



A bylaw to provide the prevention of fire and the protection of person and property on Tk'emlúps te Secwépemc

Bylaw Number 2017-04
Approved by Chief and Council the 31st day of May, 2017

Tk'emlúps te Secwépemc
Bylaw No. 2017- 04
A bylaw providing for the prevention of fire and
the protection of persons and property

WHEREAS section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc desires to establish a bylaw to provide for the prevention of fire and the protection of persons and property;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc is empowered to make such bylaw, and any matter ancillary thereto pursuant to paragraphs 81(1)(a), (q) and (r) of the *Indian Act*;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc did enact bylaw No. 1987-1 on the 14th day of December, 1987, and wishes to repeal the said bylaw No. 1987-1 and replace it with this bylaw;

NOW THEREFORE the Council of the Tk'emlúps te Secwépemc hereby makes the following bylaw:

1. SHORT TITLE

This Bylaw may be cited as the "Tk'emlúps te Secwépemc Fire Prevention Bylaw"

2. DEFINITIONS

"Approval" means acceptance as satisfactory to the Tk'emlúps te Secwépemc Fire Prevention Officer.

"Band" means the Tk'emlúps te Secwépemc, or any successor to such band pursuant to a Federal statute or otherwise.

"Band Land" means reserve lands of the Tk'emlúps te Secwépemc that are not held under Certificate of Possession.

"Band member" means a person who is a member of the Band and is registered on the Band List as defined in the *Indian Act* or who is entitled to have his or her name appear on the Band List.

"British Columbia Fire Code" means the *British Columbia Fire Code*, B.C Reg.

263/2012 as amended from time to time.

“Building” means any and all structures whatsoever used or intended for supporting or sheltering any use or occupancy.

“Bulk plants” means that portion of a property where flammable or combustible liquids are received in bulk quantities and are stored or handled for the purpose of distributing such liquid by pipeline, tank vessel, tank vehicle, or other container.

“Council” means the Chief and Councillors of the Band duly elected or holding office and sworn into office in good standing under the relevant provisions of the Band’s Custom Elections Regulation

“Dangerous goods” means any product, substance or organism which is of a highly combustible, flammable or explosive nature, as set out in the *Transportation of Dangerous Goods Act*, as amended from time to time, and includes any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety or health.

“Discharge” includes the discharge, firing, setting off, and other use of fireworks.

“Dwelling unit” means one or more rooms forming a single unit that is/are used for or intended to be used for residential accommodations and contains cooking, sleeping, and sanitary facilities.

“Enactment” includes statutes, bylaws, codes, regulations, ordinances, proclamations, and any portion thereof.

“Family Pack” means a pre-packaged, sealed assortment of consumer fireworks, classed under the Federal *Explosives Act*, as Class 7.2.1 or low hazard fireworks of which Roman candles shall not comprise more than thirty (30%) percent of the total number of fireworks in the package.

“False fire alarm” means the activation of a fire alarm system resulting in the direct or indirect notification of Kamloops Fire Rescue and its attendance at the address of the fire alarm system where no actual danger or possible danger to safety, health and welfare of people, property or the environment exists.

“Fire alarm system” means an audible alarm device designated to sound an alert upon detection of a fire.

“Fire Prevention Officer” means any Police, Royal Canadian Mounted Police, Bylaw Officer, City of Kamloops Fire Rescue Officer or any other person appointed from time to time by the Tk’emlúps te Secwépemc Council to carry out the duties and responsibilities under this bylaw.

"Fire Watch" means a fire warning and inspection process within a building that includes the following:

- (a) Posting of written notices at all entrances and exits on each floor stating that a Fire Watch is in effect and its expected duration;
- (b) An hourly physical inspection of all public areas and building service rooms equipped with a fire alarm detection device;
- (c) Notation in an entry book at least every hour of the conditions in the building by the person(s) performing the Fire Watch;
- (d) Some provision on site for the person(s) performing the Fire Watch for the making of 911 emergency call(s); and
- (e) Posting of instructions in the building as to the alerting of all occupants of the building of alternate actions to be taken in case of an emergency.

"Fire Safety Plan" means a documented plan outlining fire safety measures, procedures and equipment as required in accordance with the *British Columbia Fire Code* and the *British Columbia Building Code*.

"Fire Safety Plan Box" means a Kamloops Fire Rescue approved cabinet for the storage of a Fire Safety Plan and other building related documents as per the requirements of Kamloops Fire Rescue.

"Firecracker" means a small firework or explosive device which has no or minimal pyrotechnic effect and which is primarily designed to produce an auditory blast, screech, whistle or other loud noise, and includes, but is not limited to, noise makers, bottle rockets, Screechers, Screecharoos, Humaroos, Supersonic Bang, Butterfly Thunder, air bombs, and items similarly named or in the same noise-producing category.

"Fireworks" means any substance that is made, manufactured or used to produce an explosion or detonation or a pyrotechnic device, and includes fireworks, composition and manufactured fireworks as defined in the *Explosives Act*, R.S.C, c. E-15 and all regulations thereunder, as amended from time to time, and also includes any substance defined as fireworks under the *Fireworks Act*, R.S.B.C 1996, c. 146 and all regulation thereunder, as amended from time to time.

"Incident" means any fire, explosion, situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property.

"Kamloops Fire Rescue" means the Kamloops Fire Rescue division of the City of Kamloops.

"Lock Box" means a Kamloops Fire Rescue approved box for the storage of keys or devices, for emergency access only to the principal entrance of a building or any other door or hatch required for firefighting purposes, or to firefighting safety/control features or service rooms within a building.

"Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

"Officer in Command" means the senior Kamloops Fire Rescue member present that has taken command.

"Open Air Fire" means a fire in a space where combustion air that could interface with the fire is:

- a) Unconfined or uncontrolled;
- b) Outside or outdoors; or
- c) Not within a structure.

"Private fire hydrant" means any fire hydrant that is not a public fire hydrant.

"Public fire hydrant" means any fire hydrant owned by the Tk'emlúps te Secwépemc.

"Reserve" means lands which have been set aside by Her Majesty for the use and benefit of the Tk'emlúps te Secwépemc and/or lands in relation to which the Band has the jurisdiction to pass bylaws.

"Roman candle" means a ground level family firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than three (3) metres and which has a tube size of 2.54 cm or less.

"Service Room" means any room in a building used to contain equipment associated with the building services.

"Smoke alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the dwelling unit, suite, or room in which it is located upon the detection of smoke within that area.

"Suite" means a single room or series of rooms of complimentary use operated under a single tenancy and includes individual guest rooms in motels, hotels,

boarding houses, rooming houses, and dormitories.

3. INTERPRETATION

- (1) If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- (2) Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in section 2 of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in section 2.
- (3) The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
- (4) Metric units and/or imperial measurements are used for all measurements in this bylaw.

4. FIRE PREVENTION OFFICER

- (1) The Band may appoint, from time to time a Fire Prevention Officer, deputies and assistants as it sees fit, for the purpose of enforcing and carrying out the duties and responsibilities as set out within the various Codes and Acts as detailed herein, and as herein adopted as part and parcel of this bylaw.
- (2) The Fire Prevention Officer shall take all proper measures for the prevention of fire and shall enforce all codes and bylaws respecting fire prevention, life safety and investigations.
- (3) Kamloops Fire Rescue is authorized to:
 - (a) Take all reasonable measures for the prevention, control and extinguishment of fire, and for the protection of life and property, and to enforce all enactments pertaining to fire prevention, life safety, and all investigations related thereto;

- (b) Provide assistance in response to:
 - i) Medical emergencies;
 - ii) Land and water rescues;
 - iii) Dangerous goods and hazardous materials incidents;
and
 - iv) Transportation accidents.

- (4) Neither the Band nor any officer or employee of the Band is liable for any damages or loss, including economic loss sustained by any person, or to the property of any person, resulting from:
 - (a) Any inspection carried out under this bylaw;
 - (b) Any failure to carry out an inspection under this bylaw;
 - (c) Any permit or notice issued under this bylaw; or
 - (d) The approval or disapproval of any equipment under this bylaw.

5. FIRE PROTECTION AND SAFETY

Evacuation

- (1) If any emergency arising from a fire, fire hazard, toxic chemical spill, or from a risk of explosion causes the Fire Prevention Officer to be apprehensive of imminent and serious danger to life or property, or of a panic, he may immediately take the steps he thinks advisable to remove the hazard or risk, and without limiting the foregoing, he may evacuate a building or area and may call upon the police to assist him and provide security to the evacuated building or area.

Fire damaged buildings

- (2) The owner of any fire damaged building shall ensure that the premises are guarded, or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

Hydrant and Water Supply Systems

- (3) All private fire hydrant and water supply systems shall be maintained in accordance with this bylaw.
- (4) Failure to maintain any private fire hydrant and/or water supply system in accordance with this bylaw will be deemed to be an infraction, and the owner of the fire hydrant and/or water supply system may be subject to the fees provided in this bylaw.
- (5) All public and private fire hydrants shall be maintained and inspected in accordance with the requirements of the *British Columbia Fire Code* and the *City of Kamloops Fire Hydrant Inspecting and Testing Standard*, as amended from time to time.
- (6) For firefighting purposes, all water supply systems on private property shall conform to the City's specifications and shall be installed to be capable of providing fire flows as determined by the most current version of "Water Supply for Public Fire Protection" published by the Public Fire Protection Survey Services and the Insurance Bureau of Canada, or as otherwise approved by the Fire Prevention Officer.
- (7) Owners of land containing private fire hydrants shall, at their own cost:
 - (a) Annually, between March 15 and May 15:
 - i) conduct a flow test on and inspect each such private fire hydrant in accordance with the *City of Kamloops Fire Hydrant Inspecting and Testing Standard*, as amended from time to time; and
 - ii) provide such test results to the Fire Prevention Officer.
 - (b) Maintain, repair, and replace each private fire hydrant in full compliance with the *City of Kamloops Fire Hydrant Inspecting and Testing Standard*, as amended from time to time;
 - (c) Keep each private fire hydrant free of snow, ice, and other materials, and ensure that each such private fire hydrant is protected against mechanical damage;
 - (d) Ensure that the Band has unencumbered access to each such private fire hydrant; and

- (e) Immediately report to the Fire Prevention Officer:
 - i) any deficiencies which affect a private fire hydrant's ability to perform in accordance with the *British Columbia Fire Code* or the *City of Kamloops Fire Hydrant Inspecting and Testing Standard*, as amended from time to time; and
 - ii) the failure of a private fire hydrant to conform in any way to the *British Columbia Fire Code* or the *City of Kamloops Fire Hydrant Inspecting and Testing Standard*, as amended from time to time.
- (f) Shall bag or cover any hydrant that is out of service for any reason, in such a way that:
 - i) completely covers the hydrant and all ports;
 - ii) the bag will not be affected by weather of any kind; and
 - iii) the bag can be secured to not allow unauthorized access.
- (8) If the owner of land containing a private fire hydrant fails to test, maintain, or repair any private fire hydrant or provide test results to the Fire Prevention Officer in accordance with this bylaw, then:
 - (a) Such owner commits an offence and for each day that the offence continues;
 - (b) The Fire Prevention Officer may have the work performed by the Band or any other third party, at the expense of the owner by way of a fee imposed by the Band; and
- (9) All fire hydrants are for the use of the Kamloops Fire Rescue only. No person shall operate a fire hydrant other than Kamloops Fire Rescue except for the purpose of inspection, testing, or servicing by qualified individuals, or as otherwise approved by the Fire Prevention Officer.
- (10) All fire hydrants shall be painted in accordance with the Band's specifications.

- (11) Bulk plants shall have fire hydrants and a water supply with pressure and quantity adequate to meet the probable fire demands, as determined by the Fire Prevention Officer.
- (12) The minimum clearance in all directions (360 degrees) around a public or private fire hydrant is 1.5 m (5 ft.) from any obstructions, including, but not limited to, fences, shrubs, trees, large rocks, or signs.
- (13) The minimum clearance around a fire hydrant, as referred to in Section 5(13), is to be measured from the base of a hydrant.
- (14) The finished ground or landscaping within the minimum clearance around a fire hydrant, as referred to in Section 5(13), is to be flat, stable surface material that can be maintained in all weather conditions and any landscaping rock shall be no greater than five (5) cm (2 in.) in diameter.
- (15) A clear path, at least one (1) m (3.28 ft.) in width, of flat, stable surface material that can be maintained in all weather conditions shall be provided from the front face of public or private hydrant to the road or walkway serving the fire hydrant.
- (16) The owner of a private hydrant must maintain ground cover and clearance around the hydrant so as to provide a clear view of the hydrant from the street when being approached from either direction.
- (17) No person shall remove or relocate a fire hydrant unless authorized to do so by the Fire Prevention Officer and in accordance with any direction, conditions, measures, or requirements of the Fire Prevention Officer.

Smoke Alarm Installation and Maintenance

- (18) The owner of every residential dwelling used for occupancy shall ensure that smoke alarms are installed and maintained in every dwelling unit or suite and in each sleeping room not within a dwelling unit except for institutional occupancies which are required to have a fire alarm system.
- (19) Occupants of a residential dwelling or dwelling unit shall test the smoke alarms in compliance with the manufacturers' recommendation within each dwelling unit, suite, or sleeping room to ensure that the smoke alarms are functioning correctly. If a smoke alarm is not functioning correctly, an occupant, if he is not

the owner, shall inform the owner immediately of becoming aware of the failure and the owner shall forthwith, or as soon as is reasonably practicable, repair, or replace the smoke alarm

- (20) Smoke alarms required under this by-law shall conform to CAN/ULC - S31 Standard for SMOKE ALARMS and shall be installed and maintained in conformance with CAN/ULC - S553 Standard for THE INSTALLATION OF SMOKE ALARMS.
- (21) Smoke alarms required for motels, hotels, apartments, rooming houses, boarding houses, and dormitories shall be installed in accordance with the *British Columbia Building Code*.

Fire Alarm Systems

- (22) The owner or occupier of every building containing a fire alarm system shall ensure that each such fire alarm system is installed, maintained, and tested in conformance with the *British Columbia Fire Code* and this bylaw.
- (23) Failure to maintain a fire alarm system in accordance with this bylaw will be deemed to be an infraction, and the owner or occupier of the building containing a fire alarm system may be subject to the fees provided in this bylaw.
- (24) The owner of any building containing an automatic fire sprinkling system or a fire alarm system shall be assessed a fee as set out in Schedule "B" attached hereto, per occurrence, if more than two false fire alarms occur at the building during a calendar year.

Fire Watch

- (25) The owner or occupier of any building in which any of the fire alarm system, automatic sprinkler system, or emergency power system, or any portion thereof, is not operating, shall institute and maintain a Fire Watch in that building until all required systems are in operation.

Contact Persons for Fire Alarm Systems

- (26) The owner or occupier of a building or structure at which a fire alarm system is installed shall, on the same day on which the fire alarm system becomes operational, submit to Kamloops Fire Rescue a list of emergency contact persons in accordance with the Fire Prevention Officer's requirements.

- (27) The owner or occupier of a building or structure at which a fire alarm system is installed shall inform Kamloops Fire Rescue of any changes to the emergency contact persons list in writing immediately when changes to this information occur.
- (28) The owner or occupier of a building or structure at which a fire alarm system has been installed shall ensure that the emergency contact persons are:
- (a) Available to receive telephone calls from Kamloops Fire Rescue or the monitoring service in the event that the alarm system at the owner's or occupier's building or structure is activated;
 - (b) Able to attend at the address of the owner's or occupier's property within forty (40) minutes of being requested to do so by Kamloops Fire Rescue or the monitoring service;
 - (c) Capable of gaining full access to the owner's or occupier's building or structure where the fire alarm system has been activated;
 - (d) Capable of operating the fire alarm system; and
 - (e) Capable of securing and taking control of the owner's or occupier's building or structure where the fire alarm system has been activated.
- (29) When a fire alarm system in a building or structure has been activated and the owner or occupier of that building or structure or the owner's or occupier's contact person(s) cannot be reached or fail to attend the building or structure within forty (40) minutes:
- (a) Kamloops Fire Rescue Services may use whatever means necessary to gain access to the premises to investigate the cause of the fire alarm without payment to the owner or occupier of any compensation whatsoever for damage caused to the premises by such forced entry; and
 - (b) The owner or occupier of the building or structure at which the fire alarm system has been activated shall pay a fee to the Band as set out in Schedule "B" attached hereto, for a minimum of one (1) hour, and for all the time during which Kamloops Fire Rescue apparatus and member(s) were required to remain on standby at the premises, until such

time as the owner or occupier or a contact person arrives to take over and secure the premises.

General Fire Protection and Safety

- (30) Where required by the *British Columbia Fire Code*, the owner and/or the occupier of any land or building situate within the Reserve shall at all times keep the same in a safe condition by:
- (a) Maintaining emergency lighting, exit lighting, and exit signs in conformance with the *British Columbia Fire Code*;
 - (b) Selecting, inspecting, testing, and maintaining portable extinguishers in conformance with the *British Columbia Fire Code*;
 - (c) Providing and maintaining means of egress in conformance with the *British Columbia Fire Code*;
 - (d) Maintaining exit doors in good repair and ensuring they are free to open in conformance with the *British Columbia Fire Code*;
 - (e) Maintaining private roadways, yards, and fire lanes provided for Kamloops Fire Rescue access in conformance with the *British Columbia Fire Code*;
 - (f) Providing, maintaining, and keeping clear private roadways, access roads, and fire lanes leading to commercial, industrial, and residential properties and fire hydrants, in conformance with Kamloops Fire Rescue criteria for Fire Department vehicle access;
 - (g) Ensuring that where access to property is controlled by the use of a gate, the design and installation both conform with Kamloops Fire Rescue criteria;
 - (h) Maintaining standpipe and hose systems and automatic sprinkler systems in conformance with the *British Columbia Fire Code*;
 - (i) Installing and maintaining commercial cooking equipment exhausts and fire protection systems in conformance with the *British Columbia Fire Code*;

- (j) Not causing or permitting the number of persons permitted to enter a room to exceed the maximum occupant load contrary to the *British Columbia Fire Code*;
 - (k) Not causing or permitting combustible materials to accumulate in quantities or locations contrary to the *British Columbia Fire Code*;
 - (l) Storing, handling, using, and processing all flammable and combustible liquids in conformance with the *British Columbia Fire Code*; and
 - (m) Maintaining fire separations in conformance with the *British Columbia Fire Code*.
- (31) Every owner or occupier who contravenes Section 5(30) of this bylaw commits an offence and:
- (a) Shall be liable to a fee as set out in Schedule "A" attached hereto for each day that the offence continues;
 - (b) In addition to the issuance of a fee, the Fire Prevention Officer may have all work necessary to bring the land or building into compliance with this bylaw performed by the Band or any other third party, at the expense of the owner by way of a fee imposed by the Band.

Incidents Involving Controlled Substances

- (32) Every owner or occupier of lands or buildings situated within the Reserve at which there is a fire related to the illegal use and/or cultivation of a controlled substance shall be liable to pay all costs and expenses incurred by Kamloops Fire Rescue in controlling and extinguishing such fire by way of fee imposed by the Band.

Hazardous Materials Incidents

- (33) Where Kamloops Fire Rescue equipment has been damaged or contaminated while attending an incident at or in vehicles, lands, or buildings that resulted from the presence of a hazardous substance on or in the said vehicles, lands, or buildings, the owner or occupier of the vehicles, lands, or buildings shall, by way of fee imposed by the Band, pay for the repair, replacement, and/or decontamination costs, including taxes, for such equipment. Such a fee will only be imposed where the Fire Prevention Officer concludes that the incident resulted from an act, failure to act, or condition in

contravention of an enactment.

Accumulation of Combustible Materials

- (34) Neither the owner nor occupier of any land or building shall permit the accumulation of combustible growth or material of any kind which, in the opinion of the Fire Prevention Officer, is liable to catch fire or increase the danger to persons or property from a fire or wildfire. The owner or occupier of the land or building shall dispose of said growth or material and take such precautions to prevent fire or damage to life or property, as ordered by the Fire Prevention Officer.
- (35) If the owner or occupier of the land or building fails to take such precautions to prevent the accumulation of combustible growth or material of any kind as ordered by the Fire Prevention Officer, then the Fire Prevention Officer may have the work performed by the Band or any other third party at the expense of the owner by way of fee imposed by the Band.

Fire Safety Plan

- (36) Fire Safety Plans, Lock Boxes, and Fire Safety Plan Boxes shall be maintained in accordance with this bylaw.
- (37) Failure to maintain Fire Safety Plans, Lock Boxes, or Fire Safety Plan Boxes in accordance with this bylaw will be deemed to be an infraction, and the owner of the building may be subject to fees provided in this bylaw.
- (38) The owner or occupier of any building required by the *British Columbia Fire Code* to have a Fire Safety Plan must:
 - (a) Prepare the Fire Safety Plan in a form and format acceptable to the Fire Prevention Officer and in conformance with all applicable sections of the *British Columbia Fire Code*;
 - (b) Submit the Fire Safety Plan to the Fire Prevention Officer for review within ninety (90) days of such order by the Fire Prevention Officer; and
 - (c) Place the Fire Safety Plan on the property in a Fire Safety Plan Box or otherwise in a location and manner acceptable to the Fire Prevention Officer, such that the Fire Safety Plan is made available to Kamloops Fire Rescue at all times.

Fire Safety Plan Box

- (39) Every owner or occupier of a building or dwelling designed for occupancy, who is required under the *British Columbia Fire Code* to prepare and implement a Fire Safety Plan, shall install and maintain a Fire Safety Plan Box at the building or dwelling.
- (40) Every Fire Safety Plan Box required under this bylaw must be:
 - (a) Approved by the Fire Prevention Officer;
 - (b) Mounted within 4 m (13 ft.) of the principal entrance of the premises at a height between 1.5 m (5 ft.) and 1.8 m (6 ft.) above the finished floor;
 - (c) Securely mounted to an interior wall of the premises; and
 - (d) Sufficient in size to hold the Fire Safety Plan for the premises and any other keys or devices that are required by Kamloops Fire Rescue.

Lock Box

- (41) A Lock Box must be installed and maintained by an owner or occupier of any building equipped with:
 - (a) A fire alarm system;
 - (b) An automatic sprinkler system;
 - (c) Firefighting standpipe and water supply connections in a locked room or area such as on a roof;
 - (d) A key operated elevator control feature that will permit exclusive use of elevators to firefighting personnel only; or
 - (e) Locked access doors to a roof provided for firefighting purposes.
- (42) Where a Lock Box is required, it must:
 - (a) Be installed on the exterior wall of the building in proximity to the principal entrance, as per Kamloops Fire Rescue requirements, or a location approved by the Fire Prevention Officer; and

- (b) Contain a key or set of keys or devices required to be used in an emergency to open doors or hatches to the principal entrance, firefighting safety/control features, or service rooms for firefighting purposes.

Fire Department Access to Fire Safety Plan Box and Lock Box

- (43) Kamloops Fire Rescue shall at all times be permitted to have access to all Fire Safety Plan Boxes and Lock Boxes required by this bylaw, including the contents of the Fire Safety Plan Boxes or Lock Boxes.
- (44) No owner or occupier of any premises shall refuse to allow, or shall prevent or interfere with, the installation and maintenance of a Fire Safety Plan Box or Lock Box as required by this bylaw.

6. OPEN AIR FIRES

- (1) Subject to Section 6(3) of this bylaw, no person shall ignite or start an open air fire or allow or cause an open air fire to be ignited or started without having obtained an open air fire permit issued in accordance with this bylaw.
- (2) Where, in the opinion of the Fire Prevention Officer, an open air fire would be safe, the Fire Prevention Officer may issue an open air fire permit with any conditions or requirements he deems necessary for the protection of life and property.
- (3) An open air fire permit is not required for:**
 - (a) Fires ignited and maintained by members of Kamloops Fire Rescue for fire training exercises;
 - (b) Open cooking fires in non-combustible containers.
 - (c) Ceremonial Fires.
- (4) All applicable dates for the validity of an open air fire permit will be determined by the Fire Prevention Officer.

Open Air Fire Permit for Yard Waste

- (5) The Fire Prevention Officer may issue an open air fire permit for burning yard waste on terms and conditions, including, but not limited to, the following:

- (a) A fee as set out in Schedule "B" attached hereto shall be charged by the Band for an open air fire permit for burning yard waste;
- (b) Only burning of grass, weeds, garden waste, tree clippings, dead leaves, and dead grass resulting from the cleaning of gardens and yards, in small fires, shall be permitted;
- (c) The property where the open air fire for burning yard waste is to occur must:
 - i) be a residential or farm property only (no residential strata or condominium complexes, on which open air fires are not permitted under any circumstances); and
 - ii) have an area of no less than 0.4 ha (1 ac.);
- (d) Open air fires for burning yard waste may only occur during daylight hours, at times and dates as designated by the Fire Prevention Officer;
- (e) Every person to whom an open air fire permit for burning permit for yard waste has been issued shall, at all times, place and keep a competent person in charge of the fire(s) while the fire(s) are burning or smouldering and until such fires are completely extinguished, and shall provide that person with sufficient appliances and equipment in order to prevent the fire(s) from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;
- (f) Open air fires for burning yard waste may only occur on days when the smoke ventilation index, as reported by the Meteorological Service of Canada, is at a value of 55 or greater;
- (g) Open air fires for burning yard waste shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance; and
- (h) The Fire Prevention Officer may refuse to issue or may cancel an open air fire permit for burning yard waste and/or order a fire extinguished whenever, in the opinion of the Fire Prevention Officer having regard to all the circumstances, burning may be hazardous to life or property or may create a nuisance.

Open Air Fire Permit for Land Clearing

- (6) The Fire Prevention Officer may issue an open air fire permit for burning waste created by land clearing on terms and conditions, including, but not limited to, the following:
- (a) A fee as set out in Schedule "B" attached hereto shall be charged by the Band for an open air fire permit for burning waste created by land clearing;
 - (b) Wastes to be burned must originate from the property on which the burning is to be carried out and following referral to and approval from the Ministry of Environment, where applicable;
 - (c) Such burning may only occur between dates defined by the Fire Prevention Officer, and only when specifically deemed by the Fire Prevention Officer to be safe to do so;
 - (d) Every person to whom an open air fire permit for burning waste created by land clearing has been issued shall, at all times, place and keep a competent person in charge of the fire(s) while the fire(s) are burning or smouldering and until such fire(s) are completely extinguished, and shall provide that person with sufficient appliances and equipment in order to prevent the fire(s) from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;
 - (e) Open air fires for burning waste created by land clearing may only occur on days when the smoke ventilation index, as reported by the Meteorological Service of Canada, is at a value of 55 or greater;
 - (f) Open air fires for burning waste created by land clearing shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance;
 - (g) Ignition of materials for such open air burning shall only occur during daylight hours;
 - (h) No burning materials shall be added to a fire after 1700 hours (5:00 pm); and
 - (i) The Fire Prevention Officer may refuse to issue or may cancel an open air fire permit for burning waste created by land and/or order a fire extinguished whenever, in the

opinion of the Fire Prevention Officer having regard to all the circumstances, such burning may be hazardous to life or property or may create a nuisance.

Open Air Fire Permit for Hazard Abatement/Fuel Modification

- (7) The Fire Prevention Officer may issue an open air fire permit for hazard abatement or fuel modification on terms and conditions, including, but not limited to, the following:
- (a) There shall be no fee payable for such an open air fire permit; and
 - (b) Such open air fires shall only occur on properties as and where approved by the Fire Prevention Officer.

Open Air Fire Permit for Agricultural Burning Purposes

- (8) The Fire Prevention Officer may issue an open air fire permit for agricultural burning purposes on terms and conditions, including, but not limited to, the following:
- (a) There shall be no fee payable for such an open air fire permit;
 - (b) Such an open air fire permit shall only be issued to the owner or occupant in respect of a property that is classified as "farm" under the *Assessment Act*;
 - (c) Only materials that are indigenous to the property for agricultural purposes may be burned; and
 - (d) Such open air fires shall only occur on properties as and where approved by the Fire Prevention Officer.

Open Air Fire Permit for Municipal, Provincial or Federal Purposes

- (9) The Fire Prevention Officer may issue an open air fire permit for municipal, provincial, or federal purposes on terms and conditions, including, but not limited to, the following:
- (a) There shall be no fee payable for such an open air fire permit.

Other

- (10) No person shall erect or use a portable incinerator or other portable device or appliance for burning garbage, rubbish, or other waste material.

- (11) Every person who:
- (a) Without an open air fire permit where such a permit is required under this bylaw, ignites or starts, or allows or causes to be ignited or started, an open air fire; or
 - (b) Fails to comply with the requirements or conditions of an open air fire permit;

commits an offence and shall be liable to a fee as set out in Schedule "A" attached hereto.

Controlled Burning

- (12) Every person who starts any open air fire, or fails to extinguish any open air fire on his land, whether such fire was started with or without an open air fire permit, shall be responsible for such fire, and if he allows such fire to get out of control, he shall be liable for all costs and expenses incurred by the Band in controlling and extinguishing such fire, by way of a fee imposed by the Band. A fire is deemed to be out of control when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or when the fire endangers any person, building, lands, or other property.

7. FIREWORKS

- (1) No person shall possess or discharge fireworks within the Reserve, unless that person has caused a valid notice of discharge to be filed with Kamloops Fire Rescue in accordance with this bylaw, in which case, that person may possess and discharge fireworks in accordance with the terms and conditions set forth on the notice of discharge.
- (2) Except as otherwise authorized under Section 7(18) of this bylaw, the sale and discharge of fireworks is only permitted on the Reserve between October 24 and November 1 and between December 25 and January 1.

Notices of Discharge

- (3) A person or organization wishing to discharge fireworks must cause a notice of discharge to be filed with the Band and Kamloops Fire Rescue. Notices of discharge shall be made in writing by the person who will discharge the fireworks, and shall be in the form prescribed by the Fire Prevention Officer from time to time, and shall include confirmation of the following:

- (a) The fireworks are intended to be discharged as part of a celebration or observance of a special event or festival;
- (b) The applicant is the person who will discharge the fireworks;
- (c) The applicant has obtained written permission from the owner of the private or public property on which the fireworks are to be discharged;
- (d) The fireworks will be discharged in a manner and at a location that will not create a danger or constitute a nuisance to any person or property; and
- (e) Unless special permission has been granted by the Fire Prevention Officer under Section 7(18) of this bylaw, the fireworks will be discharged only between October 24 and November 1 or between December 25 and January 1.

Fireworks Sales Permits

- (4) No person shall possess, sell, or offer for sale any fireworks within the Reserve, unless the person possesses a valid fireworks sales permit issued under this bylaw in accordance with the terms and conditions of the Fireworks Sales Permit.
- (5) A person may apply in writing to the Fire Prevention Officer for a fireworks sales permit authorizing him or her to possess and sell fireworks. Applications for fireworks sales permits shall be made in writing, and shall be in the form prescribed by the Fire Prevention Officer from time to time.
- (6) The Fire Prevention Officer is authorized to issue a fireworks sales permit to any person for the purpose of possessing and selling fireworks, so long as the Fire Prevention Officer is satisfied that:
 - (a) The person holds a valid business licence to carry on the business of retail sales of goods under the City's Business Licence and Regulations Bylaw;
 - (b) The fireworks will be stored and sold in a manner and at a location that will not be hazardous to life or property or create a nuisance to any person or property; and
 - (c) Unless special permission has been granted by the Fire Prevention Officer under Section 7(18) of this bylaw, the

fireworks will be sold only between October 24 and November 1 and between December 25 and January 1.

- (7) All persons authorized to sell fireworks under this bylaw must ensure that each purchaser of fireworks completes a notice of discharge in accordance with this bylaw, and that each notice of discharge is, within forty-eight (48) hours, filed with Kamloops Fire Rescue in a manner prescribed by the Fire Prevention Officer from time to time.
- (8) Fireworks sales permits issued under this bylaw may not be transferred to any person.
- (9) The Fire Prevention Officer is hereby authorized to, at any time, revoke or suspend a fireworks sales permit issued under this bylaw, if he is satisfied that:
 - (a) The provisions of this bylaw, the terms, conditions, or restrictions of the fireworks sales permit issued hereunder, or the provisions of any other applicable enactment have been or may be contravened;
 - (b) Any information supplied by the permit holder at the time he applied for a fireworks sales permit is found to be false, misleading, or inaccurate; or
 - (c) the storage or discharge of the fireworks has or may create or cause a hazard or nuisance to any person or property.
- (10) Roman candles may only be sold as part of a family pack and must constitute no more than thirty (30%) percent of the total number of fireworks in a family pack.
- (11) No person under the age of twenty-one (21) years may sell, offer for sale, possess, or discharge any fireworks within the Reserve at any time.
- (12) No person may offer for sale, sell, give, or furnish fireworks to a person under the age of twenty-one (21) years. All persons authorized to sell fireworks under this bylaw must satisfy himself or herself that all purchasers of fireworks are twenty-one (21) years of age or older by reviewing each purchaser's photo identification at the time of sale.

General Fireworks Requirements

- (13) No person shall store, handle, or discharge, or allow to be stored, handled, or discharged, any fireworks in such a place or in such a manner as might be hazardous to life or property or create a nuisance to any person or property, or do or cause or allow any unsafe act or omission at the time and place the fireworks are discharged.
- (14) The manufacture, possession, storage, transportation, sale, and discharge of fireworks shall in every respect conform to the provisions of this bylaw, the terms, conditions and restrictions of any permit or notice issued hereunder, and the provisions of any other applicable enactment, including, without limitation, the Federal *Explosives Act* and the British Columbia *Fireworks Act*.
- (15) The handling and discharge of fireworks shall conform to the requirements of the Explosives Regulatory Division of Natural Resources Canada and in strict conformance with any manufactures approved instructions, as amended from time to time.
- (16) No person shall discharge fireworks on a public roadway.
- (17) All fireworks and all debris from the discharge of fireworks shall be removed and safely disposed of by the person discharging the fireworks as soon as practical, and in all cases, prior to the expiry of the notice of discharge.
- (18) Notwithstanding any other provision of this bylaw, where the Fire Chief considers it safe to do so, the Fire Chief may permit fireworks to be sold or discharged at any time during the year, under such conditions and restrictions as he deems necessary and safe.
- (19) For the purposes of this bylaw, during an emergency, the setting off of pyrotechnical signalling devices for marine, military, or railway purposes or truck flares shall not be deemed to be the sale or setting off of fireworks.

Firecrackers and Noisemakers Prohibited

- (20) No person shall possess, fire, set off, or discharge firecrackers or noisemakers on the Reserve.

Fireworks Inspections and Offences

- (21) The Fire Prevention Officer may inspect any vehicle, land, or building within the Reserve's boundaries in order to determine whether the provisions of this bylaw are being complied with and to

ensure that the possession, storage, or discharge of fireworks will not cause a danger or nuisance to any person or property.

- (22) Every person that possesses, sells, or discharges fireworks in contravention of this bylaw commits an offence and:
 - (a) Shall, when directed to do so, surrender all fireworks in his possession to the Fire Prevention Officer whom is authorized to seize and hold all such fireworks in the interest of public safety and as evidence of the commission of the offence; and
 - (b) Shall be liable to a fee as set out in Schedule "A" attached hereto.
- (23) Fireworks seized under this bylaw are not required to be returned, nor shall the person, business, or organization from whom the fireworks are seized be compensated.
- (24) A person who contravenes Section 7(22) of this bylaw by failing to surrender fireworks upon demand commits an offence and shall be liable to a fee as set out in Schedule "A" attached hereto.
- (25) Every person who causes an incident directly attributable to the person's misuse of fireworks, including, but not limited to, the person's failure to comply with the provisions of this bylaw, a notice or permit issued under this bylaw, or any other applicable enactment shall, in addition to any other fine or penalty imposed, be responsible for the costs incurred by the Band in responding to the incident.

8. INSPECTIONS AND FIRE CONTROL

Inspection and Testing

- (1) The Fire Prevention Officer, any inspector, or any member of Kamloops Fire Rescue may at all reasonable hours enter into and upon any vehicles, lands, or buildings for the purpose of testing and inspecting:
 - (a) The said vehicles, lands, or buildings, as required or permitted by the *Fire Services Act*;
 - (b) The water supply, so as to determine if Kamloops Fire Rescue has satisfactory access to an adequate water supply for fire suppression purposes; and

- (c) To determine if the requirements of this bylaw are being carried out.
- (2) If more than one re-inspection of vehicles, lands, or buildings is performed by the Fire Prevention Officer to ensure that fire safety violations discovered during a previous regular inspection have been rectified, a fee as set out in Schedule "A" attached hereto will be charged to the owner or occupant of the vehicles, lands, or buildings.

Entry for Inspection

- (3) No person may obstruct, hinder, or prevent any authorized Kamloops Fire Rescue member from entering into or upon any vehicles, lands, or buildings for the purposes of inspection or testing.

Assistance in Inspection

- (4) The owner, occupier, or lessee of vehicles, lands, or buildings or any other person having knowledge of the vehicles, lands, or buildings shall, upon request, give to the Fire Prevention Officer such assistance as he may require in carrying out an inspection or test.

Public Assistance and Fire Control

- (5) The Fire Prevention Officer at any incident shall have the power to cause demolition of any building or any part thereof which in his judgment should be demolished in order to prevent spread of fire or to prevent damage to persons or property or loss of life.
- (6) No person shall impede, hinder, or obstruct the extinguishment of any fire or the control of any incident. Any person who fails to comply with the orders or instructions of a member of Kamloops Fire Rescue engaged or about to be engaged in the extinguishment of a fire or the control of an incident shall be liable to the penalties provided herein and such person may be forcibly removed from the scene of such incident or fire by a peace officer or member of Kamloops Fire Rescue.
- (7) No person shall refuse to permit any member of Kamloops Fire Rescue to enter into or upon any land or building for which an alarm of fire has been received or in or upon which such member

has reasonable grounds to suspect that a fire or other incident exists.

Extinguishment of Fires

- (8) Notwithstanding any other provision of this bylaw, the Fire Prevention Officer may order a fire extinguished if, having regard to all the circumstances, he determines that the fire may be hazardous to life or property or that it may create a nuisance.

9. ENFORCEMENT

Issuance of Order

- (1) If the Fire Prevention Officer or an inspector finds that:
- (a) Any provision of this bylaw has been contravened or has not been complied with;
 - (b) Any provision of this bylaw has been complied with improperly or only in part; or
 - (c) Conditions exist in or upon vehicles, lands, or buildings to which this bylaw applies and such conditions, in his opinion, constitute a fire hazard or a hazard to life or property;

then the Fire Prevention Officer or the Inspector may make such orders to ensure full and proper compliance with this bylaw, and in particular, but without limiting the generality of the foregoing, he may:

- (d) Issue to the owner or occupier of the vehicles, lands, or buildings such recommendations as he deems necessary to correct the contravention of this bylaw, ensure compliance with this bylaw, or remove the hazard to life or property; and
 - (e) Make such orders with respect to any of the matters referred to in this bylaw as he deems necessary to protect life or property.
- (2) An order made under this bylaw shall be in writing and shall be directed to the owner or occupier of the vehicles, lands, or buildings in respect of which the order is made.

Service of Order

- (3) An order made under this bylaw 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 owner of the vehicles, lands, or buildings to which the order applies.

10. Penalty

A person who violates any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days, or to both.

DATES OF ADOPTION

READ A FIRST TIME the 6th day of February, 2017

READ A SECOND TIME the 6th day of March, 2017

READ A THIRD TIME the 31st day of May, 2017

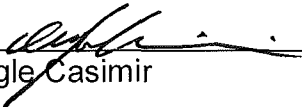
This bylaw is hereby passed at a duly convened meeting of the Council of the Tk'emlúps te Secwépemc the 31st day of May, 2017.

Voting in favour of this bylaw are the following members of the Council:



Chief - Fred Seymour


Howard Campbell



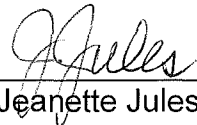
Eagle Casimir

Roseanne Casimir

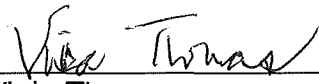
Nacoma George



Katy Gottfredson



Jeanette Jules



Viola Thomas

Being the majority of those members of the Council of the Tk'emlúps te Secwépemc present. There are eight (8) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: 5.

This bylaw comes into force on the day on which it is first published.

Schedule "A" – Fees and Permit Fees

Description	Section	Amount
Open air fire for yard waste		\$100
Open air fire for land clearing		\$100
Third false fire alarm during calendar year		\$150
Fourth false fire alarm during calendar year		\$250
Fifth and subsequent false fire alarms during calendar year		\$400/ea
Standby at premises until premises secured		\$400/hr
More than one re-inspection		\$75/insp