Minutes – Executive Policy Committee – April 19, 2017

Report – Standing Policy Committee on Protection, Community Services and Parks – April 18, 2017

Item No. 1 New Fire Prevention By-law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the following to Council:

1. That a new Fire Prevention By-law, a draft of which is attached as Schedule "A", and the existing Fire Prevention By-law No. 150/2004 (old by-law) be repealed.

2. That the Fire Prevention fees as set out in Schedule "B" be approved, including new industrial inspection, food truck inspection and illegal rooming house inspection fees required to support the increase of three inspectors included in the 2017 adopted budget, and new fees to support additional business processes and services in the Fire Prevention branch, with the following amendment:

   A. Delete "19(2)" under "Miscellaneous Fees" and replace it with "18(2)".

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

Report – Standing Policy Committee on Protection, Community Services and Parks – April 18, 2017

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Protection, Community Services and Parks be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2017, The Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following to the end of recommendation 2:

  ", with the following amendment:

  A. Delete "19(2)" under "Miscellaneous Fees" and replace it with "18(2)".

and submitted the matter to the Executive Policy Committee and Council.

On April 10, 2017, the Standing Policy Committee on Protection, Community Services and Parks laid over the matter to a Special Meeting at the call of the Chairperson.

ADMINISTRATIVE REPORT

Title: New Fire Prevention By-law

Critical Path: Standing Policy Committee on Protection, Community Services and Parks - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Bier	J. Lane	B. Holsten Boyer	D. McNeil

EXECUTIVE SUMMARY

The proposed new Fire Prevention By-law (the "New By-law", a draft of which is attached as Schedule "A") will replace the existing Fire Prevention By-law No. 150/2004 (the "Old By-law"), which has been in effect for over eleven years without significant amendments. Since the enactment of the Old By-law, there have been significant changes in the way Fire Prevention conducts business and regulates fire safety, and new initiatives to enhance public safety have been introduced by the Fire Prevention Branch.

A New By-law is being proposed to update the Old By-law and to more accurately reflect Fire Prevention's needs and the needs of the community. The New By-law will improve current operational processes and clarify some of the more technical aspects of the Old By-law. The recommended additions are necessary operational and technical updates that reflect current information and meet current corporate and departmental goals and objectives.

The additions to the New By-law are intended to increase public and community safety through additional required inspections, by ensuring that service personnel contracted by building owners have the qualifications necessary to complete the work on fire protection systems, and by increasing the regulatory impact for homeowners who choose to convert their houses into illegal rooming houses. The New By-law is also intended to increase public safety by ensuring that mobile food service units maintain their fuel systems and fire suppression systems in conformance with fire protection standards and propane storage and handling requirements. It is also intended that the New By-law will improve public safety by imposing permit requirements for flame effects and by prohibiting sky lanterns within the City of Winnipeg.

An additional three full time equivalent resources are included in the 2017 adopted budget to support the increased inspections set out in the New By-law.

RECOMMENDATIONS

1. That Council enact a new Fire Prevention By-law, a draft of which is attached as Schedule “A”, and repeal the existing Fire Prevention By-law No. 150/2004 (old by-law).

2. That the Fire Prevention fees as set out in Schedule “B” are approved, including new industrial inspection, food truck inspection and illegal rooming house inspection fees required to support the increase of three inspectors included in the 2017 adopted budget, and new fees to support additional business processes and services in the Fire Prevention branch.

3. That the proper officers of the City be authorized to do all the things necessary to implement the foregoing.

REASON FOR THE REPORT

Council approval is required to repeal the current Fire Prevention By-law and enact a new Fire Prevention By-law.

The existing Fire Prevention By-law No. 150/2004 came into force on January 1, 2005 and has not had any significant revisions since 2007. The amendments required are so extensive that a new By-law is being recommended to properly reflect current Fire Prevention standards, regulations and initiatives.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are approved, the Old By-law will be repealed, and the New By-law will be enacted. The new By-law will increase the regulatory impact to various segments of the community, including fire protection servicing companies, service personnel, and businesses, as well as various segments of the public sector and building owners.

The New By-law will mirror many provisions from the Old By-law, with small amendments, and will also set out new standards and requirements, including:

1. Changes to the licencing program for Service Personnel to improve and simplify the renewal process. These changes require that the Director of Fire Prevention be authorized to determine the terms of the licence and offer discounts for multi-year licences based on their term.

2. Creating an offence for the tampering with, damaging, destroying, disconnecting or removing any part of a fire protection/life safety installation.

3. Changes to the licencing requirements for Fire Extinguisher Trainers to potentially increase the number of trained people in the City.

4. Regulating the installation of storage lockers in parking garages of some residential occupancies by requiring engineering reports prior to installation. This will ensure that Building Code and Fire Code requirements are maintained.

5. Regulating displays of flame effects and requiring operators to obtain a permit.

6. Prohibiting the use of Sky Lanterns which pose serious fire hazards.

7. New requirements for Mobile Food Service Operations and for scheduled inspections of these Operations to ensure the safety of the public and of operators.

The Fee Schedule (Schedule "A" of the Old By-law) will be removed from the New By-law, and instead fire prevention fees will be set by Council resolution. This is approved annually as part of the budget process. New fees will be imposed for new inspection services, such as Medium and Low Hazard Industrial Occupancy inspections, food truck inspections and fees for the inspection of illegal rooming houses.

Authority will be delegated to the Director of Fire Prevention (s. 68(3) of the New By-law) to set the term for service licences that are required under the Qualified Service Personnel Licensing program. This will allow the Director of Fire Prevention to ensure that these service licences remain valid for the full term of any trades licence held by the service licence holder. Authority will also be delegated to the Director of Fire Prevention to offer discounts for multi-year licences.

Fire Prevention anticipates a small decrease in revenue annually from the Qualified Service Personnel Licensing program due to the change in the renewal cycle. It is also anticipated that there will be a small initial increase in revenue recovered from the recommended overdue renewal fee; however, it is expected that revenue from this fee will decrease over time as service personnel realize the cost of allowing their licences to lapse.

Fire Prevention foresees an increase in inspections of illegal rooming houses due to the amplified media and political attention to this issue. Fire Prevention will realize an increase in revenue from the new fees to be collected for the inspections of illegal suites / rooms and illegal rooming house inspections and from the new fees for the Mobile Food Operations inspections.

HISTORY

The Old By-law came into force on January 1, 2005. The Old By-law sets out standards and requirements with respect to fire prevention and life safety and stipulates fees to cover the costs of a variety of inspections and permits.

The Old By-law has not been revised in any significant capacity since 2007 and requires extensive revisions to reflect current standards and regulations, and to reflect new initiatives in Fire Prevention. As Fire Prevention's efforts evolve and expand to meet the needs of the City and the community, the Fire Prevention By-law requires amendments to reflect these changes.

In response to an incident on July 1, 2014 in Philadelphia where a propane leak caused a food truck explosion and resulting fire, the Office of the Fire Commissioner (the OFC) met with Fire Prevention to discuss enforcement of mobile food operations in Winnipeg. Although the OFC did not formally order WFPS to inspect food trucks, the Fire Commissioner did instruct WFPS to

develop an inspection program. The OFC offered to assist by developing a brochure that would provide information on the entire inspection process which includes initial OFC gas appliance inspections and Provincial Health inspections of these units. The Philadelphia incident also prompted media attention questioning whether WFPS inspected food trucks.

WFPS agreed with the OFC that the risks associated with the food truck industry do warrant inspections of mobile food operations.

DISCUSSION

New Fire Prevention By-law

The New By-law includes the majority of the regulations stipulated in the Old By-law and also incorporates various additional changes that reflect new initiatives, new business practices and increased fire safety requirements. These changes include:

1. Removal of Fee Schedule A from the Old By-law;

   Rationale:
   - This change will simplify any fee changes or increases, as future fee amendments will happen in accordance with the appropriate administrative process. Fee changes in line with inflation can be approved by the CFO, while above inflation increases will be reported and reviewed separately by Council.

2. Creation of an offence for tampering with, damaging, destroying, disconnecting or removing any part of a fire protection/life safety system.

   Rationale:
   - This allows Fire Prevention to successfully prosecute individuals that tamper with a fire protection system which endangers the occupants of the building.

3. Changes to the licence renewal process and fees for Service Personnel of fire protection systems.

   Rationale:
   - The term of service licences will not be set in the By-law. Instead, the authority to set the term of these licences be delegated to the Director of Fire Prevention instead. This will allow for the alignment of Fire Prevention's licencing process with the provincial trades licence renewal process in order to streamline the procedure for service personnel and ease the workload of clerical support staff.

4. Additional requirement for the service person to include their signature and licence number on labels.

   Rationale:
   - Service personnel are currently required to affix a label containing specific information to a fire protection system that they have inspected or maintained. The additional required information will assist Fire Prevention inspectors in determining whether the service person holds a valid service licence issued under the New By-law.

5. Changes to the required qualifications for a person to obtain a Fire Extinguisher Training Licence.

   Rationale:
   - The "Fire and Life Safety Educator" course and the "Fire Extinguisher Seminar" required under the Old By-law take 6 ½ days to complete. Furthermore, the course is only available through the Manitoba Emergency Services College in Brandon, and the seminar is no longer offered. Taking the course in Brandon is a financial expense in addition to requiring several days leave from an individual's work place in order to obtain these credentials.
   - The WFPS will offer, for a fee, a "Train the Trainer" course for fire extinguisher training, which will allow Fire Prevention to maintain standards set by Fire Prevention and will simplify the process for individuals who want to obtain a Fire Extinguisher Training licence. This change will also benefit the community because more individuals will have the opportunity to obtain the Fire Extinguisher Training licence due to the less onerous qualification requirements.

6. Prohibition against the installation of storage lockers in parking garages of multi-dwelling residential occupancies, unless they are part of the original design of the building or a building owner or property manager engage the services of a professional engineer to assess the use of the occupancy for code requirements and effectiveness of the sprinkler system should storage lockers be installed and Fire Prevention is provided a stamped report from an engineer that states there are no fire hazards or contraventions of codes. Fire Prevention will review the report and will, where the installation of storage lockers is determined to be acceptable, subsequently permit the installation.

   Rationale:
   - Winnipeg has large number of condominiums and apartment buildings with parking garages that form part of the building. Fire Prevention has encountered numerous locations where storage lockers or storage in general in the parking garages contravenes Fire Prevention's regulations as well as the requirements for F3 occupancies of the Manitoba Building Code and the Manitoba Fire Code.
   - The regulation of storage lockers in parking garages is important because unregulated accumulated storage poses a fire hazard for the occupants and life safety concerns for firefighters who may be required to fight a fire in a parking garage. When the tires, plastics and upholstery of vehicles burn, they produce a toxic black smoke that impedes visibility, and additional items stored in garages pose serious safety and health hazards to firefighters.

7. Requirement for a permit in order to display flame effects and pyrotechnic special effects.

   Rationale:
   - Flame effects and pyrotechnic special effects are used at various types of events such as concerts, plays, sporting events, etc. Currently, the Old By-law does not require a permit for pyrotechnic special effects or flame effects. Under the Old By-law, Fire Prevention charges a fee and issues a permit for fireworks, and the New By-law would add the requirement of a permit for flame effects and pyrotechnic special effects. This addition will allow Fire Prevention to conduct inspections to ensure all requirements are met and to ensure there are no undue fire hazards

associated with the flame effect or pyrotechnic display. Various municipalities across Canada and the U.S. require a flame effect and/or pyrotechnic display permits;

8. Prohibition against the use of sky lanterns within city limits. A *Sky Lantern* is a small hot air balloon made of paper or other material with an opening at the bottom where a small fire, candle or fuel cell is affixed such that the lantern will rise into the air while ignited.

   Rationale:
   - Sky lanterns can pose a serious fire hazard to property and a health risk to livestock, pets and wildlife. When the fuel source is ignited, the hot air produced by the fuel source can lift the lantern to extreme heights and allow it to drift long distances before the fuel supply is depleted. This can result in the sky lanterns descending before the flames are extinguished or the fuel cell has cooled, which in turn can result in structure fires or grass and tree fires. Additionally, sky lantern debris is attributed to causing deaths in owl, deer and other wildlife, as well as causing damage to livestock, after the animals consumed parts of the lanterns. Sky lanterns were originally designed to be released over large bodies of water where there was no risk of fire.

9. New requirements and a scheduled inspection program for mobile food service units with propane or gas fired appliances.

   Rationale:
   - Fire Prevention has developed a scheduled fire safety inspection program for all food trucks / trailers, push carts and commissaries because there is currently no program in place to ensure the safe operation of these units in Winnipeg.
   - Serious accidents have occurred in other jurisdictions from improper use of the propane tanks or gas generators operated on mobile food service units. The proposed regulations and inspection program in the new By-law will ensure public safety on streets and areas where these units operate.

10. Technical updates to Schedule C which include updates to referenced code articles and additional requirements for annual inspections of partial fire-service elevators in residential buildings exceeding six (6) storeys that have been upgraded as per the Residential Fire Upgrading By-law 4304/86.

    Rationale:
    - The Old By-law contains requirements for inspecting and labelling full service firefighter elevators. Partial fire-service elevators have been upgraded to meet specific fire safety requirements of the 4304/86 By-law and should be inspected annually to ensure that the elevator operates as designed.

Changes to fees

The following changes to Fire Prevention's current fee structure are being proposed:

1. Added fees for inspections of Medium and Low Hazard Industrial occupancies.

Rationale:

- The requirement to inspect industrial occupancies was adopted in the Council Minutes of April 30, 2014. High Hazard "F1" Industrial Occupancies are required to be inspected annually, Medium Hazard "F2" Industrial Occupancies are required to be inspected every three years, and Low Hazard "F3" Industrial Occupancies are required to be inspected every five years.
- These inspections require an experienced fire inspector and take more time to complete.
- Fire Prevention currently charges a fee of $191.00 per hour for F1 occupancies. Fees are being added for the inspections of F2 and F3 occupancies.

2. Introduction of fees for inspections of illegal rooming houses:

   - A fee of $100.00 per each illegal residential unit in the building for the inspection of illegal suites / rooms in licenced converted residential dwellings and of illegal rooming houses, with a minimum fee of $500.00.

   Rationale:
   - Inspections of illegal suites / rooms in licenced converted residential dwellings and of illegal rooming houses are initiated by a complaint from fire crews or the public and require research into the compliance with the Residential Buildings Fire Safety By-law No. 4304/86 and zoning requirements for the area, as well as historical information of the property with regard to permits obtained from the City's Planning, Property & Development department.

3. Introduction of various other fees for 2017:
   i. A fee of $50.00 for renewal of an expired service licence.
   ii. A fee of $127.00 per hour for a Senior Fire Prevention Officer to review reports from an architect or engineer's assessment reports.

   Rationale:
   i. Imposing a fee for overdue licence renewals would deter Service Personnel from allowing their licences to lapse.
   ii. Fees for reviewing Fire Code assessment reports is required to cover the cost of time required for Fire Prevention to review these comprehensive reports.

4. New fee for the emergency installation of a smoke alarm

   Rationale:
   - Smoke alarms are the most important early warning systems in occupancies for a safe evacuation in the event of a fire. The By-law permits a member of the WFPS to install a functioning smoke alarm in rented residential premises or illegal rooming houses where a smoke alarm is missing or malfunctioning. The installation would take place in the event that the owner could not be contacted or refused to install the smoke alarm in a timely manner.

FINANCIAL IMPACT

Financial Impact Statement

Date: February 24, 2017

Project Name:
New Fire Prevention By-law

First Year of Program **2017**

	2017	2018	2019	2020	2021
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	-	367,000	603,000	615,000	627,000
Net Cost/(Benefit)	$ -	$ (367,000)	$ (603,000)	$ (615,000)	$ (627,000)
Less: Existing Budget Amounts	-	(367,000)	(603,000)	(615,000)	(627,000)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The recruitment process and staff training requirements will mean that for 2017 there are no material revenue implications. The revenue increase in future years will be submitted as part of the budget process for that year.

original signed by
John Hall, ACMA CGMA
Controller, Finance

CONSULTATION

Legal Services
FP Financial Services
Planning Property and Development
Office of the Fire Commissioner
Canadian Fire Alarm Association
Provincial Health
Mobile Food Truck Association
Manitoba Emergency Services College

OURWINNIPEG POLICY ALIGNMENT

The new Fire Prevention By-law aligns with the *OurWinnipeg* Policy by promoting safety in buildings. This By-law adopts the Manitoba Fire Code; thereby ensuring buildings maintain Fire Code compliance.

Furthermore, the proposed new initiatives with mobile food service units and illegal converted residential dwelling enforcement address the goals for increased public safety and safety within communities.

SUBMITTED BY

Department: Fire Paramedic Service
Division: Fire Prevention Branch
Prepared by: Janet Bier, Director of Fire Prevention
Date: February 24, 2017
File No.

Schedules and Attachments:

1. Schedule “A” – Draft Fire Prevention By-law
2. Schedule “B” – Fire Prevention Fees and Charges

SCHEDULE "A": DRAFT FIRE PREVENTION BY-LAW



New Fire Prevention By-law - FINAL - 2017

SCHEDULE "B": FIRE PREVENTION FEES AND CHARGES

INSPECTION FEES **- unless otherwise indicated, fees listed are per hour or part thereof**	**Current 2017 rate**	**Proposed rate**
Mandatory or Requested Inspections: - Residential Care Facilities (1 – 4 beds, flat fee) (payable by operator of facility) - Residential Care Facilities (5+ beds, flat fee) (payable by operator of facility) - Other legislatively mandated or requested inspections (payable by owner or person requesting inspection)	**NEW** $221.00 each $127.00	$ 127.00 each $221.00 each $127.00
Industrial Occupancies: (payable by occupancy permit holder) - Low Hazard (F3) - Medium Hazard (F2) - High Hazard (F1)	 **NEW** **NEW** $191.00	 **$127.00** **$160.00** $191.00
Inspection of illegal suites and/or rooms in licenced converted residential dwellings or of illegal rooming houses (payable by owner) Minimum penalty fee	**NEW**	**$100.00 per room/suite** **$500.00**
Fireworks, Pyrotechnics and Flame Effects Site Inspections: (payable by person requesting inspection) - first 3 hours of inspection time - each additional hour or portion thereof - outside of regular hours	 $282.00 $127.00 $127.00	 $282.00 $127.00 $127.00
After-hours Inspections (payable by person requesting after-hours inspection)	$127.00	$127.00
Additional Inspections to Confirm Compliance with Notice or Order: (payable by person responsible for compliance) - Second inspection (flat fee) - Third and subsequent inspections (flat fee)	 $105.00 each $142.00 each	 $105.00 each $142.00 each
Post-fire Inspections prior to re-occupancy (payable by owner)	$127.00	$127.00
Building inspections prompted by complaint (payable by owner)	$127.00	$127.00
Requested building inspection	$127.00	$127.00
Fire Safety Plan Reviews (flat fee) (payable by owner) 2nd & subsequent review only	$142.00 each	$142.00 each
Review of Architect Report and/or Engineer's Assessment Report by Senior Fire Prevention Officer (payable by owner)	**NEW**	**$127.00**
Push Cart Inspection	**NEW**	**$50.00**
Food Truck or Trailer Inspection	**NEW**	**$150.00**
Commissary Inspection	**NEW**	**$102.00**

PERMIT FEES	Current 2017 rate	Proposed rate
Open-air Fire Permit	$105.00 each	$105.00 each
Fireworks Display Permit - Low Hazard - High Hazard* - Pyrotechnic Special Effects* - Flame Effects*	 No fee $212.00 each $212.00 each **NEW**	 No fee $212.00 each $212.00 each **$212.00 each**
Fireworks Distribution Permit (annual fee)	$142.00 each	$142.00 each
Fireworks Distribution Permit – Small Quantity (annual fee)	$34.00 each	$34.00 each
Dangerous Quantities Fireworks Storage Permit (annual fee)	$282.00 each	$282.00 each
Permit Cancellation Fee	$34.00 each	$34.00 each
Residential back yard fire pit	No fee	No fee

*includes site inspection during regular office hours

LICENCE FEES	Current 2017 rate	Proposed rate
Service Licence issued under s. Part 4 (fee per year of licence)*	$26.00 each	$26.00 each
Late renewal fee for expired Service Licences	**NEW**	**$50.00**
Fine for unlicensed service person	$700.00	$700.00
Fire Extinguisher Training Licence	$135.00	$135.00

*fee may be discounted for multi-year licences

MISCELLANEOUS FEES	Current 2017 rate	Proposed rate
Public Education Services outside of regular office hours - for each hour or portion thereof	 $112.00	 $112.00
Emergency installation of smoke alarm pursuant to subsection 19(2)	$142.00 each	$142.00 each
Train the Trainer Course Registration	**NEW**	**$140.00**
Appeal Fee	$250.00	$250.00
Returned payment (NSF cheque/credit card)	$30.00	$30.00