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Grand Council of the Crees (Eeyou Istchee)
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Cree Nation Government
Gouvernement de la Nation Crie

Cree Nation Government

BYLAW 2013-06

2023 Consolidated By-Law Concerning the Establishment, Maintenance and Operation of Community Fire Departments

Adopted March 13, 2013

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WHEREAS pursuant to Section 9 of the James Bay and Northern Québec Agreement, Parliament adopted the Cree- Naskapi (of Quebec) Act, establishing local governments as well as management regimes for Cree Category IA lands;

WHEREAS pursuant to the Cree-Naskapi (of Quebec) Act, the objects of a Cree Band (as defined below) include, among others, to act as local government authority on its Category IA land and to establish and administer services, programs and projects for members of the band and other residents of Category IA land;

WHEREAS pursuant to the Cree-Naskapi (of Quebec) Act, a Cree Band may establish, maintain and operate a fire department and may provide fire protection services on its Category IA land;

WHEREAS the exercise of local government powers for Cree Bands is supported by an ongoing operations and maintenance subsidy provided by Canada through the Operations and Maintenance Funding Transfer Payment Agreement, or any successor agreement, to ensure the effective implementation of the Cree-Naskapi (of Quebec) Act;

WHEREAS pursuant to sub-paragraph 28.11.1(c) of the James Bay and Northern Québec Agreement, Québec and Canada shall provide funding and technical assistance for fire protection including the training of Crees, the purchase of equipment and, when necessary, the construction of facilities in each Cree community;

WHEREAS pursuant to the Quebec New Relationship Agreement (defined below), for the term of that agreement, the Crees shall assume the obligations of Québec to the Crees under sub-paragraph 28.11.1(c) of the James Bay and Northern Québec Agreement regarding fire protection, including training, equipment and facilities;

WHEREAS pursuant to the Federal New Relationship Agreement (defined below), for the term of that agreement, the Cree Nation Government, and subsequently the Cree Nation Government, shall assume the responsibilities of Canada to the Cree Nation and the Crees under sub-paragraph 28.11.1(c) of the James Bay and Northern Québec Agreement regarding fire protection, including training of Crees, the purchase of equipment and the construction of facilities in each Cree community;

WHEREAS pursuant to the Federal New Relationship Agreement, the Cree Nation Government, and subsequently the Cree Nation Government, undertakes for the term of that agreement, to allocate funding to the Cree Bands with respect to the provision in their communities of fire protection, including training of Crees, the purchase of equipment and the construction of expansions to firefighting facilities, where appropriate, to meet the needs for such facilities for the term of that agreement, using generally applicable federal and provincial standards;

WHEREAS pursuant to the Cree-Naskapi (of Quebec) Act, the objects of the Cree Nation Government are, among others, to act as a regional government authority on Category IA land;

WHEREAS pursuant to the Cree-Naskapi (of Quebec) Act, the Cree Nation Government may make by-laws respecting the regulation – for the protection of public health and safety – of buildings for housing or for regional governance and respecting the establishment, maintenance and operation of fire departments and the standards established in such by-laws must be at least equivalent in their effect to any standards established by federal or provincial laws of general application in respect of such matters;

WHEREAS this By-law is intended to supplement, rather than replace, any by-law of a Cree Band and any federal or provincial laws, regulations and standards relating to the establishment, maintenance and operation of fire departments and fire protection services, including the Fire Safety Act (defined below) to the extent that this Act is applicable;

NOW THEREFORE the Cree Nation Government adopts this By-law, as follows:

PART I
GENERAL PROVISIONS

Division I SHORT TITLE

1. This By-law may be cited as the CNG By-law on Community Fire Departments.

Division II INTERPRETATION

2. This By-law shall be interpreted in light of the laws and regulations in effect in the Province of Quebec.

3. The Preamble shall form an integral part of this By-law.

4. In this By-law, the masculine includes the feminine, the singular includes the plural and vice versa.

5. Unless otherwise indicated, words and expressions shall have the same meaning as in the Cree-Naskapi (of Quebec) Act.

6. For the purposes of this By-law:

   a) “Apprentice Firefighter” means a person who acts as an apprentice firefighter for a Fire Department under the supervision of a qualified Firefighter while obtaining the required certification provided that the training period does not exceed 48 consecutive months following the date of hiring;

   b) “By-law” means this CNG By-law on Community Fire Departments;

   c) “Capital Works and Services” means the Capital Works and Services Department of the CNG;

   d) "Cree Band" means the Cree Nation of Chisasibi, the Whapmagoostui First Nation, the Cree Nation of Wemindji, the Eastmain Band, the Crees of the Waskaganish First Nation, the Cree Nation of Nemaska, the Waswanipi Band or the Cree Nation of Mistissini, respectively constituted as corporations by the Cree-Naskapi (of Quebec) Act, or the Oujé-Bougoumou Cree Nation;

   e) “Cree Community” means the Category IA land of a given Cree Band and the Category III land situated within the perimeter of that band’s Category IA land, as such lands are defined in the JBNQA, and in the case of the Oujé-Bougoumou Cree Nation until such time as the Oujé-Bougoumou Band is incorporated, the land comprising the community of Oujé-Bougoumou;

f) “Cree-Naskapi (of Quebec) Act” means the Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, as amended from time to time;

g) “Cree Nation Government” or "CNG" means the Cree Nation Government, a legal person duly established in the public interest under the Act respecting the Cree Nation Government, R.S.Q. c. G- 1.031;

h) "École nationale des pompiers du Québec" or " ENPQ" means the École nationale des pompiers du Québec established under the Fire Safety Act;

i) “Federal New Relationship Agreement” means the Agreement concerning a New Relationship between the Government of Canada and the Crees of Eeyou Istchee signed by Canada, the GCC(EI) and the CNG on February 21, 2008, and to which all Cree Bands concurred in writing that they were bound by the terms of that agreement and represented by the GCC(EI) and the CNG in the making of that agreement, and which was approved by the Cree Nation in a referendum, as amended from time to time;

j) “Firefighter” means a person who acts as a firefighter for a Fire Department and who has the qualifications set out in sections 41a) and b) of this By-law;

k) “Fire Chief” means the Fire Chief of a Fire Department contemplated in section 22 of this By-law and, as applicable, includes his designate;

l) “Fire Department” means a fire department of a Cree Band, as contemplated by section 13 of this By-law;

m) “Fire Prevention Officer” means the Fire Prevention Officer of a Fire Department contemplated by section 27 of this By-law and, as applicable, includes his designate;

n) "Fire Safety Act" means the Fire Safety Act, R.S.Q., c. S-3.4;

o) "James Bay and Northern Québec Agreement" or "JBNQA" means the agreement approved, given effect and declared valid by the James Bay and Northern Québec Native Claims Settlement Act (S.C. 1977, c. 32), as such agreement is amended from time to time;

p) “National Building Code of Canada” means the code prepared by the Canadian Commission on Building and Fire Codes and published by the National Research Council of Canada;

q) “National Fire Code of Canada” means the code published by the National Research Council of Canada that sets out the technical provisions regulating activities related to the construction, use or demolition of buildings and facilities, the design or construction of specific elements of facilities related to certain hazards and protection measures for the current or intended use of buildings;

r) “National Fire Protection Association” or “NFPA” means the international not-for-profit organization based in Massachusetts (USA), established in 1896, and recognized as a leading international advocate of fire prevention and an authoritative source on public safety;

s) "Officer in Charge" means the most senior member of a Fire Department who is present at an incident, or a member of the Fire Department appointed as such by the Fire Chief;

t) "Operations and Maintenance Funding Transfer Payment Agreement" or "Operations and Maintenance Agreement" means the Operations and Maintenance Funding Transfer Payment Agreement entered into in February 2008 between Canada, the GCCEI, the CNG and the Cree Bands for the period between April 1 , 2008 and March 31, 2013, and for the purposes of this By-law, includes any successor agreement;

u) "Oujé-Bougoumou Cree Nation" means the collectivity of persons enrolled or entitled to be enrolled as Cree beneficiaries pursuant to Section 3 of the JBNQA, represented by the Oujé-Bougoumou Eenuch Association until such time as the Oujé-Bougoumou Band is constituted as a corporation under the Cree-Naskapi (of Quebec) Act, and thereafter, the Oujé-Bougoumou Band;

v) "Paid On-Call Firefighters" means any Firefighter or Apprentice Firefighter, other than a full-time Firefighter, engaged by the Cree Band for its Fire Department;

w) "Québec New Relationship Agreement" means the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec signed by Quebec, the GCC(EI) and the CNG on February 7, 2002, and which was approved by the Cree Nation by referenda, as amended from time to time;

x) "Recommended Practice for Fire Flow Testing and Marking of Hydrants" means the Recommended Practice for Fire Flow Testing and Marking of Hydrants (NFPA 291), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

y) "Regional Fire Marshall" means the Regional Fire Marshall employed by the CNG to carry out the responsibilities contemplated by Division XVI herein;

z) "Standard Automobile Fire Fighting Apparatus" means the Standard Automobile Fire Fighting Apparatus prepared and published by the Standards Council of Canada and the Underwriters' Laboratories of Canada, CAN/ULC-S515-04;

aa) "Standard for Automotive Fire Apparatus" means the Standard for Automotive Fire Apparatus (NFPA 1901), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

bb) "Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents" means the Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents (NFPA 472), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

cc) "Standard on Comprehensive Occupational Medical Program for Fire Departments" means the Standard on Comprehensive Occupational Medical Program for Fire Departments (NFPA 1582), developed and published by the NFPA and available through the NFPA website: www.nfpa.org;

dd) "Standard for Fire Apparatus Driver/Operator Professional Qualifications" means the Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

ee) "Standard for Fire Fighter Professional Qualifications" means the Standard for Fire Fighter Professional Qualifications (NFPA 1001), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

ff) "Standard for Fire Officer Professional Qualifications" means the Standard for Fire Officer Professional Qualifications (NFPA 1021), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

gg) "Standard for the Inspection, Maintenance, Testing and Retirement of In-Service Automotive Fire Apparatus" means the Standard for the Inspection, Maintenance, Testing and Retirement of In- Service Automotive Fire Apparatus (NFPA 1911) developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

hh) "Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments" means the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (NFPA 1720), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

ii) "Standard for Professional Qualifications for Fire Investigator" means the Standard for Professional Qualifications for Fire Investigator (NFPA 1033), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

jj) "Standard for Technical Rescuer Professional Qualifications" means the Standard for Technical Rescuer Professional Qualifications (NFPA 1006), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

kk) "Standard on Training for Initial Emergency Scene Operations" means the Standard on Training for Initial Emergency Scene Operations (NFPA 1410), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org;

ll) "Standard for Wildland Fire Fighter Professional Qualifications" means the Standard for Wildland Fire Fighter Professional Qualifications (NFPA 1051), developed and published by the NFPA, as updated or amended from time to time, and available through the NFPA website: www.nfpa.org; and

mm) "Standard on Water Supplies for Suburban and Rural Fire Fighting" means the Standard on Water Supplies for Suburban and Rural Fire Fighting (NFPA 1142), developed and published by the NFPA, as updated or amended from time to time and available through the NFPA website: www.nfpa.org.

Division III APPLICATION

7. This By-law applies to the CNG, to all Cree Bands, in all Cree Communities and to all persons situated therein.

8. In the event of an inconsistency or a conflict between this By-law and a by-law adopted by a Cree Band pursuant to the Cree Naskapi (of Quebec) Act, this By-law prevails to the extent of the inconsistency or conflict.

9. Notwithstanding section 8, if the standards established in a by-law adopted by a Cree Band pursuant to the Cree Naskapi (of Quebec) Act are more stringent in their effect than the standards established in this By-law, the provisions of the by-law adopted by the Cree Band that relate to those standards prevail to the extent that they are inconsistent with or conflict with the provisions of this By-law that relate to those standards.

10. Each Cree Band shall ensure the implementation and enforcement of this By-law and shall designate an appropriate person to be responsible, at all times, for such implementation and enforcement.

11. Within the CNG, Capital Works and Services shall be responsible for the implementation of this By-law with respect to the responsibilities of the CNG contemplated herein.

PART II
ESTABLISHMENT, MAINTENANCE AND OPERATION OF FIRE DEPARTMENTS

Division IV OBJECTS OF A FIRE DEPARTMENT

12. The objects of a Fire Department shall at least be:

a) to protect persons and property against fire of any nature;

b) to take responsibility for firefighting and rescue operations in the event of a fire of any nature or fire-related emergencies;

c) to participate in the conduct of inspections, the evaluation of risk of fire, the prevention of such events, emergency response procedures when fire is involved, and the determination of the point of origin, probable cause and circumstances of fires;

d) to ensure the implementation and enforcement of this By-law, as well as compliance with applicable federal and provincial laws, regulations and standards concerning the establishment, maintenance and operation of fire departments.

Division V ORGANIZATION AND OPERATION OF A FIRE DEPARTMENT

13. Each Cree Band shall establish, maintain and operate a Fire Department in its Cree Community.

14. Each Cree Band shall allocate the proper resources to meet the standards contemplated in this By-law, as well as applicable federal or provincial standards concerning the establishment, maintenance and operation of fire departments.

15. Each Fire Department shall have at least two (2) full-time members.

16. The two members contemplated by section 15 shall respectively act as Fire Chief and Fire Prevention Officer and have the qualifications respectively set out in sections 43 and 46.

17. Each Fire Department shall also have a minimum pool of fifteen (15) members other than full-time members.

18. The members of a Fire Department shall be either Firefighters or Apprentice Firefighters serving under the supervision of Firefighters.

19. Each Fire Department shall have at least one team of its members on-call and capable of rapidly responding to any fire-related emergency at all times, 24 hours per day for every day of the year. The Fire Chief of each Fire Department shall ensure that each such team is capable of responding to such emergencies, in consideration of the nature and size of the Cree Community, the composition of the Fire Department and in accordance with the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments and Standard on Training for Initial Emergency Scene Operations.

20. Each Fire Department shall implement measures to ensure a rapid response to any fire-related emergency and any incoming fire-related call and to initiate the response by a firefighting team, 24 hours per day for every day of the year.

Division VI RESPONSIBILITIES

21. Under the authority of the Fire Chief, the Fire Department shall be responsible for firefighting and rescue operations in the event of a fire in its Cree Community.

Fire Chief

22. The Fire Chief shall be responsible for the day-to-day operations of the Fire Department and to ensure that all aspects of the Fire Department comply with the provisions of this By-law and applicable federal and provincial legislation.

23. The Fire Chief may be part of the Public Safety Department of the Cree Band, and may be under the authority of its Public Safety Officer or its Director of Public Safety.

24. The Fire Chief shall ensure the direct response of the Fire Department to fire-related emergencies.

25. Without limiting the generality of section 22, a Fire Chief shall at least be responsible for the following with respect to the Fire Department to which he is affiliated and the Cree Community it serves:

    a) ensuring the delivery of fire protection services and fire prevention programs;

    b) ensuring the implementation of public education and inspection programs;

c) fulfilling all reporting requirements attributed to him under this By-law and applicable federal and provincial legislation;

d) implementing the recruitment, orientation, and development of personnel of the Fire Department, including leading, evaluating, sharing knowledge and experience, and delegating responsibilities, as well as in relation to discipline and dismissal of personnel, as necessary;

e) ensuring the general administration, management and planning of the Fire Department, including record-keeping, reporting, budgeting and implementation of public fire prevention education and awareness programs;

f) acting as Officer in Charge at the scene of a fire-related emergency during fire suppression, including communications, evaluation and analysis of site conditions, formulation of a suppression plan, directing activities at the scene of the fire including the deployment of personnel and equipment, fire control measures and property conservation;

g) coordinating the inspection, maintenance and testing of fire protection equipment and vehicles in accordance with the Standard for the Inspection, Maintenance, Testing and Retirement of In-Service Automotive Fire Apparatus;

h) recommending the replacement and repair of fire protection equipment;

i) ensuring inventory control of fire protection equipment and vehicles as contemplated by section 59;

j) coordinating fire investigations after a fire incident, and reporting the results of such investigation in a timely manner to the relevant authorities; and

k) collaborating, coordinating and sharing information with the CNG regarding the above, as applicable.

26. All fire-related emergency response operations, including rescue operations in the event of a fire of any nature or fire-related emergencies, shall be conducted under the authority and supervision of the Fire Chief or, in his absence, under the authority of a person designated by him.

Fire Prevention Officer

27. Under the supervision of the Fire Chief, and as required by the needs of the Cree Community, a Fire Prevention Officer shall be responsible for the following with respect to the Fire Department to which he is affiliated and the Cree Community it serves:

a) conducting inspections of buildings and examining building construction plans;

b) participating in fire investigations;

c) conducting fire evacuation drills;

d) coordinating community fire prevention programs, including fire safety presentations, smoke detector inspections, fire extinguisher training and fire prevention week activities;

e) developing public education programs on fire prevention;

f) fulfilling all reporting requirements attributed to him under this By-law and applicable federal and provincial legislation; and

g) collaborating, coordinating and sharing information with the CNG regarding the above, as applicable.

Division VII MEMBERS OF FIRE DEPARTMENTS

28. In the event of a fire, each member of the Fire Department shall, in the performance of his duties and in a reasonable manner, attempt to confine and extinguish the fire by any means reasonably available to him, and in accordance with generally accepted practices and techniques.

29. Members of a Fire Department may, in the performance of their duties and in a reasonable manner, enter any premises affected or threatened by fire or any fire-related emergency, and any adjacent premises, for the purpose of fighting the fire, responding to the emergency or providing assistance.

30. Members of a Fire Department may also, in the performance of their duties, in a reasonable manner and under the authority of the Officer in Charge:

a) use the necessary means to enter premises where there is serious threat to persons or property or adjacent premises for the purpose of removing or reducing the threat or providing assistance;

b) prohibit access to and interrupt or divert traffic in a protection zone or impose special rules in that zone;

c) order the evacuation of premises as a safety measure in a perilous situation where there are no other means of protection;

d) shut off or order the shutting off of an establishment's energy supply as appropriate to ensure the safety of a given operation provided that an assessment has been made that such an action will not put others at risk;

e) authorize the demolition of a structure to prevent the spread of fire or of the effects of a fire-related disaster;

f) order any other measure necessary to secure the premises;

g) accept or require, where the firefighting personnel available is insufficient, the assistance of any person capable of providing assistance; and

h) accept or requisition the necessary private firefighting resources where the resources of the Fire Department are insufficient or not readily accessible in a fire-related emergency.

31. In the case of forced entry to premises contemplated by section 30, where the occupant or owner of the building is absent, the building shall be returned to a secure state equivalent to what existed before the forced entry.

32. The members of a Fire Department and the persons whose assistance is expressly accepted or is required by a member of the Fire Department, are exempt from liability for any damage that may result from their intervention during a fire or during a fire-related emergency, unless the damage

results from their intentional or gross fault.

33. The Fire Chief or a qualified person designated by the Fire Chief for that purpose shall, in respect of every fire having occurred in the territory served by the Fire Department, ensure the determination of the point of origin, probable causes and immediate circumstances, including the characteristics of the fire-damaged immovable or property and the sequence of events.

34. For the purposes of section 33, the Fire Chief or the person designated by the Fire Chief may, during the 24 hours following the fire:

    a) prohibit access to the scene of the fire to facilitate the search for, or the preservation of, anything relevant for the purposes of his functions;

    b) inspect the fire-damaged premises and examine or seize any document or thing found on the premises and which he believes may be of assistance in determining the point of origin, probable causes or immediate circumstances of the fire;

    c) take photographs of the premises and of anything relevant;

    d) make copies of any relevant document;

    e) conduct or commission, on the premises, the expert appraisals considered necessary; and

    f) collect the accounts of witnesses.

35. Within one week of an incident, the Officer in Charge at the site of an incident shall complete a detailed report and provide such report to the Fire Chief. The Fire Chief shall keep a copy of the report in a special registry of incidents and shall promptly provide a copy of such report to the Regional Fire Marshall.

36. The Fire Chief or the person designated by the Fire Chief shall, without delay and before beginning any search, report to the police service having jurisdiction in the territory, any fire:

    a) involving loss of life;

    b) the probable cause of which is not obviously accidental or in respect of which there is reason to believe an indictable offence has been committed; or

    c) that is a particular case specified by the police service.

Division VIII ADMISSION AND QUALIFICATIONS

37. Each Cree Band is responsible to select and engage the members of its Fire Department and to ensure that they obtain the training to do their job properly and safely.

38. Members of a Fire Department shall be full-time Firefighters or Paid On-Call Firefighters of the respective Cree Band.

39. Each Cree Band shall implement adequate rules to prevent conflicts of interest with respect to hiring or promoting members of its Fire Department. It shall also ensure that individuals being considered for engagement with the Fire Department have the necessary certifications and qualifications to fulfil their duties.

Fire Department Personnel

40. Any person engaged by a Cree Band for its Fire Department shall meet or exceed the following minimum requirements:

a) at the time of engagement, the candidate shall be at least 18 years of age;

b) a candidate shall have successfully completed high school and obtained a high school diploma recognized by the Minister of Education, Recreation and Sports of Quebec;

c) a candidate previously convicted of a criminal offence shall have obtained an official pardon from the appropriate authorities unless the commission of the crime for which he was convicted has no relevance with or incidence on the performance of his duties as a member of the Fire Department;

d) at least once a year, a candidate shall successfully complete a medical evaluation that covers at least the elements described in section 6.1 (Medical Evaluation) of the Standard on Comprehensive Occupational Medical Program for Fire Departments;

e) at least once a year, a candidate shall successfully complete a fitness examination that covers at least the elements described in section 8.2 (Annual Fitness Evaluation) of the Standard on Comprehensive Occupational Medical Program for Fire Departments; and

f) if such test is developed and implemented by the CNG, a candidate shall successfully complete a multiple choice fire service aptitude test covering a broad range of skills and abilities.

Firefighter

41. A person engaged by a Cree Band as a member of its Fire Department shall meet or exceed the following training requirements:

a) he shall successfully complete basic emergency service response training, including first aid / CPR – level C training;

b) he shall obtain certification for “Pompier I” from the ENPQ or a person recognized and accredited by the ENPQ, or hold a relevant vocational studies diploma in “Intervention en sécurité incendie” or an attestation of vocational specialization in “Intervention en cas d’incendie” awarded, or recognized as equivalent, by the Minister of Education, Recreation and Sports of Québec;

c) after successfully obtaining certification for “Pompier I” as contemplated by paragraph b), a Firefighter shall continue to receive all training which is relevant to his position and functions through his employer, as determined by the CNG and his Fire Chief.

42. A person may act as an Apprentice Firefighter under the supervision of a qualified Firefighter while obtaining the required certification provided that the training period does not exceed forty-eight (48) consecutive months following the date of hiring.

Fire Chief

43. A Fire Chief engaged by a Cree Band shall meet or exceed the following training requirements:

a) certification for “Pompier I” from the ENPQ or a person recognized and accredited by the ENPQ or one of the educational qualifications contemplated by subsection 41.b);

b) certification for “Officier non-urbain” from the ENPQ or a person recognized and accredited by the ENPQ;

c) subject to the specific needs and circumstances of the Cree Community, a Fire Chief shall continue to receive all training which is relevant to his position and functions through his employer, as determined by the CNG and the Cree Band.

44. Notwithstanding section 43b), a Firefighter may hold the functions of Fire Chief while obtaining the required officer certification provided that the training period does not exceed forty-eight (48) consecutive months following the date on which that Firefighter begins to hold the function of Fire Chief.

45. Firefighters who, on September 16, 1998, held the function of director and managed the fire safety service of a Cree Community may exercise the functions of Fire Chief without having to meet the requirements of section 43b), provided that he has not and does not change employment. The foregoing is not intended to restrict the pursuit by such persons of qualifications that would otherwise be required of a Fire Chief.

Fire Prevention Officer

46. The Fire Prevention Officer of a Fire Department shall have principal duties relating to detecting fire hazards and inspecting plans and specifications to ensure they comply with fire safety regulations, and he shall meet or exceed the following training requirements:

a) at the time of his engagement as Fire Prevention Officer, a candidate must have successfully completed training which covers at least the elements described for:

i) “Fire Investigator” in the Standard for Professional Qualifications for Fire Investigator; or

ii) “Recherche des causes et des circonstances d’un incendie” certificate offered through the ENPQ or an instructor accredited by the ENPQ;

b) at the time of his engagement as Fire Prevention Officer, a candidate must also hold at least one of the following certifications awarded by the Minister of Education, Recreation and Sports of Québec, or its equivalent recognized by the Minister of Education, Recreation and Sports of Québec:

i) attestation of college studies in Prévention en sécurité incendie;

ii) diploma of college studies in Prévention en sécurité incendie;

iii) undergraduate studies certificate in Technologie en prévention des incendies; or

iv) vocational studies diploma in Prévention en sécurité incendie;

c) subject to the specific needs and circumstances of the Cree Community, a Fire Prevention Officer shall continue to receive all training which is relevant to his position and functions through his employer, as determined by the CNG and the Cree Band.

47. Notwithstanding section 46, a Firefighter who, on September 16, 1998, worked for the fire safety service of a Cree Community and whose main duties since that time related to detecting fire hazards and inspecting plans and specifications to ensure they comply with fire safety regulations, as well as determining the causes and circumstances of fires, may exercise the functions of Fire Prevention Officer without having to meet the requirements of section 46, provided that he has not and does not change employment. The foregoing is not intended to restrict the pursuit by such persons of qualifications that would otherwise be required of a Fire Prevention Officer.

Division IX LOCATION OF FIRE HALL

48. The location of a fire hall shall take into consideration the following elements:

a) fire risks of the community – the effective response time to major fire-related risks in order to successfully carry out any fire suppression and fire-related rescue work for the adequate protection of life and property within the Cree Community;

b) site access – possible obstructions to emergency firefighting vehicles and to fire hall access such as proximity to schools, major traffic corridors and high-risk buildings such as gas stations, as well as accessibility relative to fire response personnel;

c) impact to/by neighbours – how the light and sound generated by the fire response unit such as sirens, truck noise and siren lights would be tolerated by the neighbours and any impacts of such neighbours on the fire hall or its fire-related equipment and vehicles;

d) vehicle and equipment bay – the area and type of land required for a bay which will permit the fire truck to advance or back into the fire hall and, if possible, which will allow for an additional bay door or doors at the rear of the bay, and which considers the space available for an eventual expansion to such bay and fire hall;

e) equipment and vehicle maintenance – how and when the fuelling, hose testing, maintenance checks and vehicle cleaning of fire-related equipment will be done;

f) hose drying – space required and method of drying, in all seasons;

g) on-site training – space and material required for fire-related training, in all seasons;

h) zoning – planning and building design, including parking spaces.

Division X CONSTRUCTION AND MAINTENANCE OF FIRE HALL

49. The design, re-design, construction, renovation and expansion of a fire hall must take into account the reasonable fire prevention and firefighting needs of the Cree Community and also ensure that once any such works are completed the entire fire hall meets at least the requirements contained in the National Fire Code of Canada and the National Building Code of Canada, as well as the requirements contained in any CNG policy related thereto.

50. The fire hall shall be kept in a proper condition of cleanliness, maintenance and appearance at all times to ensure its optimum operational capacity.

51. The fire hall shall only be used for purposes directly relating to fire prevention and fire fighting, unless otherwise agreed in writing between the Cree Band and the CNG.

Division XI FIREFIGHTING EQUIPMENT

52. The determination of the basic fire equipment required for a Fire Department shall take into consideration the risks of fire and fire-related emergencies in the community, a determination of basic fire flow and fire flow risks, and the assessment of equipment required based on these risk assessments, the size of the Cree Community and the nature and size of its buildings.

53. The determination of special fire equipment required for a Fire Department shall take into consideration any special risks in the community, an assessment of the special fire equipment needed to respond to these circumstances and any arrangement with Canada, Québec and any other third party in relation to fire protection matters.

54. All fire equipment and vehicles of a Fire Department shall meet the criteria described in the Standard for Automotive Fire Apparatus.

55. All fire equipment and vehicles of the Fire Department shall be properly tested and certified before delivery.

56. All fire equipment and vehicles shall be the responsibility of the Fire Chief and they shall be maintained in optimum working condition at all times. The Fire Chief shall ensure that any person using such fire equipment and vehicles has the necessary training, qualifications, certification and licences, as applicable, to use them properly and safely.

57. No person shall borrow, use or take fire equipment of the Fire Department, including vehicles, or use the fire hall without the authorization of the Fire Chief or one of his duly authorized delegates.

58. No person shall damage, vandalize or destroy the fire hall or fire equipment, including vehicles, of the Fire Department.

59. The Fire Chief is responsible for ensuring that a detailed annual inventory of the fire equipment and vehicles of the Cree Band is prepared and submitted for information purposes to the CNG by October 30 of every year. Such an inventory shall include a determination of the reasonable remaining useful life of significant fire equipment and firefighting-related vehicles, and note any changes in inventory from the previous year with brief explanatory notes.

60. At the site of a fire-related incident or emergency, no person other than a member of the Fire Department shall move or drive a vehicle over equipment, including a fire hose, without the permission of the Officer in Charge.

PART III
FIRE PREVENTION

Division XII DUTIES OF ALL PERSONS

61. It is the duty of all persons to seek to remove or reduce fire hazards by acting with foresight and diligence.

62. Inflammable or combustible materials and liquids in and around residential and commercial buildings shall not be permitted to accumulate in quantities or locations that may constitute a fire hazard.

63. Every person whose activities, property or buildings constitute a high or particular fire hazard shall report the hazard to the Fire Chief or the Fire Prevention Officer. The report shall describe the hazard, the location of the hazard, the measures taken to reduce the probability and consequences of a fire, and the private firefighting resources secured by, or at the disposal of, the person.

64. The Fire Chief or the Fire Prevention Officer receiving a fire hazard report pursuant to section 63 shall, within thirty (30) days of its receipt, transmit copies to the Regional Fire Marshall and Regional Fire Prevention Officer.

65. Where a particular property or building is a threat to public safety owing to the presence of fire hazards or to damage caused by a fire, the owner shall, on receipt of a formal notice from the Fire Department where the property is located, promptly take the measures necessary to ensure the protection of persons and property.

Division XIII RIGHT TO VISIT

66. A Fire Prevention Officer or a person designated by the Fire Chief may:

a) enter and reasonably inspect premises between 7:00am and 8:00pm where he has reasonable grounds to believe that an activity carried on or property situated therein constitutes a reportable fire hazard;

b) take photographs of the premises;

c) require any person who is on the premises to provide reasonable assistance;

d) require from any person any relevant information or any explanation relating to the enforcement of section 63 and the production of any relevant document;

e) in regards to any premises, test, or order the owner or occupant to test, any emergency or safety device or equipment, including fire and smoke detectors, carbon monoxide detectors, alarm systems, extinguishers, sprinkler systems, exits and emergency doors, chimneys and heating systems, to ensure their effectiveness and compliance with this By-law and applicable provincial or federal legislation, regulations and standards;

f) in regards to any premises, review or examine any emergency evacuation plan to ensure its effectiveness and compliance with this By-law and applicable provincial or federal legislation, regulations and standards.

Division XIV FIRE HYDRANTS AND WATER DISTRIBUTION

67. No person, except an employee of the public works department of the relevant Cree Band or a member of its Fire Department shall use or take water from a fire hydrant or standpipe, or make any attachment thereto, without first receiving written permission from the band’s public works department.

68. The Fire Department shall be responsible for ensuring, in coordination with the public works department of the Cree Band, that:

    a) all fire hydrants in the Cree Community, particularly high volume fire hydrants, as well as all other equipment and infrastructure relating to fire protection in the Cree Community, are maintained, checked and inspected at least on an annual basis;

    b) fire hydrants are painted red and outlet caps are colour-coded according to the hydrant's capacity and the Recommended Practice for Fire Flow Testing and Marking of Hydrants;

    c) fire hydrants are self-draining where conditions are favourable;

    d) fire hydrants that are not self-draining are identified as such on "as built drawings" of the water distribution system of the Cree Community;

    e) fire hydrants are prepared in advance for freezing weather conditions, including being drained and filled with anti-freeze, as applicable, and that such hydrants are drained or emptied with a pump and filled with antifreeze following use in freezing weather conditions;

    f) the heat-tracing system of a fire hydrant equipped with such a system is engaged after use of the hydrant in freezing weather conditions until the hydrant is drained or filled with anti-freeze;

    g) up-to-date maps of the water distribution system received from the public works department of the Cree Band are available in the fire hall and in every fire-related vehicle at all times.

69. Each Cree Band shall ensure that its public works department:

    a) keeps all fire hydrants clear of snow at all times and in priority over all other snow-clearing operations;

    b) ensures that fire hydrants are otherwise accessible at all times and that they are identified by a sign so they can be readily located at all times and in all seasons;

    c) officially informs the Fire Department of buildings in the Cree Community with fire protection measures such as sprinkler systems and supervised alarm systems;

    d) provides the Fire Department with up-to-date "as-built" maps of the water distribution system of the Cree Community, including the location and diameter of piping and the location and capacity of fire hydrants and associated valves;

    e) officially notifies its Fire Department in advance of any work being done on the water supply system which may affect water flow, including work relating to water intake, the reservoir, the water distribution network, piping, valves and fire hydrants;

    f) officially notifies its Fire Department in advance when written permission has been granted according to section 67 above.

70. No person shall tamper with the mechanical operation of a fire hydrant, damage or destroy a fire hydrant, pipe, stand pipe or Fire Department connection, or remove a fire hydrant from its

authorized or required location, unless so authorized by the Fire Chief.

PART IV
CNG REGIONAL RESPONSIBILITIES

Division XV TRAINING AND CENTRAL RECORDKEEPING SYSTEM

71. The CNG may facilitate the coordination of training activities and programs in collaboration with Fire Departments for the training of their members.

72. The CNG may coordinate the procurement of fire prevention and fire protection resource material, for the benefit of the Fire Departments, the Regional Fire Marshall and the Regional Fire Prevention Officer.

73. The CNG may establish a central recordkeeping system for the organized, systematic and cost-effective control and management of all records concerning Cree firefighting training programs.

74. In the event that the CNG establishes a central training recordkeeping system, each Fire Chief shall work in collaboration with the CNG for all training-related matters and for recordkeeping purposes.

Division XVI REGIONAL FIRE MARSHALL

75. The Regional Fire Marshall shall assist the Cree Bands and their Fire Departments to ensure the implementation and enforcement of this By-law and shall report to the Director of Capital Works and Services.

76. The Regional Fire Marshall shall have the professional experience and training in relation to fire prevention and fire protection services required to fulfill the functions contemplated herein, including the mandatory training requirements described in section 43, regardless of when this section comes into force, and shall continue to receive all training which is relevant to his position and functions as determined by the CNG.

77. The Regional Fire Marshall’s responsibilities shall include:

a) collaborating with the Fire Chiefs to promote respect of this By-law by their Fire Departments and in their respective communities, including reporting functions attributed to the Fire Chiefs under this By-law and applicable federal and provincial legislation;

b) providing technical support and guidance to Fire Chiefs, as required, in order to enhance the delivery of fire prevention and fire protection services, as well as relevant personnel training and evaluation;

c) collaborating with the Regional Fire Prevention Officer and Fire Chiefs to evaluate the risk of fire-related incidents, the prevention of such incidents, fire-related emergency response procedures and related matters regarding their respective communities;

d) coordinating with the Fire Chiefs for the inspection, maintenance and testing of fire protection equipment and vehicles, ensuring follow-up with Fire Chiefs with respect to the annual inventory reports contemplated by section 59 and, as required, the procurement of additional fire prevention or fire protection equipment;

e) preparing an annual report, under the supervision of the Director of Capital Works and Services and in collaboration with the Regional Fire Prevention Officer, concerning the implementation and enforcement of this By-law by each Cree Band and Fire Department and other fire prevention and fire protection matters in each of the Cree Communities, to make such report available to the Council of the CNG, the Management Committee of the CNG and to Cree Bands; and

f) collaborating with the Regional Fire Prevention Officer in relation to other matters of mutual responsibility.

Division XVII REGIONAL FIRE PREVENTION OFFICER

78. The Regional Fire Prevention Officer shall be under the responsibility of the Director of Capital Works and Services and shall assist the Cree Bands and their Fire Departments to ensure the implementation of fire prevention activities and initiatives, including in relation to this By-law.

79. The Regional Fire Prevention Officer shall have the professional experience and training in relation to fire prevention required to fulfill the functions contemplated herein, including the mandatory training requirements described in section 46, regardless of when this section comes into force, and shall continue to receive all training which is relevant to his position and functions as determined by the CNG.

80. The Regional Fire Prevention Officer's responsibilities shall include:

a) collaborating with the Regional Fire Marshall, Fire Chiefs and local Fire Prevention Officers to evaluate the risk of fire-related incidents, the prevention of such incidents, and related matters regarding their respective communities;

b) in collaboration with the Cree Bands and their Fire Departments, developing, implementing, evaluating and, as required, from time to time, amending:

i) a regional fire prevention program for Cree Communities and Fire Departments;

ii) a regional public education program for Cree Communities and Fire Departments regarding fire safety that reflects applicable fire safety standards, and related materials;

iii) a regional inspection program for all public and private buildings in Cree Communities that meets applicable fire safety standards;

c) providing technical support and guidance to Fire Chiefs and local Fire Prevention Officers, as required, in order to enhance the delivery of public fire prevention education and inspection programs, including in relation to assisting and guiding local fire personnel to conduct:

i) fire investigations to determine the origin and cause of fires, as well as examinations and inspections of building construction plans and specifications, to ensure that they comply with fire safety requirements;

ii) inspections of buildings and surrounding areas to ensure compliance with fire safety requirements;

iii) the development and delivery of local, public education programs;

iv) regular fire drills in Cree Communities;

d) collaborating with Regional Fire Marshall in relation to matters of shared responsibility, including preparing the annual report contemplated by subsection 77e), all under the supervision of the Director of Capital Works and Services.

PART V
ENFORCEMENT

Division XVIII PROHIBITIONS, OFFENCES AND PENALTIES

81. Any person who, in contravention of section 63, fails to report a hazard is guilty of an offence under this By-law and is liable on summary conviction to a fine not exceeding two thousand dollars ($2,000).

82. Any person who hinders a member of a Fire Department in the exercise of his duties, including in a manner contemplated by sections 57, 58 or 70, is guilty of an offence under this By-law and is liable on summary conviction to a fine not exceeding two thousand dollars ($2,000), in addition to any other sanction imposed by law.

83. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire, fire hydrant, cistern or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

84. Any person who contravenes section 83 is guilty of an offence under this By-law and is liable on summary conviction to a fine not exceeding two thousand dollars ($2,000).

85. Unless authorized by the Fire Chief, the Fire Prevention Officer or the Officer in Charge at the site of an incident, no person shall:

a) enter any building or premises threatened by an incident;

b) enter within an area designated by ropes, guards or tape erected by or under the direction of a peace officer or a Fire Department member or his designated assistant across or around any street, lane, alley or building; or

c) refuse to leave such designated area when directed to do so by a peace officer or a Fire Department member.

86. Any person who contravenes section 85 is guilty of an offence under this By-law and is liable on summary conviction to a fine not exceeding two thousand dollars ($2,000).

87. The Regional Fire Marshall, the Regional Fire Prevention Officer, a Fire Chief, a Fire Prevention Officer or a Firefighter designated by one of them may issue a written warning to any person who contravenes one of the provisions of this Division XVIII.

PART V
FINAL PROVISIONS

Division XIX ADOPTION AND PUBLICATION

88. This By-law shall be made by means of the adoption of a resolution of the Council of the CNG.

89. Within one week after this By-law has been made, a copy of this By-law shall be posted on the website of the CNG and at a public place designated by the CNG on the Category IA land of each Cree Band.

Division XX COMING INTO FORCE

90. Subject to section 91, this By-law comes into force on the day on which it is posted on the website of the CNG, whether or not it is posted within the time set out in section 89.

91. Sections 16, 18, 38, 41b) and 42 to 47 of this By-law come into force twenty-four (24) months from the date of the coming into force of this By-law.

Adopted: March 13, 2013

Paul John Murdoch, Corporate Secretary