

SEHEL T INDIAN GOVERNMENT DISTRICT
LAW NO. 2008-03

A LAW TO REGULATE BURNING AND SMOKE RELEASE WITHIN SEHEL T
INDIAN GOVERNMENT DISTRICT LANDS LOCATED WITHIN THE SEHEL T
FIRE PROTECTION DISTRICT.

The Sechelt Indian Government District Council, in open meeting assembled, enacts as follows:

1. This law may be cited for all purposes as the "BURNING AND SMOKE RELEASE LAW 2008-03"
2. DEFINITIONS

In this law or in any resolution of the District Council passed relating to this law, unless the context otherwise requires:

"District Council" means the Sechelt Indian Government District Council.

"Fire Chief" means the appointed head of the Sechelt Fire Department

"Camp fire" means a fire that is used primarily for cooking or for warmth or for ceremonial purposes.

"Band Land" means Sechelt Band Lands Nos. 1,2,3,4,5 and 28 all of which are within the Sechelt Fire Protection District.

"Firefighter" means a member of the Sechelt Fire Department.

"Garden Refuse" means grass or other clippings, leaves, tree and shrub prunings, cuttings, and similar materials being waste from garden growth.

"Identified Construction Waste" means pressure treated lumber, plywood and particle board.

"Incinerator" means a metal or masonry container or furnace or other similar device with a screen which prevents the escape of sparks.

"Land Clearing Fire" Means a fire that is used for the clearing of land and is typically stacked with a machine.

"Land Clearing Fire Safety Permit" means a land clearing fire safety permit issued by Sechelt Fire Department.

"Order" means any order, decision, requirement or direction given by the Sechelt Department Fire Chief or his or her designate;

"Outdoor Fire" means every fire that burns in the open air whether or not it is completely enclosed in an incinerator, furnace or other device, but does not include a campfire or a land clearing fire where all regulations of the Sechelt Fire Department are observed.

"SIGD" means the Sechelt Indian Government District.

"Smoke House" means the structure used for the traditional preparation of food.

"Toxic Materials" includes rubber tires, tar, asphalt shingles, batteries, electrical wire insulation, various plastic compositions, and all other similar substances which produce heavy black smoke.

3. BURNING AND SMOKE CONTROL REGULATIONS

(1) **OUTDOOR FIRES;** No person shall start, permit or maintain an outdoor fire whether within an incinerator or otherwise for the burning of:

- a) Toxic materials
- b) Garden refuse between April 16 and October 14 in any year, or
- c) Identified construction waste.
- d) For the purpose of preventing danger, damage and injury to property and/or a person because of the fire, outdoor fires must be continuously supervised and controlled by a responsible adult;
- e) the person supervising the fire must have emergency equipment immediately available and at any stage in the burning cycle be capable of controlling, or putting out the fire within five minutes; and
- f) The Fire Chief or designate, any member of the RCMP or designates, may extinguish or order the extinguishing of any camp fire that is deemed a hazard.
- g) The person supervising the fire must take every reasonable precaution to prevent smoke from being generated or becoming a nuisance. The Bylaw Enforcement Officer, Public Works officials or his/her designates may extinguish or order the extinguishment of any *outdoor fire* that is causing a nuisance due to smoke release

(2) **CAMPFIRES.** Unless banned for safety reasons by the Sechelt Fire Department, campfires must conform to the following regulations:

- a) Campfires must not be more than 1 meter across and not exceed 1 meter in height, must be at least 7.5 meters from all buildings and combustible materials and be 1.5 meters from any grass or shrub;
- b) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the camp fire must be continuously supervised and controlled by a responsible adult;
- c) the person supervising the *camp fire* must have equipment immediately available and at any stage in the burning cycle be capable of controlling, or putting out the fire within five minutes; and
- d) the person supervising the fire must take every reasonable precaution to prevent smoke from being generated or becoming a nuisance.
- e) The Fire Chief or designate, any member of the RCMP or designates, may extinguish or order the extinguishing of any *campfire* that is deemed a hazard.

The Bylaw Enforcement Officer, Public works officials or his/her designates may extinguish or order the extinguishment of any camp fire that is causing a nuisance

- (3) When permitted by safety regulations of the Sechelt Fire Department and Ministry of Environment, land clearing fire safety permits can be obtained from the Sechelt Fire Department.

4. ENTRY AND ENFORCEMENT

- (1) The fire safety aspect of this law will be enforced by the Sechelt Fire department. The smoke release and/or nuisance portion of this law may be enforced by the local Bylaw Enforcement Officer, SIGD Superintendent of Public Works, or the RCMP.
- (2) For the purposes of the law the Sechelt Fire Department, local Bylaw Enforcement Officer, SIGD Superintendent of Public Works together with agents and staff and the RCMP are authorized to enter private property and to make reasonable inspection, where they believe an offence under this law is being committed, is about to be committed or has just been committed, and where the entry is necessary to prevent, enforce, or bring about compliance with the provision of this law.

5. COST RECOVERY

Any person who starts or allows to be started any fire is responsible for such fire.

If, in the opinion of the local Fire Chief, or an authorized agent of the SIGD, the fire presents a hazard, has escaped or threatens to escape control or is prohibited under the terms of this Law, the local Fire Department may be summoned to control or extinguish the fire. The person starting the fire shall be liable for all costs and expenses incurred by the Fire Department or the SIGD to control or extinguish the fire.

The costs and expenses, including penalties, may be recovered from the person starting the fire together with any administration costs following due process.

6. LIABILITIES FOR DAMAGES

This Law shall not be construed to hold the SIGD or its authorized agent or agents responsible for any damage to persons or property by reason of:

- a) inspections authorized by this Law, or
- b) failure to carry out an inspection.

7. SCOPE AND PENALTIES

7.1 In the event of there being any conflict between the terms and provisions of this Law and the terms and provisions of the *Fire Services Act* or the *Waste Management Act* and regulations thereunder, or other Provincial Acts or Regulations, the terms and provisions of the said Acts and Regulations shall prevail.

7.2 Every person who offends against or violates any provision of this law, or who suffers or permits any act to be done in contravention of the provision of this Law, or who neglects or refrains from doing anything required by the law, shall be deemed to be guilty of an

infraction and upon conviction shall be liable to a fine not exceeding \$2,000.00 (Two Thousand Dollars) plus costs.

7.3 Notwithstanding subsection 7.2, the minimum penalty for an offence under this Law shall be \$150.00 (One Hundred and Fifty Dollars) except in the case of burning toxic materials, in which case the minimum penalty shall be \$200.00 (Two Hundred Dollars).

7.4 Each day a violation is caused or allowed to continue constitutes a separate offence.

8. EXEMPTIONS:

The following are exempted from the provisions of this Law:

8.1 Smoke houses used for the traditional preparation of food.

8.2 The Sechelt Fire Department's firefighters who light fires for the purpose of live fire training.

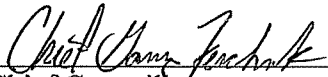
8.3 Open fires for the purposes of traditional and spiritual ceremonies.

Read a first time this 18th day of _Nov____, 2008.

Read a second time this 18th day of __Nov____, 2008.

Read a third time this 18th day of __Nov____, 2008.

Reconsidered, finally passed and adopted by the District Council, signed by the Chief Councillor and sealed with the Seal of the Sechelt Indian Government District on the __16__ day of December 2008




Chief Councillor



Clerk

Certified a true copy of Law No. 2008-03
as adopted.



Clerk of the Sechelt Indian Government
District

SECHELT INDIAN GOVERNMENT DISTRICT**BYLAW NO. 2017-11****A Bylaw to amend multiple laws
Regarding Titles**

WHEREAS most Sechelt Indian Government District (SIGD or the "District") legislation is titled "Law" rather than "Bylaw";

AND WHEREAS the SIGD wishes to harmonize its legislation to reflect its municipal nature;

NOW THEREFORE the District Council of the SIGD, in open meeting assembled, enact the amendments to the legislation listed in the Schedule to this Act as follows:

1. The title of the legislation be changed from "Law No." to "Bylaw No." For clarity, the numbers of each piece of legislation shall remain the same; and
2. Any references in the legislation to the legislation as "Law" be changed to "Bylaw".

Read a First time this 12th day of September, 2017.

Read a Second time this 12th day of September, 2017.

Read a Third time this 12th day of September, 2017.

Adopted this 17th day of October, 2017.



Chief Councillor



Manager of Sechelt Indian Government
District

Certified a true copy of
Bylaw No. 2017-11 as adopted.

BYLAW NO. 2017-11

SCHEDULE

1988-01 Procedure Law
1988-02 Interpretation Law
1988-11 Traffic Law
1988-14 Procedure Law No. 2
1988-16 Procedure Law No. 3
1988-17 Actions and Executions Law
1989-05 Business Licence Law
1989-06 Traffic Sign Law
1989-08 Street Naming Law
1989-09 Fire Protection Services Law
1990-05 Sewer Inspector Law
1991-01 Sewer Parcel Tax Law No. 1
1991-06 Procedure Law No. 4
1992-05 British Columbia Regulation No. 244/88 Adoption Law
1996-01 Appointment of Approving Officer Law
1996-05 General Animal Control Law
1997-04 Revised Statutes (SIGD), 1996 Law
1998-03 Emergency Measures Law
2006-04 An Amendment to Interpretation Laws
2007-01 State of Local Emergency Bylaw (Sunshine Coast) Law
2008-03 Burning and Smoke Release Law
2009-03 Property Assessment Law
2010-03 Unsightly Premises Law