Agenda – Council – September 30, 2009

Report – Standing Policy Committee on Protection and Community Services – September 14, 2009

Item No. 1 Amendment to the Fire Prevention By-law No. 150/2004 – Fire Lanes eFile GF-5

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the Fire Prevention By-law No. 150/2004 be amended as per the draft amending By-law shown as Attachment A to the report from the Director of Fire Prevention, Fire Paramedic Service, dated August 26, 2009 to:

    A. Update the definition of "Manitoba Fire Code" to refer to the new Provincial Statute and Regulation;

    B. Make it clearer that owners and occupants of certain buildings are required to post signs and otherwise ensure access by Fire Paramedic Service vehicles to buildings; and

    C. Make it a separate and distinct offence under the Fire Prevention By-law (rather than just under the Manitoba Fire Code) to park a vehicle:

        i. in a way that blocks access for Fire Paramedic Service vehicles; or

        ii. to violate signs placed by the owner that create a fire lane as required by the Fire Prevention By-law and the Manitoba Fire Code.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Report – Standing Policy Committee on Protection and Community Services – September 14, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2009, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: **AMENDMENT TO THE FIRE PREVENTION BY-LAW RE: FIRE LANES**

Critical Path: **Standing Policy Committee on Protection & Community Services – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Kloos Director of Fire Prevention	J. Brennan Fire & Paramedic Chief	N/A	G. Laubenstein

RECOMMENDATIONS

1. That the Fire Prevention By-Law No. 150/2004 be amended as per the attached draft amending By-law (Attachment A) to:
   a. update the definition of "Manitoba Fire Code" to refer to the new Provincial Statute and Regulation;
   b. make it clearer that owners and occupants of certain buildings are required to post signs and otherwise ensure access by Fire Paramedic Service vehicles to buildings; and
   c. make it a separate and distinct offence under the Fire Prevention By-law (rather than just under the Manitoba Fire Code) to park a vehicle
      i. in a way that blocks access for Fire Paramedic Service vehicles; or
      ii. to violate signs placed by the owner that create a fire lane as required by the Fire Prevention By-law and the Manitoba Fire Code.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

The amendments would provide legal clarification and improved customer service in locating and understanding an offence.

There is no change to current practice.

HISTORY

The Winnipeg Parking authority regularly cites persons under the Winnipeg Fire Prevention By-Law No. 150/2004 for stopping/parking in a fire lane. The Fire Prevention By-Law does not have a direct reference to this type of offence. It does however, adopt the Manitoba Fire Code which in turn specifically states that *vehicles shall not be parked to obstruct access by fire department vehicles and signs shall be posted prohibiting such parking.* It is therefore difficult to locate the offence, and this difficulty has led, in part, to a concern that an accused person may not exactly know what he/she is accused of.

Under the By-law, "Manitoba Fire Code" has been defined as the National Fire Code adopted and amended by Manitoba Regulation 163/98 pursuant to *The Fires Prevention Act,* C.C.S.M. c. F80. Manitoba Regulation 163/98 has since been repealed. The new Regulation is *Manitoba Regulation 216/2006* and the relevant act is now *The Fire Prevention and Emergency Response Act S.M. 2006 c. 19.* Although this is not problematic legally, it makes it harder to find the offence that has been committed.

The proposed by-law amendments will not change the current law or practice. However, they will alleviate the difficulty of locating the offence in the Fire Code and will provide an accused person with a clear and direct manner of understanding the charge they are accused of. Moreover, they will clarify the reference to the applicable Provincial Statute, which would be beneficial from a customer service perspective.

FINANCIAL IMPACT

Financial Impact Statement Date: August 26, 2009

Project Name: Amendments for the Fire Prevention By-Law Re: Fire Lanes

COMMENTS:

There is no financial impact to this report as it deals with changes to clarify existing legislation.

Bodo G.W. Roloff, CMA
Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with:

City of Winnipeg Legal Services Division

SUBMITTED BY

Department: Fire Paramedic Service
Division: Fire Prevention Branch
Prepared by: P. Kloos, Director of Fire Prevention
Date: August 26, 2009
File No.

ATTACHMENT A

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Fire Prevention By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. *The Fire Prevention By-law No. 150/2004 is amended by this By-law.*

2. *Section 2 is amended in the definition "***Manitoba Fire Code**" *by striking out "*Manitoba Regulation 163/98 pursuant to *The Fires Prevention Act*, C.C.S.M. c. F80*" and substituting* "regulation pursuant to *The Fires Prevention and Emergency Response Act*, C.C.S.M. F80."

3. *The following is added immediately after section 50:*

No parking in fire lanes

50.1(1) The owner and occupant of a building are each responsible for ensuring that:

(a) streets, yards and roadways provided for fire department access are maintained so as to be ready for use at all times by fire department vehicles; and

(b) signs are posted which prohibit parking in a manner that obstructs access by fire department vehicles to the building or to streets, yards and roadways provided for fire department access.

50.1(2) The operator of a vehicle must not park a vehicle and the owner of a vehicle must not allow it to be parked:

(a) in a manner that obstructs access to a building by vehicles owned or operated by the Winnipeg Fire Paramedic Service; or

(b) in violation of signs that have been posted by the owner of a building in compliance with subsection (1) or Article 2.5.1.5 or a successor provision of the Manitoba Fire Code which prohibit vehicles from being parked to obstruct access by fire department vehicles.

DONE AND PASSED, this day of , 2009.

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Mayor

_____
City Clerk

Approved as to content:

_____
Fire and Paramedic Chief

Approved as to form:

_____
For Acting City Solicitor/Manager of
Legal Services