedule "B"
Form (2) Two

Red Pheasant First Nation Fire and Emergency Services approval FirePlace/Solid
Fuel Appliance Installation

Date: _____

Appliance: Fireplace _____ Stove _____ Other _____
Type: Masonry _____ Manufactured _____ Other _____
Listed: Yes _____ No _____ Agency _____
Manufacturer: _____
Model: _____

Installer:
Name: _____
Address: _____ Province: _____
Phone: _____

Chimney: Masonry _____ Manufactured _____
Listed: Yes _____ No _____ Agency _____
Manufacturer: _____
Model: _____

1. This approval is issued to the undersigned conditional upon his compliance with the regulations of the National Fire Code and the National Building Code pertaining to such installations, inspection shall be required prior to final in closure of FirePlace and/or prior use of solid fuel appliance.
2. The described installation is subject to issuance of a building permit by Red Pheasant First Nation Housing Policy.

Name: _____
Address: _____
Phone: _____

Signature of Fire Chief

Inspector

Date

Comments:

Schedule "C"

Red Pheasant First Nation Fire and Emergency Services Permit – Fire Works

Date: _____

Permission is hereby granted to _____
representing _____ to conduct a fireworks
display at _____ on _____ between the
hours of _____ (am/pm) while competent and constant attendants are in
charge.

It is an express condition of this permit that the applicant, whose signature appears here
under shall be responsible for any injury or damage to person or property arising from the
use of this permit.

Signature of Applicant

Signature of Fire Chief

Comments: _____

Schedule "D"

Fees for Service

1. INSPECTION SERVICES

- | | | |
|----|---|---|
| a) | Third Party request for business | \$40.00 first hour
\$30.00 additional hour |
| b) | Requested site inspection | \$40.00 first hour
\$30.00 additional hour |
| | Off Reserve Inspections | \$40.00 first hour
\$30.00 additional hour |
| | (travel and accommodations) | Per First Nation Policy |
| c) | Underground Tank Installation or
Removal inspections | \$40.00 first hour
\$30.00 additional hour |
| d) | File Search | \$30.00 |

2. Emergency Response Charges

- | | | |
|----|--------------------------------------|---|
| a) | Off Reserve Rescue or Emergency Call | \$500.00 hour per unit
Plus disposable
Plus manpower |
| b) | Mutual Aid Fire Calls | \$250.00/hour per unit
Plus disposable
Plus man power
\$200.00 additional hours
Plus disposable
Plus man power |