



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

www.ainc-inac.gc.ca

Your file - Votre référence

Our file - Notre référence

CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation Fire By-law 2001**, which came into effect February 20, 2002, is a true copy of the said by-law.



Kathy Hankin

A/Associate Director, Lands and Trust Services,
a superintendent as defined in
Section 2(1) Indian Act RSC 1985

TSLEIL WAUTUTH NATION

(Burrard Indian Band)

FIRE BY-LAW 2001

A By-law respecting the use of buildings by establishing a system of fire protection on the Reserve.

WHEREAS the Council of the Tsleil Waututh Nation also known as the Burrard Indian Band (the "Band") wishes to establish a By-law relating to the adequate provision of fire protection on the Reserve and in order to mitigate injury or death to people and animals and lessen property damage that may be caused by fire; and

WHEREAS the Council of the Band is empowered to make such a By-law and the imposition of a penalty for the violation thereof pursuant to paragraphs 81(1) (c), (d), (h), (p. 1), (q) and (r) of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED the Council of the Band at a duly convened meeting, enacts as a By-law the following:

Title

1. This By-law may be cited as the "TSLEIL WAUTUTH NATION FIRE BY-LAW 2001".

Definitions

2. In this By-law:

"Approval" means acceptance as satisfactory to the Fire Chief;

"Band" means the Tsleil Waututh Nation (Burrard Indian Band), a band of Indians as defined under the *Indian Act*;

"Band Building By-law" means the Tsleil Waututh Nation Building By-law 2001 as amended from time to time;

"Band Council Resolution" or "Resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the councillors of the Band present at that meeting;

"British Columbia Building Code" means the current edition of the British Columbia Building Code and includes the British Columbia Plumbing Code and all amendments thereto and any regulations promulgated thereunder;

“British Columbia Fire Code Regulation” means the current edition of the British Columbia Fire Code Regulation including all amendments thereto;

“Chief and Council” or “Band Council” or “Council of the Band” means the Chief and Council of the Band elected pursuant to sections 2(1) and 74 of the *Indian Act* or any amendments or successors thereof;

“Dangerous Goods” means for the purpose of this By-law has the meaning set out in the *Transport of Dangerous Goods Act*, R.S.B.C. 1996, c. 459 as amended from time to time and any regulations promulgated thereunder;

“District” means The Corporation of the District of North Vancouver;

“District of North Vancouver Fire Department” means the fire department established by the District Fire Bylaw 5344;

“Explosion” means a rapid release of energy, that may or may not be preceded or followed by a fire, which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise;

“Fire Chief” means the District of North Vancouver Fire Chief or officer or member authorized by the Fire Chief to act on his/her behalf or the Fire Chief appointed by the Council once the Band has established a fire department pursuant to section 3;

“Fire Department” means the fire department made responsible for fire protection on the Reserve pursuant to section 3;

“Fire Inspector” means the Fire Inspector designated by the Band Council or, if not designated by Band Council, the Fire Chief or officer or person authorized by the Fire Chief to act on his/her behalf;

“*Fire Services Act*” means the *Fire Services Act* R.S.B.C. 1996, c. 144 as amended from time to time or any regulations promulgated thereunder;

“*Indian Act*” means the *Indian Act* R.S.C. 1985 c. I-5, as amended or re-enacted from time to time or any regulations promulgated thereunder;

“National Building Code” means the current edition of the National Building Code of Canada including amendments thereto;

“Occupier or Occupant” includes tenant, lessee, agent, licensee, permittee and any other person who has the right of access to and control of any Premises to which this By-law applies;

“Owner” means any person or entity that is in lawful possession of land or improvements on the Reserve or has possession as authorized by the Council;

“Permit” means a document issued pursuant to this By-law authorizing a person to carry on a procedure or undertaking, or to use, store, or transport materials, under certain and specified conditions;

“Premises” means any buildings and appurtenances within the Reserve;

“Reserve” means Burrard Inlet Indian Reserve No. 3, Inlailawatash Indian Reserves No. 4 and 4A and any additions to the reserve lands of the Band;

“Propane Refuelling Station” means a service station as defined in the District of North Vancouver Zoning Bylaw, 1965, and a fixed location where transfer of propane liquid from one container to another is effected;

“Transit Container” means a vessel used for the transportation of Dangerous Goods with a capacity greater than one tonne (1000 kilograms) and includes a railway tank car and a highway tanker.

Establishment Of Fire Department

3. A fire department for the Band known as the Tsleil Waututh Fire Department may be established by the Band Council. Until such time the Band Council establishes the Tsleil Waututh Fire Department, the Band Council designates the Fire Chief of the Fire Department of the District of North Vancouver to administer this By-law on the Reserve.

The Fire Chief

4. The Fire Chief is responsible to the Band Council for the efficient administration and management of the Fire By-law within the Reserve.

Permits

When Permits Required

5. In addition to any licence which may be required by law, a Permit issued by the Fire Chief is required to:
- (a) store, handle or use flammable or combustible liquids:
 - (i) in excess of 5 litres in a dwelling or other human habitation,
 - (ii) in excess of 25 litres in any other Premises, or
 - (iii) in excess of 25 litres outside any Premises;
 - (b) process, blend or refine flammable or combustible liquids;
 - (c) store flammable or combustible liquids in stationary or underground tanks;
 - (d) establish:
 - (i) a refinery,
 - (ii) a plant for storing or handling crude petroleum,
 - (iii) Premises handling Dangerous Goods, or
 - (iv) a distillery;
 - (e) dispose of any explosive, flammable liquid, flammable substance, Dangerous Goods or any liquid of a petrol-chemical nature;
 - (f) light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air, except as set out in section 19 of this By-law.

Application For Permits

6. Application for a Permit shall be made in the form prescribed by the Fire Chief and include the following:
- (a) the signature of the applicant;

- (b) a statement of the intended use of the occupancy or operations to be conducted on the Premises;
- (c) two copies of the specifications, site plan and scale drawings of the Premises with respect to the use and occupancy showing:
 - (i) siting and access roads,
 - (ii) the dimensions of the Premises and its location,
 - (iii) the proposed use of each room or floor area,
 - (iv) fire protection installations including portable extinguishers, fire alarms and smoke detectors, as required by this By-law, and
 - (v) means of ingress and egress.

Issuing A Permit

7. Where an application has been made, the Fire Chief shall issue a Permit if:
- (a) receptacles, vehicles, Premises or storage places to be used have been inspected and have received Approval;
 - (b) the proposed operation or occupancy conforms with this By-law and any other applicable By-laws;
 - (c) the Permit fee, if required, is paid; and
 - (d) written approval by the Band Council has been given for the proposed location with respect to topography, proximity to places of assembly, residential or mercantile occupancies and adequacy of water supply for fire control.

Conditions Of Issuing A Permit

8. The Permit issued by the Fire Chief:
- (a) is not transferable and any change in use or occupancy of a Premises requires a new Permit;
 - (b) is revocable where there is a violation of:
 - (i) any condition under which the Permit was issued, or

- (ii) any requirements of this By-law, and
- (c) shall be posted in the Premises in a conspicuous place to the satisfaction of the Fire Chief.

Fire Protection For Premises

Buildings

9. Fire protection equipment is required for the protection of any Premises or occupancy and shall meet the standards recommended by the National Fire Protection Association, the National Building Code and any other code or By-law adopted by the Band Council, and shall be installed in accordance with good engineering practice, and be located to the satisfaction of the Fire Chief.

Access And Water Supply

10. All occupancies shall have the following as a minimum standard for Fire Department access and fire hydrant spacing:

- (a) access requirements for structures – access routes shall be constructed in accordance with District engineering standards, arranged to provide a minimum of 1 metre working area on each side of fire fighting vehicles located in the centre of the roadway, and in compliance with the requirements of the National Building Code of Canada as follows:

where a required access route is provided by means of a private roadway or yard, the design and location of the portion of the roadway or yard required for Fire Department use shall:

- (i) have a clear width of at least 6 metres, unless it can be shown that lesser widths are satisfactory;
- (ii) have a centre-line radius of not less than 12 metres;
- (iii) have an overhead clearance of at least 5 metres;
- (iv) have a change of gradient of not more than 1 in 12.5 over a minimum distance of 15 metres;

- (v) be designed to support the expected loads imposed by fire fighting and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions;
 - (vi) have turnaround facilities for any dead-end portion of the access route exceeding 90 metres, and;
 - (vii) be connected with a public thoroughfare;
- (b) water supply, fire hydrant and/or standpipe spacing:
- general distribution density of fire hydrants or standpipes shall be in accordance with the required fire flows for the building or structure to be protected, but in no case shall the distance between hydrants or standpipes be less than 150 metres to serve single-family dwellings and 75 metres to serve all other applications.
- (c) Notwithstanding section 10(b) the general distribution density of fire hydrants and standpipes as installed prior to January 1, 2001 are deemed to be in compliance with this by-law only until such time the system is upgraded. All upgrades must comply with the requirements set out in section 10(b).

Requirements Respecting Fire Hazards

Removal of Fire Hazards

11. Whenever there exists in any Premises any flammable, combustible or explosive material or substance, or any dangerous or unnecessary accumulation of waste material or litter or vegetation of a nature especially liable to fire, and those materials so situated, in the opinion of the Fire Chief, as to endanger life or property or to obstruct ingress or egress from the Premises in case of fire, or which may be liable to interfere with the operations of the Fire Department, or where any other condition exists which is considered by the Fire Chief to be a fire hazard, the Occupant or Owner of the Premises shall forthwith (on the order of the Fire Chief) have the flammable, combustible or explosive material or substance, or the accumulation of waste materials or litter removed, disposed of or otherwise dealt with in accordance with the order of the Fire Chief.

Disposal Of Material

12. No person may dispose of any explosive, flammable liquid, flammable substance, Dangerous Goods or any liquid of a petro-chemical nature on the Reserve.

Explosion Or Potential Explosion

13. It is the duty of the Occupier, or if none the Owner of a property, Premises, motor vehicle, vessel or railway rolling stock, to report immediately to the Fire Chief when an Explosion, discharge, emission, escape or spill of Dangerous Goods occurs, and to similarly report to the Fire Chief where the potential for an Explosion or a discharge, emission, escape or spill of Dangerous Goods exists by reason of abnormal or unusual circumstances.

Reimbursement

14. In addition to the penalties which may be imposed in section 44 of this By-law, any person who breaches section 12 and thereby imposes upon the Band or the District, any financial expense to remedy the breach shall, on demand by the Band or the District as the case may be, reimburse the Band or the District for the said expenditure.

Forests

15. Where, in the opinion of the Fire Chief, the safety of life and property in any area within his jurisdiction is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire burning in any forest or woodland, the Fire Chief may, by an order in writing signed by him, declare that area a closed area for such period or periods of time as the Fire Chief may determine and that no unauthorized person may enter the area.

Vacant Premises

16. The Owner of any vacant Premises shall at all times ensure that the Premises are free from debris and flammable substances and shall keep all openings in such Premises securely closed and fastened so as to prevent the entry of unauthorized persons.

Fire Damaged Premises

17. The owner of any fire damaged Premises shall ensure that the Premises are guarded, or that all openings in the Premises are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

Fire Doors And Shutters

18. Where doors or shutters are installed in Premises to prevent the spread of fire those doors or shutters inclusive of hardware shall at all times be kept and maintained in good repair and working order, and shall not be blocked or wedged open.

Open Air Fire

19. No person may light, ignite or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air, except that:
- (a) where a competent person will be at all times present and in charge of the fire while burning or smouldering and that person is provided with sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous; AND where tar, asphalt shingles, battery boxes, plastic materials which may produce heavy black smoke, are not used in the fire, then:
 - (i) an Aboriginal person may burn in the open air with written consent of Band Council;
 - (ii) any person may burn in the open air small confined fires used for cooking food on grills and barbecues;
 - (iii) the District of North Vancouver Fire Department may burn in the open air for fire training purposes with the written consent of Band Council; and
 - (iv) a permit may be obtained from the Fire Chief for theatrical special effects.
20. Except as permitted in section 19, a portable incinerator or other portable device or appliance for burning garbage, rubbish or other waste material may not be erected or used.

Regulation Of Dangerous Goods

21. The following regulations apply to Dangerous Goods:

(a) Storage –

- (i) except for a Propane Refuelling Station, liquified petroleum gas (propane), compressed natural gas (propane), compressed natural gas and liquefied natural gas, shall not be stored anywhere on the Reserve in any quantity greater than the maximum provided for as follows:

Area	Maximum Quantity
(A) residential	(1,000 U.S. gallon/3,785 litre water capacity)

- | | | |
|-----|---|---|
| (B) | commercial, parks
recreation, open-space | (3,000 U.S. gallon/11,355 litre water
capacity) |
| (C) | heavy industrial | (12,000 U.S. gallon/45,400 litre
water capacity) |
- (ii) except for chlorine usage by the Greater Vancouver Water District for water and waste purification, not more than an aggregate capacity of 300 lbs. (136 kg.) of chlorine may be located on any site;
- (iii) Dangerous Goods stored on the user's property in Transit Containers may not exceed in total volume the amount normally handled by the user of the Dangerous Goods in a 48-hour period, or in any greater amounts or for longer time periods unless authorized by permit from the Fire Chief.
- (b) Manufacturing – The manufacture of Dangerous Goods is prohibited anywhere on the Reserve;
- (c) Transportation – The transportation of Dangerous Goods is regulated and prohibited to the same effect as if the District of North Vancouver Street and Traffic Bylaw as amended applied to the Reserve.
- (d) Safe Handling of Dangerous Goods
- (i) Where the Fire Chief is satisfied on reasonable and probable grounds that a discharge, emission, or escape of Dangerous Goods has occurred and that immediate action is necessary in order to carry out any reasonable emergency measures, he/she may request that any such measures be taken by any person he/she considers qualified to do so, or take them himself/herself;
- (ii) The Band or District Fire Department (as the case may be), may recover the costs and expenses of and incidental to the taking of any measures pursuant to section 21(d)(i) jointly and severally from any person who at the time had the charge, management, or control of the Dangerous Goods.
- (e) Service Station Safety –
- (i) A person operating a gasoline service station shall employ only those persons as attendants who:
- (A) have successfully completed with an 80% average grade a training program in fire safety and prevention designated for service

stations and provided at a registered trade school or by a petroleum industry;

- (B) have received from the trade school or the petroleum industry program a certificate of competency and a wallet card evidencing successful completion of the training program with at least an 80% average grade; and
 - (C) are completely familiar with the emergency procedures and with the operation of all emergency equipment and devices at the service station.
- (ii) A person operating a gasoline service station shall produce the certificate of competency of any attendant working at the service station, and the attendant shall produce the wallet card issued by the trade school or the petroleum industry when so requested by a Fire Inspector, failure to do so in either case being a violation of this By-law.
- (iii) For the purpose of this section, an attendant is a person who serves in any capacity in the dispensing of fuels at the service station, including a cashier.

Safety To Life

Exits and Means of Egress

22. The Owner or Occupier of Premises shall make provision for and maintain all exits and means of egress, and ensure that they meet the requirements of the Band Building By-law, *Fire Service Act* and Regulations pursuant thereto, and the Province of British Columbia Fire Code Regulation.

Self-Closing Fire Doors

23. No person may hinder or obstruct the self-closing operation of doors in fire separations or doors separating stair enclosures from the remainder of the Premises.

Obstructing Aisles

24. No person may stand, loiter or sit in the aisles, passages or stairways of any church, theatre, hall, skating rink or other place of amusement or public resort.

Exit Signs

25. Exit signs shall be maintained in a clean and legible condition and shall be clearly illuminated from behind, where such illumination is required by the British Columbia Building Code.

Scene Of Fire

Assistance of Public

26. The Fire Chief may require any person at or near any fire to assist in fighting the fire, and in preserving property threatened by any such fire.

No Obstruction At Fire

27. No person may impede, hinder or obstruct the extinguishment of any fire and any person who fails to comply with the order or direction of any member of the Band or the District Fire Department as the case may be, 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 forcibly removed from the scene of such fire by a police officer.

Entry Upon Premises

28. No person may refuse to permit anyone under the direction of the Fire Chief to enter into or upon any Premises from which an alarm of fire has been received or in or upon which such person authorized by the Fire Chief has reasonable grounds to suspect that a fire exists.

Inspection Of Premises

Review Of Plans

29. The Fire Chief shall review the plans, and inspect the construction of all new Premises and structures other than single-family dwellings, on the Reserve, in order to establish that the fire protection facilities and equipment are in compliance with all applicable regulations, codes, and standards.

Entry For Inspection

30. No person may obstruct, hinder or prevent any Fire Department member from entering into or upon any Premises for the purpose of inspecting the same in the ordinary course of his/her duties.

Right To Inspect

31. Fire Department members may at all reasonable hours enter into and upon any Premises for the purpose of inspecting the same to ascertain whether or not:
- (a) in case the Premises are in a state of disrepair, fire starting therein might spread so rapidly as to endanger life or other Premises or property;
 - (b) the Premises are so used or occupied that fire would endanger life or property;
 - (c) combustible or explosive material is so kept or such other flammable conditions exist in or about the Premises as to endanger life or property;
 - (d) any fire hazard exists in or about the Premises;
 - (e) the requirements of this By-law are being carried out.

Assistance In Inspection

32. The Occupier of a Premises or Owner or any other person having knowledge of the Premises or property shall, upon request, give to a Fire Inspector who is carrying out an inspection of the Premises or property such assistance as he/she may require in carrying out the inspection.

Enforcement

Issuing Of Order

33. If a Fire Inspector 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 Premises or property to which this By-law applies and which, in his/her opinion, constitute a fire hazard or otherwise constitute a hazard to life or property or both, he/she may make such order as required to ensure full and proper

compliance with this By-law and in particular, but without limiting the generality of the foregoing, he/she may:

- (a) make to the Owner or Occupier of the Premises or property such recommendations as he/she 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/she deems necessary with respect to any of the matters referred to in this By-law.

Standards Of Work

34. The Fire Chief may make recommendations to Band Council that work should be done in conformity with higher standards than specified in this By-law if, at his/her discretion, he/she deems that such higher standards are reasonably necessary in the interest of safety, and may use the fire codes of the National Fire Protection Association as terms of reference in this regard.

Rejection Of Work

35. The Fire Chief may after the examination of any work issue a written rejection which shall have the same force and effect as an order issued under section 33.

Forms Of Order

36. An order made under this By-law shall be in writing and may be directed to the Occupier of the Premises or Owner in respect of which the order is made or to both.

Serving The Order

37. 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 registered mail to the last known Occupant or Owner of the property, or
 - (c) by posting a copy of it in a conspicuous place on the Premises or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order.

Removal Of Order

38. Where an order has been posted in accordance with section 37 no person may remove, deface or destroy the order.

Appeal Of Order To Fire Chief

39. Any person against whom an order has been made under this By-law may, before the expiration of ten days after the order was made, appeal to the Fire Chief who shall review and shall amend, revoke or confirm the order appealed against or substitute another order which the Fire Inspector could have made for the order appealed against.

Gender And Plurality

40. In this By-law, any words in the singular include the plural and words in the plural include the singular, and the masculine includes the feminine and neuter where the context requires. References to "his", "him", "hers", or "her" may include a body corporate.

Headings

41. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

Severability

42. If any provision of this By-law is found invalid, such provision is severable.

By-law Administration

43. Only persons authorized by Band Council Resolution may act as agent of the Band for the purpose of administration of this By-law.

Offence And Penalties

44. (a) Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law and is liable on summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both; and
- (b) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

This By-law known as the Tsleil Waututh Nation Fire By-law 2001 is hereby enacted at a duly convened meeting of the Council of the Band this 19th day of DECEMBER, 2001.

Voting in favour of the By-law are the following members of the Band Council:

Gerald D. Thomas
(Member of Band Council)

Travis George
(Member of Band Council)

Chief [Signature]
(Member of Band Council)

Justin George
(Member of Band Council)

being the majority of those members of the Council of the Tsleil Waututh Nation present at the aforesaid meeting of the Band Council.

The quorum of the Council is three (3) members.

Number of members of the Band Council present at the meeting: 4

I, LEAN GEORGE, Chief/Councillor of the Tsleil Waututh 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 offices at 600 – 1138 Melville Street, Vancouver, British Columbia, V6E 4S3 in accordance to section 82 (1) of the *Indian Act*, this 19th day of DECEMBER, 2001.