

**LOUIS BULL TRIBE NO. 439**  
**BY-LAW RESPECTING**  
**FIRE CONTROL**

**BY-LAW NO. 1998-03**  
**of the LOUIS BULL INDIAN TRIBE**  
**A By-Law Respecting Fire Control**  
**on the Louis Bull Indian Tribe Reserve**

**WHEREAS** the Council of the Louis Bull Indian Tribe desires to make a by-law respecting fire control;

The Council of the Louis Bull Indian Tribe is empowered to make such by-law pursuant to paragraph 81 of the Indian Act;

It is considered to be expedient and necessary for the safety of the inhabitants of the Louis Bull Indian Tribe to regulate fire control on the Louis Bull Indian Reserve;

**NOW, THEREFORE**, the Council of the Louis Bull Indian Tribe hereby declares the following to be the Tribe's law governing fire control on the Louis Bull Indian Tribe Reserve:

1. **Short Title**

This by-law may be cited as the "**Louis Bull Indian Tribe Fire Control By-law**".

2. **Interpretation**

In this by-law,

"**By-Law**" means "By-Law" for the purpose of section 81 of the Indian Act, R.S.C. c.I-5;

"**By-Law Enforcement Officer**" means

- (i) a special constable appointed for police duty on the Reserve pursuant to the Alberta Police Act;
- (ii) a person appointed by Council to enforce this By-Law.

"**Council**" means the Chief and Council of the Tribe;

"**Fire Prevention Officer**" means a person appointed by the Council pursuant to Section 5 of this by-law;

"**Reserve**" means the Louis Bull Reserve #138B.

"**Tribe**" means the Louis Bull Indian Tribe No. 439.

3. **Application of By-Law**

This By-Law applies to all lands within the Reserve.

4. **Delegation of Powers**

(a) The Council may in writing delegate to any person, permanently resident on the Reserve, any power, duty or function conferred on the Council by this By-Law.

(b) When, pursuant to subsection (a), the Council delegates to any person any express power, duty or function, any reference in this By-Law to the Council in connection with that power, duty or function shall be construed as also referring to that person.

5. **Fire Prevention Officers**

(a) From time to time, Council shall appoint a sufficient number of Fire Prevention Officers to enforce this By-law.

(b) The Council shall, from time to time, specify the powers and duties of a Fire Prevention Officer.

- (c) The members of the Council are, by virtue of their office, Fire Prevention Officers in and for the Reserve and its membership.

6. **Protection of the Council**

Nothing in this By-Law imposes any obligation on:

- (a) Council to fight fires on any land, or
- (b) Council to pay compensation for any property destroyed or damaged by smoke or a fire or as a result of a fire.

7. **Fire Control Agreements**

Council may enter into a fire control agreement with:

- (a) other First Nations or Tribes or Fire Departments owned or controlled by First Nations or Tribes;
- (a) the Government of Canada;
- (b) the Government of the Province of Alberta,
- (c) any municipal government, and
- (d) any person with respect to prevention and control of fire within the boundaries of the Reserve.

8. **Responsibility of Tribe Membership**

- (a) All persons (herein 'Responsible Person') residing on the Reserve are responsible for fighting and controlling all fires within the boundaries of land for which they have been granted the right of use and occupation and all costs or expenses

incurred by Council or other party(s) to fight or control a fire on said land shall be paid by that person granted said right if it has been determined that that person was responsible for setting, permitting to be set or allowing materials to combust when he knew or ought to have known a fire would result.

- (b) A person shall also be liable to Council and other party(s) for all damages and expenses caused should such person start, permit or cause a fire to spread to lands of another.

9. **Repayment to Member**

Council is not obligated to reimburse a person for money spent by him in controlling or extinguishing a fire on any land but the Council may reimburse any person in whole or in part for the following reasons:

- (a) should the person not be able to recover from the Responsible Person the costs and expenses incurred by him in fighting a fire;
- (b) for any part of the costs and expenses in controlling or extinguishing a fire on unoccupied or undesignated land.

10. **Fighting Fires**

- (a) Council or Fire Prevention Officers may proceed to fight a fire within the Reserve when it appears to Council that satisfactory action to control and extinguish the fire is not being taken by the person granted the right to such land and that the fire might damage crops, chattels, personal property, vegetation, trees, brush, or the soils on other lands.
- (b) When Council or Fire Prevention Officers, or both, incur costs as a result of fighting a fire on land for which a person has been granted the right of use and

occupation pursuant to subsection (a), the said person shall on demand reimburse Council or other parties for the entire cost and expense of fighting the fire.

11. **Control of Fire Hazards**

- (a) If Council or a Fire Prevention Officer find conditions that in its or his sole discretion constitute a fire hazard, it or he may order the person who is the holder of the certificate of possession of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by Council.
- (b) Should the said person fail to comply with the order made by Council in accordance with subsection (a), Council may enter on the land with any equipment and person(s) it considers necessary and may perform the required work (herein 'Work').
- (c) The holder of the certificate of possession of the land on which work was performed pursuant to subsection (b) shall on demand reimburse Council for the cost of Work performed.

12. **Collection of Fire Fighting Costs**

When in any case not provided for by this or any other By-Law, or by agreement under section 7(a) Council incurs costs and expenses as a result of fighting or suppressing a fire on any land within the Reserve, Council is entitled, on demand, to be reimbursed for those costs and expenses by the person who caused the fire.

13. **Conscription for Fire Fighting**

- (a) A Fire Prevention Officer may require any able-bodied adult person not exempted by regulation to assist in fighting a fire.

- (b) A Fire Prevention Officer may command and authorize payment for possession or use of any equipment for the purpose of fighting a fire.
- (c) A Fire Prevention Officer may, in writing, delegate his powers under subsections (1) and (2) to any person.
- (d) Any person on the Reserve who refuses to assist in fighting a fire when requested by a Fire Prevention Officer or Council to so do is guilty of an offence.

14. **Closure of Forest Area**

- (a) Council may, by order, prohibit entry by any person on any land where fire danger warrants a closure.
- (b) An order made pursuant to subsection (a) shall be immediately posted in the Tribal Administration Building or in other locations considered by Council most likely to bring the matter to the attention of persons on the Reserve.
- (c) Subject to the regulations, no person other than a Fire Prevention Officer may enter a closed area without a permit or written permission of Council until they, by order, reopen the closed area.

15. **Fire Season**

- (a) The period from April 1 to October 31 in each year is the fire season (herein 'Fire Season') for the purpose of this By-Law.
- (b) The Council may at any time, by resolution, extend or shorten the Fire Season.
- (c) Notice of any extension or shortening, as the case may be, of the Fire Season pursuant to subsection (b) shall be posted in the Tribal Administration Building and

in any other locations considered necessary by Council to provide adequate notice to persons on the Reserve.

16. **Outdoor Fires**

- (a) No person shall light an outdoor fire during the Fire Season unless that person is the holder of a valid fire permit as defined herein.
- (b) A person who during a Fire Season knows or has reason to believe that there is an outdoor fire not authorized by permit issued shall:
  - (i) extinguish the fire, or
  - (ii) if unable to extinguish the fire, immediately report the fire to the Fire Prevention Officer or Council.
- (c) Any person who fails to comply with subsection (b) is guilty of an offence.
- (d) Subsections (a) and (b) do not apply to an attended outdoor camp fire which has been lit and is maintained only for cooking or warming purposes.

17. **Fire Permits**

- (a) The By-Law Enforcement Officer appointed by Council may issue to an applicant a fire permit (herein 'Fire Permit').
- (b) A Fire Permit is valid only for the period of time for which it is issued.
- (c) The By-Law Enforcement Officer may endorse on a Fire Permit any special fire control conditions to which an applicant must comply.



18. **Cancellation of Fire Permit**

A fire permit may be suspended or cancelled at any time by a Fire Prevention Officer and on receiving written notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his permit.

19. **Fire Control Orders**

(a) For the purpose of fire control the Council may, by order:

(i) suspend or cancel Fire Permits within any part or all of the Reserve, or

(ii) prohibit the lighting or require the extinguishing of a fire set other than under the authority of a Fire Permit.

(b) the order made pursuant to subsection (a)(i) shall be immediately posted for not less than two consecutive days in locations most likely to bring the matter to the attention of the persons on the Reserve.

(c) In an area affected by an order made pursuant to subsection (a), every person shall immediately proceed to extinguish every outdoor fire lit by him or under his authority and every fire located on land occupied by him.

20. **Prohibitions**

(a) A person shall:

(i) not light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;

(ii) not light an outdoor fire when weather conditions are conducive to a fire rapidly escaping or burning out of control;

- (iii) take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than land under his control;
  - (iv) not deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire, or
  - (v) not conduct in a protection area any activity that involves the use of fire or that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent a fire from occurring.
- (b) Any person who fails or refuses to satisfy the provisions of subparagraph (a) is guilty of an offence.

21. **Fire Control Plans**

- (a) Where, in the opinion of a Fire Prevention Officer or the By-Law Enforcement Officer, a risk of fire exists, a person carrying on or having charge of a timber, forest, or other industrial or commercial operation on the Reserve shall submit a fire control plan to Council for their approval.
- (b) Council may, by order, suspend the operations of any person referred to in paragraph 21(a) until a satisfactory fire control plan has been submitted to Council and the plan has received their approval.

22. **Fire Fighting Equipment**

A person carrying on or having charge of a timber, forest, or other industrial or commercial operation, where risk of fire exists, shall have on hand fire fighting equipment capable of controlling and suppressing any fire than may occur directly or indirectly as a result of the operation.

23. **Fire Hazards**

Any person who in any manner, creates a fire hazard shall reduce or eliminate the fire hazard.

24. **Order to Control Fire Hazard**

(a) When a Fire Prevention Officer or the By-Law Enforcement Officer finds on any land conditions that in his opinion constitute a fire hazard endangering life or property, he may order the holder of the certificate of possession for such lands to reduce or remove the hazard within a fixed time and in a manner prescribed by the said Officer.

(b) When a Fire Prevention Officer or the By-Law Enforcement Officer finds that an order he made pursuant to subsection (a) has not been carried out in accordance with his order, he may enter the land with any equipment and persons he considers necessary and may perform the required work.

(c) The holder of the certificate of possession for land on which work was performed pursuant to subsection (b) shall on demand reimburse the Council for the cost of the work performed.

25. **Entry on Lands and Premises**

(a) The By-Law Enforcement Officer or a Fire Prevention Officer may, without a warrant, enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this By-Law or the regulations.

(b) A Fire Prevention Officer may, without a warrant, enter any private dwelling house which is on fire and proceed to fight the fire.

26. **Action for Recovery of Fire Fighting Expenses**

If Council is entitled to be reimbursed for their costs and expenses in fighting or suppressing a fire pursuant to this By-Law, they may recover those costs and expenses by legal action as a debt due to the Tribe.

27. **Prohibitions**

Unless authorized by Council, no person shall use, except in an emergency, damage, destroy or remove any sign, tool, equipment, material or structure left, situated or erected by the Council.

28. **False Statements**

No person shall make false statements in any document required under this By-Law or the regulations.

29. **Offence and Penalty**

A person who contravenes this By-Law or who refuses or neglects to comply with any condition in a Fire Permit or with any order or request directed to him pursuant to this By-Law is guilty of an offence and liable to:

- (a) a fine of not more than One Thousand (\$1,000.00) Dollars or such amount as may be determined by Council from time to time; or,
- (b) to perform community service, as determined by Council; or,
- (c) both a fine, as set out herein, and performance of community service, as set out herein.

30. **Reimbursement for Fire Fighting Costs**

In addition to any fine or community service, or both, imposed under section 29, Council may order a person who contravenes this By-Law to reimburse the Council or any parties who incurred expenses for the costs of fighting a fire for which the such person is or was responsible as a debt to the Tribe.

31. **Prohibited Equipment or Installations**

(a) In disposing of a complaint brought by a Fire Prevention Officer or the Bylaw Enforcement Officer in respect of the use or operation of any machinery, equipment or installation by a person which, in the opinion of the Officer, creates a fire hazard, in addition to other remedies available to it, Council may by order prohibit the use of the machinery, equipment or installation complained of until a Fire Prevention Officer or the By-Law Enforcement Officer has approved its use.

(b) Any person who fails or refuses to comply with an order made by the Council pursuant to subsection (a) commits an offence.

32. **Powers of Chief and Council**

Council may, by resolution:

(a) provide for the issue and use of permits.

(b) prescribe fire prevention and control measures to be observed.

(c) designate any part of the Reserve as a protected area and prescribing control measures applicable to it.

33. **Extended Meanings**

Words importing the singular number include the plural and vice-versa; words importing the masculine gender include the feminine and neuter genders.

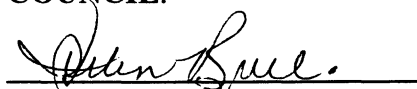
34. **Jurisdiction**

In the event of any conflict between Louis Bull Tribal law, Government of Canada, Provincial or other laws, Louis Bull Tribal law shall prevail.

~~35. **Repeal**~~

~~Upon this by-law coming into force, By-Law Number \_\_\_\_\_ of the Louis Bull Tribe is hereby repealed.~~

**BE IT KNOWN THAT THE DECLARATION OF THIS BY-LAW RESPECTING FIRE CONTROL ON THE LOUIS BULL RESERVE IS HEREBY ENACTED AS BY-LAW NO. 1998-03, BY THE COUNCIL OF THE LOUIS BULL TRIBE AT A DULY CONVENED MEETING OF THE SAID COUNCIL HELD ON THE 8th DAY OF June 1998. THIS BY-LAW IS CONSENTED TO BY THE FOLLOWING MEMBERS OF COUNCIL.**

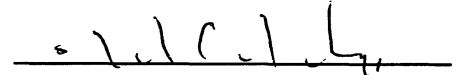
  
HELEN BULL

  
NORMAN DESCHAMPS

  
TERENCE RAIN

\_\_\_\_\_  
ELAINE ROASTING

  
THERESA BULL

  
JOSEPH C. DESCHAMPS

  
HENRY RAIN

  
SIMON THREEFINGERS

Being the majority (or more) of those members of the Council of the Louis Bull Tribe present at the aforesaid meeting of the Louis Bull Tribe. **A QUORUM OF THE LOUIS BULL COUNCIL IS FIVE MEMBERS.**