



## OKANAGAN INDIAN BAND BY-LAW NO. 2022-01

**Being a By-law to establish conditions relating to fire protection services, fire services agreements, fire prevention, fire-fighting and other related matters.**

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### **WHEREAS**

- A.** the Syilx/Okanagan Indian Band have an existing and inherent right of self determination and self-government, which includes inherent jurisdiction over their lands, people and resources;
- B.** the Syilx/Okanagan Indian Band's inherent right of self-government is enshrined and recognized under section 35 of the Constitution Act of 1982;
- C.** the Council of the Okanagan Indian Band is the duly elected governing body of the Syilx/Okanagan Indian Band and has the power to make laws for the peace, safety and good governance of the community in accordance with Inkumupulux law; and
- D.** Pursuant to s.81(1) of the *Indian Act*:

*the Council of an Indian Band may make By-laws respecting (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 a violation of a by-law made under this section"*

**AND WHEREAS** the Council of the Okanagan Indian Band considers it to be in the best interests of OKIB to enact a By-law to address fire service agreements, fire prevention, fire-fighting and other related matters;

**NOW THEREFORE**, the Council of the Okanagan Indian Band enacts as follows:

- 1 This By-law may be cited as the "*Fire Protection Services By-law 2022-01*".

### **DEFINITIONS**

- 2 (1) In this By-law all words and phrases not otherwise defined shall be construed as having their ordinary meaning except those words and phrases defined in accordance with the *Fire Services Act* and the *Fire Code*.

(2) In this By-law, unless the context requires otherwise:

**“Annual Service Fee”** means the fee payable to the OKIB for providing Fire Protection Services;

**“Campfire”** means an open-air fire used for cooking, recreational and/or ceremonial purposes;

**“Certificate of Possession”** means a Certificate of Possession issued pursuant to s.20 of the *Indian Act*;

**“Compostable Materials”** means waste products from plants, trees, and/or other Vegetation that are naturally biodegradable, including grass clippings, leaves, tree needles, garden waste and weeds;

**“Construction/Demolition Waste”** means any material resulting from, or produced by, the complete or partial construction/demolition of a structure, including, pipe, concrete, asphalt, roofing material, masonry, wire, treated wood, particle board, paint, drywall, tar and asphalt products;

**“Council”** means the elected Chief and Councillors of the OKIB;

**“Domestic Waste”** means household material and food waste, but does not include any Prohibited Materials;

**“Equipment”** means any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency;

**“Executive Director”** means the person employed serve as OKIB’s Executive Director;

**“Fees”** means the schedule of fees prescribed in the OKIB’s *Fire Protection Services Fee By-law 2022-02*;

**“Filling Station”** means a commercial establishment that sells gasoline and oil for motor vehicles;

**“Fire Chief”** means the person appointed by the OKIB to serve as the Chief Officer of the Fire Department and includes the Fire Chief’s lawful deputy or any person duly appointed by Council to act in the Fire Chief’s absence or as her designate;

**“Fire Code”** means the *British Columbia Fire Code 2012* and regulations made under it and includes any and all amendments and successor codes;

**“Fire Commissioner”** means the fire commissioner appointed under the *Fire Services Act*;

**“Fire Department”** means the OKIB’s Volunteer Fire Department;

**“Fire Hall”** means the fire hall of the Fire Department located at km 13 of the West Side Road, Vernon, B.C., and includes any fire hall built in replacement thereof or any additional fire hall or fire halls owned or used by the Fire Department;

**“Fire Hazard”** means a material, substance or action that increases the likelihood of an accidental fire occurring or may impede escape if a fire occurs;

**“Fire Protection Aid Agreement”** means an agreement with a municipality, regional district, or the province that provides funding to the OKIB for purposes of providing Fire Protection Services;

**“Fire Protection Services”** means all aspects of protection provided by the Fire Department including fire safety activities, fire prevention, firefighting or structural fire suppression, pre-fire planning, fire investigation, Medical First Responder Services, public education and information, training or other staff development and advising;

**“Fire Services Act”** means the *Fire Services Act*, RSBC 1996, c. 144, as amended or re-enacted from time to time;

**“Fire Protection Services Agreement”** means an agreement between the OKIB and a Locatee for the provision of Fire Protection Services by the Fire Department to Non-OKIB members;

**“Fire Services Area”** means OKIB Indian Reservation #1 and Harris Indian Reservation #3;

**“Fire Commissioner”**; means the fire commissioner appointed under s. 2 of the *Fire Services Act*, RSBC 1996, c.144;

**“Fireworks”** has the same meaning as defined in the *Fireworks Act*;

**“Fireworks Act”** means the *Fireworks Act*, RSBC 1996, c. 146, as amended or re-enacted from time to time;

**“Improvement”** means a building or structure used for a residential, commercial, or industrial purpose and includes any associated land and outbuildings;

**“Incident”** means an event or situation to which the Fire Department has responded or would normally respond, whether alone, or in conjunction with other emergency services, and includes any post event clean-up, over-haul and investigations;

**“Incident Commander”** means the Fire Chief, Officer or the Volunteer having been appointed by the Fire Chief or Officer to be the Incident Commander at an Incident;

**“Local Assistant to the Fire Commissioner”** means the Fire Chief or a designate authorized in writing by the Fire Commissioner to exercise the powers of a local assistant under the *Fire Services Act*;

**“Locatee”** means the OKIB Member to whom a Certificate of Possession has been issued;

**“Medical First Responder Services”** means activities needed to save lives and includes patient assessment, CPR, hemorrhage control, and care for a variety of acute and chronic conditions;

**“Mutual Aid Agreement”** means an agreement between the OKIB and a municipality or Regional District, for the mutual supply of fire-fighting services and includes an agreement with the BC Ministry of Forests in relation to wildfires within the Fire Services Area;

**“OKIB Member”** means a Status Indian who is a registered member of the OKIB;

**“Officer”** means the person employed by the OIKB as the Operations Manager of the Fire Department;

**“Open Burning Fire”** means any outdoor fire that does not burn within a container equipped with a chimney or stack but does not include Campfires;

**“Order”** means an Order in writing issued by the Fire Chief or a Local Assistant to the Fire Commissioner in relation to the enforcement of any provision of this By-law, which specifies the particulars of the matter at issue which require correction, the land, building, outbuilding, or structure affected and the date by which compliance is to be achieved;

**“Permit”** means a permit required under this By-law;

**“person”** includes a corporation;

**“Personnel”** means the Officer and Volunteers;

**“Private Hydrant”** means a hydrant installed by the Locatee as part of a system of fire protection for that Locatee’s Certificate of Possession land;

**“Prohibited Materials”** includes: Compostable Materials, Domestic Waste, animal carcasses, manure, newspaper, cardboard, Construction/Demolition Waste, rubber, plastics, herbicides and pesticides, painted, stained or pressure treated wood, railway ties, fuel and lubricant and any other material which may produce dense black Smoke;

**“Smoke”** means the gases, particulate matter, and all other products of combustion emitted into the atmosphere when a substance or material is burned including, without limitation, sparks, ash, soot, cinders, or fumes;

**“Tenant”** means a person occupying, possession or using Certificate of Possession lands, but does not include a Locatee;

**“Vegetation”** includes trees, shrubs and similar plants;

**“Vehicle”** means a vehicle, not run on rails, that is designed to be self-propelled, but does not include mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device;

**“Ventilation Index”** means the ventilation index administered and published by Environment Canada or other equivalent agency of the government of Canada which constitutes a measure of the atmosphere’s ability to disperse pollution;

**“Volunteer”** means a person who the Fire Chief has appointed as a member of the Fire Department;

- (3) In this By-law, the following rules of interpretation apply:
- a. words in the singular include the plural, and words in the plural include the singular;
  - b. words importing female persons include male persons and corporations and words importing male persons include female persons and corporations;
  - c. if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;
  - d. the expression “shall” is to be construed as imperative, and the expression “may” is to be construed as permissive;
  - e. unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”; and
  - f. a reference to an enactment includes any amendment or replacement of it and every regulation made under it.
- (4) This By-law shall be considered as always speaking and where a matter of thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to this By-law according to its true spirit, intent and meaning.
- (5) Words in this By-law referring to an Officer or Fire Chief, also apply to any Person designated by the Council to act in the Officer’s place or Fire Chief’s place or to any Person assigned or delegated to act in the Officer’s place or Fire Chief’s place under this By-law.

### **PART 1 – Adoption of Codes**

- 3** The *Fire Code* is a provincial law of general application that is in effect within the Fire Service Area, and the Fire Department is hereby authorized to enforce the provisions of same in connection with the Fire Protection Services it provides under this By-law.

### **PART 2 – Authorities and Jurisdiction**

#### **General**

- 4** (1) The Fire Chief is hereby authorized to enforce the provisions of this By-law and to exercise the powers provided for in this By-law within the Fire Service Area, including:
- a. making Orders which require a Locatee or Tenant to undertake any actions for the purpose of removing or reducing any condition or thing that the Fire Chief considers is a Fire Hazard or increases the danger of fire;
  - b. ascertain whether the requirements of this By-law are being complied with; and
  - c. review and decide whether to issue a Permit.
- (2) Subject to subsection (3), the Fire Department is not authorized to provide Fire Protection Services to the Improvements of non-OKIB Members located on Certificate of Possession lands unless the Locatee of those lands has entered into a Fire Protection Services Agreement.

- (3) The Fire Department is authorized to provide Fire Protection Services to the Improvements of non-OKIB Members located on Certificate of Possession lands for a period not to exceed six (6) months following the date that this By-law comes into force.
- (4) The Fire Chief, subject to the direction of the Fire Commissioner, will develop appropriate operational guidelines directing the Officer and Fire Department members in relation to the enforcement of this By-law, and the exercise of any powers or authorities in connection therewith.
- (5) The Fire Department has jurisdiction to operate within the Fire Service Area and no Equipment or Personnel shall be used beyond the jurisdiction without an express written Fire Protection Aid Agreement or a Mutual Aid Agreement,

**EXCEPT THAT** where the Fire Chief considers that an emergency exists, which poses an imminent risk to OKIB property or property protected under an express written Mutual Aid Agreement, the Fire Chief may authorize Personnel and Equipment to respond. The Fire Chief shall advise the Executive Director or Council at the first opportunity of making such authorization.

#### **Emergencies**

- (6) In relation to an Incident, Personnel are authorized to:
  - a. enter into Improvements with or without Equipment to gain access to or to protect any person or property;
  - b. take measures to prevent and suppress fires, including the demolition of Improvements to prevent the spreading of fires, acquiring the services of privately owned, specialized equipment which the Fire Chief or Officer considers necessary to combat, control or otherwise deal with an Incident with reasonable compensation for such use to be determined by the OKIB, payable to the owner of said specialized equipment;
  - c. establish boundaries of an area and keep persons from entering such area, unless the Fire Chief or Officer has authorized persons to enter;
  - d. require a Locatee or Tenant to undertake any actions directed by the Fire Chief or Officer for the purpose of removing or reducing anything or condition that the Fire Chief or Officer considers a Fire Hazard or increases the danger of fire.
- (7) If an emergency arising from a Fire Hazard or from a risk of explosion causes the Fire Chief or the Officer to be apprehensive of imminent or serious danger to life or property, or of a panic, the Fire Chief or the Officer may immediately take the steps he thinks advisable to remove the Fire Hazard or risk of explosion.
- (8) The Fire Chief may obtain the assistance of another fire department, or fire departments from a municipality or Regional District having signed a Mutual Aid Agreement with OKIB.

#### **Non-emergencies**

- (2) In situations not related to an Incident, the Fire Chief or Officer may, in accordance with the provisions of the *Fire Services Act* and regulations made thereunder, as appropriate in the circumstances:
  - a. enter and inspect Improvements for conditions that may cause a fire, increase the danger of a fire or increase the danger to person or property from a fire; and
  - b. require a Locatee or Tenant to undertake any actions for the purpose of removing or reducing any condition considered a Fire Hazard or increases the danger of fire.
- (3) The Local Assistant to the Fire Commissioner, shall have the following duties and powers:
  - a. performing administrative or technical work related to fire inspections and fire prevention activities;
  - b. the authority to Order the removal from any Improvement any paper, rubbish or other combustible material which in her opinion is dangerous and may support a fire; and
  - c. the authority and obligation to provide for the administration and enforcement of the *Fire Services Act*, the *Fire Code* and this By-law.

### **PART 3 – Fire Protection Services Agreements**

- 5 (1) Subject to subsections (2) OKIB may enter into a Fire Protection Services Agreement with a Locatee for purposes of enabling the Fire Department to provide Fire Protection Services to the Locatee and every Tenant on that Locatee's Certificate of Possession lands.
- (2) OKIB shall not enter into a Fire Services Protection Agreement unless the Fire Protection Services Agreement includes every Tenant who has Improvements on that Locatee's Certificate of Possession lands.
- (3) Every Locatee, or the Locatee's agent shall, at the time of signing the Fire Services Agreement and thereafter on the anniversary of signing, collect and provide to the OKIB:
  - a. the name and civic address of every Tenant; and
  - b. the Annual Service Fee payments collected from each Tenant.
- (4) No OKIB Member shall be required to pay the Annual Service Fee payments described in subsection (3)(b).
- (5) The OKIB shall not enter into a Fire Protection Services Agreement if the Fire Chief determines that Personnel and Equipment cannot reasonably enter and exit the Locatee's Certificate of Possession lands.
- (6) Despite having a Fire Protection Services Agreement in place, the Fire Department shall not provide Fire Protection Services, until the Locatee fully complies with the requirements set out in subsection (3).

## **PART 4 – Commercial/Industrial Inspections and Permits**

- 6 (1) Part 4 only applies to Improvements or things that are used for commercial or industrial purposes.
- (2) Fire Chief shall establish and the Fire Department shall operate a regular system of inspections in compliance with the *Fire Services Act*, with such frequency as the Fire Chief may determine.
- (3) Where the Fire Department is required to undertake a re-inspection as a result of a deficiency arising from an initial or any subsequent inspection, a charge may be levied for such re-inspection or further inspection, in accordance with the *Fire Protection Service Fees and Charges By-law 2022-02*.
- (4) Where a person, business or other undertaking is required by the *Fire Code* to develop and maintain a fire safety plan, a copy of such fire safety plan shall be submitted to the Fire Chief for review in accordance with the *Fire Code*. The Fire Chief may prescribe the form in which any fire safety plan is to be submitted, including that the fire safety plan be submitted in a specified electronic format.
- (5) Notwithstanding any review of a fire safety plan by the Fire Chief, the Locatee or Tenant as the case may be, in respect of which the fire safety plan is submitted remains solely responsible therefor and neither the Fire Department, or OKIB shall be liable for any defect in the fire safety plan or for any loss, damage, costs or injuries arising in connection therewith.
- (6) The Locatee or Tenant as the case may be, shall:
  - a. review the fire safety plan not less than annually and update it as required; and
  - b. submit a new fire safety to the Fire Chief at any time that there has been any change to an Improvement, or any change to the use thereof, that makes the existing fire safety plan inaccurate or obsolete.
- (7) The Fire Department may conduct such pre-fire planning, including the development of pre-Incident plans, as the Fire Chief may deem necessary or advisable or as required by the Fire Commissioner. In connection with such pre-fire planning, the Fire Chief may require any person submitting a fire safety plan for review, to submit such additional information or data that the Fire Chief has determined is necessary.
- (8) The Fire Chief may charge for the cost of reviewing a fire safety plan in accordance with the provisions of the *Fire Protection Service Fees and Charges By-law 2022-02*
- (9) Locatees and Tenants within the Fire Service Area must maintain the land and buildings in a safe and prudent manner in order to prevent fires and in accordance with the following:



- a. upon receiving a notice in writing from the Fire Chief or Officer, the person shall ensure that the building described in the notice be brought into compliance with the *Fire Code* in respect of interior stairways, exterior stairways, fire escapes, hallways, exit doors, fire doors and windows, enclosure of stairways, sprinkler systems, standpipes, fire alarms, emergency lighting, fire safety plans and any other requirements which, in the opinion of the Fire Chief, would be necessary for the safety of persons in the building; and
- b. where any person refuses or neglects to obey or comply with any notice described in (a), the Fire Chief may, by an Order in writing direct that such matter or thing be done by the OKIB at the expense of the person to which the Order applies and the OKIB may recover the expenses thereof.

### **Permits**

- 7 (1) A Permit shall be obtained from the Fire Chief before erecting, storing or installing any of the following:
  - a. commercial or industrial oil burning equipment and storage tanks connected to same;
  - b. a commercial tank for the storage of flammable or combustible liquid at a refining or wholesale storage plant or at a gasoline station, including marine, and pumps connected to same;
  - c. a tank or tanks for storage of gasoline or other flammable or combustible liquids located together with associated pumping devices;
  - d. a fire alarm, exit sign or emergency lighting; or
  - e. a sprinkler system.
- (2) An application for a Permit may be made in the form prescribed by the Fire Chief and shall include the following:
  - a. a statement of the intended use of the occupancy or operations to be conducted in the Improvement, and
  - b. two copies of the specifications and scale drawings of the building with respect to the use and occupancy showing:
    - i. the dimensions of the building and its location;
    - ii. the proposed use of each room or floor area;
    - iii. fire protection and fire prevention installations including portable extinguishers, fire alarms and Smoke detectors, as required by the *Fire Services Act*;
    - iv. means of egress; and
    - v. the signature of the applicant.

- (3) The fees, as determined from time to time in the OKIB's *Fire Protection Service Fees and Charges By-law 2022-02*, shall be paid by all applicants for any Permit required by this By-law and for the inspection of any work or thing for which a Permit is required.
- (4) The Fire Chief may issue a Permit if,
  - a. an application, completed in full, has been received;
  - b. the Fire Chief is of the opinion that the proposed operation or occupancy complies with the provisions of the *Fire Services Act*, regulations thereunder, this By-law; and
  - c. the Permit fee has been paid.
- (5) The Fire Chief may refuse to issue a Permit or revoke a Permit where, in the Fire Chief's opinion:
  - a. there is a violation of any condition under which the Permit was issued;
  - b. there is a violation of any requirement of the *Fire Services Act* or regulations thereunder, this By-law;
  - c. any fire permitted through the issuance of the Permit would be likely to be hazardous or create a nuisance; or
  - d. any conditions or circumstances relevant to the issuance of the Permit, or the activities pursuant thereto, have changed such that the Fire Chief is of the opinion that the activities authorized under the Permit should not be undertaken.
- (6) Permits shall be posted at the Improvement in a conspicuous place to the satisfaction of the Fire Chief.
- (7) Where a person or a person's agent has commenced work or allowed work to commence on an installation or other work requiring a Permit before a Permit is issued, the amount of the fee required to be paid is double the amount shown in the *Fire Protection Service Fee and Charges By-law 2022-02*.
- (8) The issuance of any Permit under this By-law shall not be construed in any way to make or hold the OKIB or the Fire Department liable or responsible for any damages arising out of any action carried out by any person whether or not such action was carried out in accordance with the terms of the Permit.
- (9) A Permit issued under this By-law shall not:
  - a. take the place of any other licence or permit required by another enactment; or
  - b. be transferable.

## **PART 5 - Fire Regulations**

## **Open Burning Fires**

- 8(1) Open Burning Fires of untreated wood, Vegetation, branches, tree trunks, and tree stumps by farmers, orchardists and household residents shall be allowed without a Permit from November 1 of each year to April 30 of the following year unless a fire ban has been issued by a provincial fire agency.
- (2) No person shall light, ignite, start, allow, or cause to be lit, ignited or started any Open Burning Fire unless the following requirements have been met:
  - a. ensure that the Ventilation Index is in the “good” range (55-100);
  - b. ensure that a competent person, being no less than 18 years of age is present and supervises the fire at all times while it is burning or smoldering and until such time as the fire is completely extinguished must have a water source ready for use to prevent the fire from spreading;
  - c. provide sufficient appliances and equipment in order to prevent the Open Burning from getting beyond control;
  - d. ensure that the site of the Open Burning is not less than 5 metres from property lines, standing timber, brush or structures.
- (2) No person shall kindle, light, ignite, start, allow, cause to be lighted or maintain an Open Burning Fire on:
  - a. Certificate of Possession land of another without the permission of the Locatee thereof; or
  - b. on any lane, street, road, highway, boulevard, easement, right-of-way, or any other property administered by the OKIB.
- (3) New material must not be added to an Open Burning Fire, if any one or more of the following applies:
  - a. the Ventilation Index is not rated as “good” by Environment Canada in relation to the Fire Service Area;
  - b. weather conditions on the site where the Open Burning is to take place are not suitable to provide rapid dispersion of the Smoke emissions to the atmosphere so as to not negatively impact on a nearby population;
  - c. an inversion forms, trapping Smoke near the surface which negatively impacts a nearby population; or
  - d. wind conditions are such that sparks, ash, or cinders may cause the Fire to spread beyond the controlled area of the Open Burning.
- (4) This section does not apply to:
  - a. Campfires;
  - b. small confined fires used for cooking food in grills and barbecues; or

- c. Open Burning Fires used by the Fire Department for fire training exercises.
- (5) Any person who neglects or refuses to comply with the requirements of subsections of this section shall be guilty of an offence.

## **Campfires**

**8(1)** This section does not apply to small, confined fires used for cooking food in grills and barbecues.

(2) Campfires in the Fire Service Area shall be allowed without a Permit except when fire bans instituted by a provincial fire agency are in place provided that:

- a. any person who lights, ignites, starts, allows or causes to be lighted, ignited or started a campfire ensures that the fire only burns dry untreated wood and is:
  - (i) no larger than 0.5 meters in height and 0.5 meters in width;
  - (ii) contained in a non-combustible base with edging; and
  - (iii) used for cooking, recreational or ceremonial purposes; and
- b. In addition to the requirements in (a) the person shall
  - i. ensure that a competent person, being no less than 18 years of age is present and supervises the campfire at all times while it is burning or smoldering and until such time as the campfire is completely extinguished;
  - ii. provide sufficient appliances and equipment in order to prevent the campfire from getting beyond control;
  - iii. ensure that the site of the campfire is located away from property lines, standing timber, brush or structures; and,
  - iv. if the campfire is located on Certificate of Possession land, ensure they have permission of the Locatee.
- c. New material must not be added to a campfire, if any one or more of the following applies:
  - i. weather conditions on the site where the campfire is to take place are not suitable to provide rapid dispersion of the Smoke emissions to the atmosphere so as to not negatively impact on a nearby population;
  - ii. wind conditions are such that sparks, ash, or cinders may cause the fire to spread beyond the controlled area of the campfire.

- (3) Any person who neglects or refuses to comply with the requirements of this section shall be guilty of an offence.

### **Fire Works**

**9(1)** The discharge of Fireworks shall be allowed without a Permit within the Fire Protection Area subject to the following:

- a. fireworks shall not be discharged by any person when a provincial fire ban has been issued;
  - b. at least one day prior to the proposed fireworks discharge, every person who intends to discharge fireworks shall contact the Fire Department, provide details regarding the proposed fireworks show, and to ask what fire prevention measures that the Fire Department directs that the person should put in place; and
  - c. a person discharging fireworks shall ensure that the fire prevention measures suggested by the Fire Department are put in place before the fireworks show commences.
- (2) Any person who neglects or refuses to comply with the requirements of subsection (1) shall be guilty of an offence.

### **Fire Hydrants**

**10 (1)** Except when an OKIB fire hydrant is opened or operated by the Fire Chief, Officer, Volunteer, OKIB personnel, subcontractor or an agent of the OKIB or relevant water improvement district, it is a violation of this By-law to open or operate any OKIB fire hydrant.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) The maintenance, and if applicable, installation of Private Hydrants shall be done in accordance with a Fire Protection Services Agreement.

### **General Regulations**

**11 (1)** No person shall:

- a. park any Vehicle within 3 meters of a fire exit;
- b. obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, body of water or other source of water supply designated for firefighting purposes; or

- c. throw down or drop any lighted match, cigar, or cigarette or other burning substance in or near any combustible material.
- (2) All chimneys and heating appliances must be maintained in safe condition and in accordance with the following:
  - a. all chimneys, smokestacks or similar devices for conveying Smoke or gasses to the outer air and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed in accordance with the *Fire Service Act* and any specific requirements of this By-law; and
  - b. it is the responsibility of Locatees and Tenants to keep and maintain any chimney, stovepipe, or flue in safe operating condition.
- (3) The Tenant or a Vehicle owner, as the case may be, shall immediately report to the Fire Department when an explosion, discharge, emission, escape or spill of a hazardous substance occurs, and shall immediately report to where the potential for an explosion or a discharge, emission, escape or spill of a hazardous substance exists.
- (4) The dispensing, fueling, filling, refueling, or refilling of propane or liquefied natural gas bottles, cylinders or containers of any type shall only be carried out at inspected and approved facilities at Filling Stations, and industrial locations where a person qualified to dispense propane or liquefies gas is in attendance.
- (5) The following subsections shall apply in respect of flammable or combustible liquids:
  - a. the storage, dispensing, fueling, filling, refueling, or refilling of containers of any type larger than 22.5 liters (5 gallons) with gasoline, diesel, naphtha, or any other flammable or combustible liquid shall not be carried out in residential areas or on properties of less than 0.4047 ha (1 acre);
  - b. no person shall dispense flammable or combustible liquids into a storage tank requiring a Permit under the *Fire Services Act* unless storage and installation has been approved by the Fire Chief; and
  - c. all plants, stores, equipment, buildings, structures and installations for the storage, handling or use of flammable or combustible liquids, which are in existence at the time this By-law came into force, may be continued in use provided that they do not, in the opinion of the Fire Chief, constitute a hazard to life, or to adjoining property. Any additions to or installations on or upon any plants, stores, equipment, buildings, structures or installations after the passing of this By-law shall conform to the provisions of this By-law.
- (6) Any person who neglects or refuses to comply with the requirements of subsections (1), (2), (3), (4) or (5) of this section shall be guilty of an offence.

### **Additional Fire Protection Measures**

**12** (1) The following sections shall apply with respect to emergency access for firefighting and fire suppression purposes:

- a. all emergency access routes shall be maintained throughout the year;
- b. fences, hedges, trees, Vegetation, structures, Vehicles or obstacles of any kind shall not be allowed to impinge upon any portion of any emergency access; and
- c. approved removable bollards or approved bicycle baffles may be installed to prevent common use of emergency accesses; and
- d. the level of maintenance described in (a) and the design and installation of the bollards and baffles described in (c) shall be to a standard that is acceptable to the Fire Chief.

(2) Filling Stations shall be subject to the following requirements:

- a. In addition to the dispensing procedures outlined in the *Fire Code*, Filling Stations shall make use of manually operated pumps only or other dispensing devices which discharge flammable liquids under pressure or by gravity flow so adjusted that when the operator's hand is removed the flow of liquid will be immediately cut off; and
- b. no Vehicle shall be refueled while the motor of such Vehicle is running and a notice indicating such shall be conspicuously posted as to be readily visible at each pump.

## **PART 6 – Penalties**

**13** No person shall:

- a. impede, or in any way hinder, the Fire Chief or any Personnel while exercising their duties under this By-law;
- b. obstruct or otherwise interfere with access roads or other approaches to an Incident or with Private Hydrants or OKIB Hydrants, reservoirs or bodies of water required for fire suppression purposes;
- c. damage, destroy, obstruct, impede or hinder the operation of any Equipment, or unless authorized by Personnel, travel across a fire hose;
- d. refuse to allow any Personnel to enter into or upon premises in relation to which an alarm or other request for assistance has been received, or in or upon which any Personnel has reasonable grounds to believe that an Incident has occurred or may occur;
- e. interfere with any Personnel or refuse to allow any Personnel to enter into or upon an Improvement or a fire scene to determine the cause and origin of a fire or the cause of activation of a fire alarm system;
- f. except as authorized by the Fire Chief or Officer, enter any Improvement, Vehicle, or area involved in or threatened by an Incident; or
- g. refuse to move from such Improvement, Vehicle or area when directed to by a peace officer, Fire Chief or Personnel.

- 14 Any person who violates any provision of section 13 may, in addition to any other penalty, be removed from the scene of an Incident by a peace officer or any Personnel.
- 15 Any person who damages Equipment in contravention of 13(c), in addition to any other penalty, shall be liable for the cost of repairing or replacing the Equipment.
- 16 No person shall falsely represent himself as a Fire Chief, Officer, Volunteer or wear or display any Fire Department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 17 Every person who:
  - a. violates any provision of this By-law;
  - b. suffers or permits any act or thing to be done in contravention or in violation of any provision of this By-law, or
  - c. does any act or thing which violates any of the provision of this By-law,commits an offence and shall be liable on summary conviction to a penalty of not more than \$1000.00 for each violation and for offences of a continuing nature that occur over more than one day, each day shall be deemed to be a separate offence.
- 18 **Nothing in this Law limits the OKIB from utilizing any other remedy that would otherwise be available under *Indian Act* in subsections 81(2) and (3).**

## **PART 7 – Council**

### **Amendment process**

- 18 Council may, at a duly convened meeting:
  - a. upon receiving a recommendation from the Executive Director, amend sections of this By-law; and
  - b. upon receiving a recommendation from the Fire Chief, establish higher standards than are set out in Part 5 “Fire Regulations”.

## **PART 8 – Miscellaneous**

### **Severance**

- 19 (1) Each section of this By-law shall be severable. If any provision of this By-law is held to be illegal or invalid by a court of competent jurisdiction, all or part of the impugned provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this By-law.
- (2) The *Fire Code* shall not be construed to hold the OKIB responsible for any damage to persons or property by reason of:
  - a. inspections authorized by the *Fire Code*;
  - b. any failure to carry out an inspection under this By-law;
  - c. any Permit issued as herein provided; or



d. any approval or disapproval under this By-law.

**THIS BY-LAW IS HEREBY** enacted at a duly convened meeting of the Council of the Okanagan Indian Band this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
Chief Byron Louis

\_\_\_\_\_  
Councillor Rochelle Saddleman

\_\_\_\_\_  
Councillor Rachel Marchand

\_\_\_\_\_  
Councillor Timothy Isaac

\_\_\_\_\_  
Councillor Viola Brown

\_\_\_\_\_  
Councillor Allan Louis

\_\_\_\_\_  
Councillor Joseph Jack

\_\_\_\_\_  
Councillor Sheldon Louis

\_\_\_\_\_  
Councillor Ryan Oliverius

\_\_\_\_\_  
Councillor Dan Wilson

\_\_\_\_\_  
Councillor Dave Marchand

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

The quorum of the Council is five (5) members.