Minute No. 686
Report - Standing Policy Committee on Protection and Community Services - October 14, 2004

Item No. 1 New Fire Prevention By-law
File GF-5

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and adopted the following:

1. That The Fire Prevention By-law No. 150/2004 be enacted with the following amendment:

   A. Add the following:
   19(2) (b) fires set and maintained for ceremonial or religious purposes which are contained within an approved receptacle and maintained in accordance with this By-law;

   and renumber the By-law clauses accordingly,

   which comes into effect on January 1, 2005, and replaces the Fire Prevention By-law No. 1322/76, the Fireworks and Firecrackers By-law No. 351/73 and the Fire Alarm Systems By-law No. 1484/77.

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

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Protection and Community Services be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2004, 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 October 14, 2004, the Standing Policy Committee on Protection and Community Services concurred in the administrative recommendation, as amended, namely:

- Add the following to The Fire Prevention By-law No. 150/2004:

  19(2) (b) fires set and maintained for ceremonial or religious purposes which are contained within an approved receptacle and maintained in accordance with this By-law,

  and renumber the By-law clauses accordingly,

and submitted its recommendation to the Executive Policy Committee and Council.

On September 13, 2004 the Standing Policy Committee on Protection and Community Services laid over consideration of the matter to its meeting scheduled for October 15, 2004, and in the interim, requested the Administration to provide Committee with a revised administrative report and amended by-law.

On June 7, 2004, the Standing Policy Committee on Protection and Community Services referred the proposed new Fire Prevention By-law to all Community Committees for review and report back to the Standing Committee within sixty (60) days.

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATIONS:

On July 13, 2004, the City Centre Community Committee concurred in the administrative recommendation and forwarded the matter to the Standing Policy Committee on Protection and Community Services.

On July 6, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and recommended to the Standing Policy Committee on Protection and Community Services that the administration conduct a heightened public relations campaign to inform the public that the purpose of issuing permits is for education on fire safety procedures.

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee received the proposed new Fire Prevention By-law as information and forwarded the matter to the Standing Policy Committee on Protection and Community Services.

On July 6, 2004, the Riel Community Committee received the proposed new Fire Prevention By-law as information and forwarded the matter to the Standing Policy Committee on Protection and Community Services.

On June 29, 2004, the East Kildonan-Transcona Community Committee received as information the new Fire Prevention By-law and forwarded the matter to the Standing Policy Committee on Protection and Community Services.

ADMINISTRATIVE REPORT

RE: NEW FIRE PREVENTION BY-LAW

FOR SUBMISSION TO: Standing Policy Committee on Protection and Community Services

ORIGINAL REPORT SIGNED BY: Wes Shoemaker
Fire & Paramedic Chief

REPORT DATE: September 24, 2004

RECOMMENDATION(S):

1. That Council enact the attached Fire Prevention By-law, which comes into effect on January 1, 2005 and replaces:

    - the Fire Prevention By-law No. 1322/76
    - the Fireworks and Firecrackers By-law No. 351/73
    - the Fire Alarm Systems By-law No. 1484/77

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

REPORT SUMMARY:

The proposed By-law will replace by-laws that have not been overhauled since the 1970s. It is intended to better reflect the needs and expectations of the community and to meet corporate and departmental objectives and goals.

Among other things, the proposed By-law sets out new standards and requirements with respect to:

- outdoor fires (including in chimnias and other receptacles);
- barbeques;
- storage of propane tanks on balconies;
- selling and setting off fireworks;
- smoke alarms in residential properties; and
- testing and maintenance of fire protection/life safety systems;

The proposed By-law also stipulates fees to cover the costs of a variety of inspections and permits.

Key Issues:
The proposed By-law:

1. Represents an extensive review, overhaul and consolidation of various by-laws.

2. Sets out rules and requires permits for most types of outdoor fires.

3. Allows for the use of certain types of barbeques on the decks and balconies of multi-family buildings.

4. Includes new requirements for testing, maintenance, record keeping and tenant/owner education for smoke alarms in residential rental properties.

5. Includes requirements to improve the inspection and testing of fire protection and life safety systems.

6. Requires permits for most open-air fires, the sale and use of fireworks, the installation and removal of flammable and combustible liquid storage tanks. (Note: Some permits are provided free of charge.)

7. Requires occupant loads to be established in existing assembly occupancies.

8. Stipulates a variety of new inspection fees, which are anticipated to decrease the number of re-inspections required and increase the level of compliance.

Implications of the Recommendation(s):

General implications:
- ☐ **None**
- **X** **For the organization overall &/or for other departments**
- **X** **For the community and/or organizations external to the City**
- ☐ **Involves a multi-year contract**

Comment(s):
New standards, permit and other requirements and fees will affect various segments of the public.

Policy implications:
ˆ **No**
X Yes Comment(s):
The proposed By-law proposes numerous changes from current policy.

Environmental implications:
X No
ˆ **Yes Comment(s):**

Human Resources implications:
X No
ˆ **Yes Comment(s):**
Additional staffing costs are not anticipated.

Financial implications:
X Within approved current and/or capital budget
ˆ **Current and/or capital budget adjustment required**
Comment(s):
The proposed amendments will facilitate the implementation of a variety of fees, which have been included in the department's 2005 budget.

REASON FOR THE REPORT:

At the September 13, 2004 meeting of Standing Policy Committee on Protection and Community Services the Administration was requested to provide Committee with a revised administrative report and amended by-law. Council approval is required to enact the attached By-law.

HISTORY:

The Fireworks and Firecrackers By-law has not been overhauled since it was enacted in 1973. The Fire Prevention By-law No. 1322/76 has only had minor amendments since it was enacted in 1976. A major review of these By-laws has been needed for some time to keep them current in the face of technological changes and changes in public practices and expectations.

The Fire Alarm Systems By-law was passed in 1977. These provisions have, for some time, been adequately dealt with in the Manitoba Fire Code and other regulations and are not necessary.

Recent passage of the City of Winnipeg Charter has provided additional opportunities for the introduction of new inspection and permit fees as well as broadened enforcement authority and procedures.

The department submitted an administrative report to Standing Policy Committee on Protection and Community Services which was considered at the June 7, 2004 meeting. The Standing Policy Committee on Protection and Community Services referred the proposed new Fire Prevention By-law to all Community Committees for review and report back to the Standing Committee within sixty (60) days. The Community Committees reviewed the report as requested. A recommendation was made that the administration conduct a heightened public relations campaign to inform the public that the purpose of issuing permits is for education on fire safety procedures.
At the September 13, 2004 meeting Standing Policy Committee on Protection and Community Services laid over consideration of the matter to its meeting scheduled for October 15, 2004, and in the interim, requested the Administration to provide Committee with a revised administrative report and amended by-law. At this meeting the department advised the Committee that it would proceed with changes to remove the requirement for permits for residential "back yard" recreational fires as well as permit fees for daycare inspections. These changes are contained within this report as well as the amended by-law.

DISCUSSION:

The attached By-law represents the results of a review of all of the current provisions in the Fireworks and Firecrackers By-law No. 351/73, the Fire Prevention By-law No. 1322/76, the Fire Paramedic Service By-law No.631/94 and the Fire Alarm Systems By-law No. 1484/77. In some cases, the existing provisions were seen as effective and were therefore retained. In other cases, the existing provisions were out-of-date, rarely enforced or inappropriate. Additional provisions were added to the By-law that were considered to improve fire and life safety in the community. The new By-law also features a better organizational style with plain, modern language used throughout.

The key aspects of the proposed By-law are as follows:

Manitoba Fire Code

- The Manitoba Fire Code establishes minimum standards for fire safety.

Outdoor Fires

- General rules are set out for open burning and fires set out of doors.

- Requirements are established for the construction and location of fire pits,

- Permits and fees are required for all outdoor fires except for recreational fires within approved receptacles on residential properties.

  Rationale: Currently, permits are only required for bonfires and the burning of rubbish. The recent increase in recreational burning in chimnias, permanent outdoor barbeques and similar receptacles has necessitated formal regulations to allow residents to enjoy fires in the outdoors in a safe manner. Open-air fire permits allow dissemination of information about by-law and other safety requirements and provide information to the Fire Paramedic Service about the location of outdoor fires. Residential "back yard" recreational fires will not require a permit. All other types of open-air burning, such as burning of crop residue and combustible waste materials (ie. dutch elm burning, river bank clean up) will be subject to a permit and permit fee.

Portable Barbeques

- The rules prohibiting propane barbeques on combustible balconies and near buildings are being eased. However, the restriction on using briquette or other solid fuel barbeques on or near combustible surfaces is being maintained.

- Strict rules are set out for storing propane tanks on balconies and in enclosed spaces.

  Rationale: Current prohibitions on the use of barbeques on combustible balconies were established when charcoal briquette barbeques were popular and prior to the wide spread use of propane fueled barbeques in multi-family buildings. In response to appeals of enforcement orders from owners and tenants in multiple family buildings, based on the current barbequing provisions in the By-Law, the Standing Policy Committee on Protection and Community Services has recommended that the whole issue of barbequing on balconies be reviewed. The proposed By-law reflects that review in recognizing that electric and propane fueled barbeque technology has improved considerably over the years with the introduction of significant safety features built into the tanks and valves. Because of the reduced risk posed by these barbeques, the proposed By-law will permit them to be used on balconies.

  Propane is a dangerous gas and improperly stored propane tanks can have severe consequences. Accordingly, the proposed By-law imposes strict conditions on the storage of propane tanks on balconies and in enclosed spaces.

Smoke Alarms in Rental Units

- Owners of residential rental units are currently required to test smoke alarms annually. In addition, they will now be required to maintain records of the tests for review by inspectors.

- Owners will be required to provide information to tenants about the obligations of owners and tenants with respect to smoke alarms in the units.

  Rationale: These changes are designed to ensure that smoke alarms are operable at all times. They were recommended in the 2002 Judicial Inquest Report into a fire in a rented house at 526 Flora Avenue.

Fire Protection/Life Safety Systems (larger buildings)

- The proposed By-law sets out qualifications for individuals who are authorized to test and maintain these systems.

- The proposed By-law requires that labels indicating the most recent date of inspection, testing or maintenance must be affixed to the equipment.

- The proposed By-law retains the requirement that fire alarm systems must be maintained in an operable condition at all times.

- A fire alarm system that cannot be made operable is identified by the By-law as an emergency. The By-law authorizes the Fire Paramedic Services to take whatever actions or measures necessary to meet the emergency, including evacuating the building.

- In order to deal quickly with inoperable systems and avoid evacuations, the proposed By-law authorizes a building owner to identify a qualified service person who is authorized by the owner to make the fire alarm system operable at the owner's expense.

  Rationale: The Fire Code and other regulations require that fire protection/life safety systems installed in buildings larger than single and two-family homes must be inspected, tested and maintained at regular intervals by "qualified service personnel". However, the Code is largely silent as to the qualifications for "qualified service personnel". In order to ensure that inspections, testing and maintenance are carried out by competent individuals, this proposed By-law sets out qualifications for a variety of service personnel. These qualifications have been determined after extensive consultation with the relevant industry and service providers.

  The provision permitting building owners to identify qualified service persons as their agents to repair fire alarm systems in an emergency is new and should be beneficial to owners, residents and the City as it permits immediate action to be taken to repair such inoperable systems.

Fireworks

- The proposed By-law will require a permit for every fireworks display, whether high hazard (display) fireworks, pyrotechnic displays or low hazard (consumer) fireworks, as well as for the sale of fireworks.

- Low hazard (consumer) fireworks display permits will be free of charge.

- Additional permits will be required for the sale of fireworks and restrictions will be placed on the accessibility of fireworks for sale and the locations in which they may be sold.

- The By-law will also require a permit and extra precautions when more than 1000 kilograms of low hazard fireworks or any amount of high hazard or pyrotechnics are stored in a location within the City.

  Rationale: Currently, permits are only required for high hazard fireworks and pyrotechnic displays. Permits for low hazard fireworks are proposed to ensure that the general public is made aware of safety requirements and to allow the Fire Paramedic Service to be aware of such fireworks displays. The intent of the permit is to ensure public education and responsibility respecting the use and handling of consumer fireworks in an effort to reduce the risk of fire or injury associated with their use. In order to encourage the public to apply for permits, and because the costs of administering and enforcing low hazard fireworks permits are relatively low, no fee will be charged for these permits, which will be issued by firefighters through local community Fire Paramedic stations. Fees will continue to be charged for high hazard fireworks permits and pyrotechnic display permits.

  Currently there are no regulations in place for the sale of fireworks. Fireworks are being sold from vehicles on public roadways, displayed in an unsafe manner and sold to minors. In some cases unauthorized fireworks are being sold to the general public. The proposed By-law will require permits for the sale of fireworks to ensure that fireworks for sale are:

  a) properly and safely displayed,
  b) sold at appropriate retail locations,
  c) not sold to minors, and
  d) accompanied by consumer information concerning their safe use.

  Where dangerous quantities of fireworks are stored within the City, a permit will be required and precautions, such as a sprinkler system in the storage building, will be required.

Removal of flammable/combustible liquid storage tanks

- A building permit and approval from the Chief of the Fire Paramedic Service is proposed for the removal of flammable/combustible liquid storage tanks.

  Rationale: Current regulations require approval from the Chief of the Fire

removal of these tanks. The proposed By-law would require the Chief's approval and a permit for the removal of these tanks. The permit would be issued by Property & Development Services, Zoning and Permits Branch and the fee is already set in the Development Fees By-Law No. 6965/97.

Additional fees

- The By-law proposes fees for the following inspections and permits:

  - *Re-inspection fees.* These are proposed for cases where property owners or occupiers fail to comply with orders and notices over a period of time, resulting in several re-inspections. If an individual has been issued an order or notice and is still non-compliant at the time of the first re-inspection, a fee would be applied every time an inspector returns for a subsequent re-inspection. Although the primary purpose of these fees is to defray the costs of re-inspections, it is hoped that the implementation of these fees would result in earlier compliance, which would in turn reduce the number of re-inspections required. It should be noted that an individual has the right by by-law to appeal an order that he or she considers to be unfair. In addition, an administrative review is available upon request whenever an individual considers a violation notice to be inappropriate

  - *Residential care facilities inspection fees.* In light of Provincial legislation that imposes a higher inspection frequency for residential care facilities, the Fire Prevention Branch is thereby obligated to provide more frequent inspections and a higher level of service to these facilities as would normally be provided for most other buildings in the City. The proposed fees are intended to offset the cost of providing these third party inspections. All other occupancies requiring inspections for license purposes are currently required to pay a license and inspection fee.

  - *Requested inspections.* Inspections are typically requested to determine code compliance when a property transaction occurs. The fees proposed reflect the cost of providing these inspections.

  - *After-hours inspections fees.* These proposed fees reflect the additional costs associated with providing inspection services for fireworks and pyrotechnic displays as well as certain building inspections, which can only be conducted after hours. After hours inspection fees for fireworks will only apply to high hazard and pyrotechnic displays. These include approximately half a dozen major events in which thousands of people are present. These displays can only be delivered by a certified fireworks

New Year's Eve at The Forks, major musical performances at the arena and displays at some of the major sports events.

- *Occupant load permit fees.* The Manitoba Fire Code requires occupant load signs to be posted in assembly occupancies with occupant loads exceeding 60 persons. The Planning, Property and Development Department issues occupant load signs for new buildings or newly renovated buildings and charges a fee for this service. However, there is no process in place to issue occupant load signs in an existing building with an occupant load exceeding 60 persons. The proposed By-law would allow the Fire Paramedic Service to issue occupant load signs for existing buildings for a fee.

- *Increased permit fees*. As noted above, the proposed By-law would impose or increase fees for the following permits:

  a) outdoor fires (except recreational residential fires);
  b) high hazard and pyrotechnic fireworks displays;
  c) fireworks sales.

- *Cancellation fee.* The proposed fee schedule allows for permit fees to be refunded when an event is voluntarily cancelled prior to its scheduled occurrence. When this occurs, however, a cancellation fee will be deducted from the refund to account for administrative and processing costs.

FEE SCHEDULE

INSPECTION FEES

Residential Care Facility	$75.00
Other requested inspections (per hour or part thereof)	$80.00
Second and subsequent re-inspections to check on compliance with violation notice or order	$75.00
Fireworks site inspection outside of regular Fire Prevention office hours	
• Less than 3 hours inspection time	$200.00
• For each additional hour or part thereof	$80.00
Other after-hours inspections	
• For each hour or part thereof	$80.00

PERMIT FEES

Open-Air Fire Permit	$75.00
Fireworks Display Permit	
• Low Hazard	No Charge
• High Hazard*	$150.00
• Pyrotechnic Special Effects*	$150.00
Fireworks Distribution Permit (annual fee)	$100.00
Small Quantity Fireworks Distribution Permit (annual fee)	$25.00
Dangerous Quantities Fireworks Storage Permit (annual fee)	$200.00
Permit cancellation fee	$25.00

MISCELLANEOUS FEES

Public Education Services provided outside regular office hours	
• For each hour of development and delivery or part thereof	$80.00

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

Corporate Services Department, Legal Services Division
Planning, Property and Development, Zoning and Permits Branch

THIS REPORT SUBMITTED BY:

Department: Winnipeg Fire Paramedic Service
Division: Administration
Prepared by: Roger Chamberland & Peter Kloos, Fire Prevention Branch

Approved:

"original signed by"

W. H. Shoemaker

Financial Impact Statement

Date: September 24, 2004

Project Name:

Amendments to the Fire Prevention By-law 1322/76

First Year of Program **2005**

	2005	2006	2007	2008	2009
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Total Additional Debt Required	$ -	$ -	$ -	$ -	$ -
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	176,400	180,300	182,900	185,500	188,100
Net Cost/(Benefit)	$ (176,400)	$ (180,300)	$ (182,900)	$ (185,500)	$ (188,100)
Less: Existing Budget Amounts	(176,400)	(180,300)	(182,900)	(185,500)	(188,100)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenue amounts represent the additional revenue expected from permits and reinspections beginning January 1, 2005 and have been incorporated in the draft departmental estimates for 2005 to 2007. The revenues for 2008 and 2009 are estimated at a slight increase over 2007 estimates. Incremental expenditures connected with the generation of this revenue are assumed to be negligible and can be funded by existing budgets.

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