

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2015-194**

**Being a by-law to amend By-law No. 2007-056  
being a by-law to adopt a Fire Prevention Policy**

**Whereas** Section 2(1) of the Fire Protection and Prevention Act, 1997, as amended, states that every municipality shall establish a program which must include public education with respect to fire safety and certain components of fire prevention and provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

**And whereas** Council adopted By-law No. 2007-056 on May 8, 2007 being a by-law to adopt a Fire Prevention Policy;

**And whereas** Council considered Administrative Report PPP-013-2015 at the October 6, 2015 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2007-056 for the purpose of replacing the Fire Prevention Policy;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That council for the City of Temiskaming Shores hereby amends By-law No. 2007-056, as amended to replace Schedule "A" – Fire Prevention Policy of By-law No. 2007-056 with Schedule "A", hereto attached and forming part of this by-law.
2. That this By-law shall come into force and take effect on the date of its final passing.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

**Read a first, second and third time and finally passed** this 6<sup>th</sup> day of October, 2015.

  
Mayor – Carman Kidd

  
Clerk – David B. Treen



## Fire Prevention Policy

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## **Fire Prevention Policy**

### **1.0 Purpose**

- 1.01** To establish policies and procedures for fire department personnel for fire prevention, public education programs and activities as a primary means of protecting lives and property from fire.
- 1.02** To maintain compliance with the minimum fire prevention and public education activities as required by the Fire Protection and Prevention Act (FPPA).

### **2.0 General**

- 2.01** This Fire Prevention Policy has been reviewed and approved by Municipal Council for the City of Temiskaming Shores, and is applicable in its entirety for the whole of the municipality.
- 2.02** The Fire Prevention Officer, being duly appointed by Municipal Council shall report to the Fire Chief and will be responsible for the administration and delivery of the fire prevention division, and to fulfill the requirements of this Fire Prevention Policy.

### **3.0 Fire Prevention Records Keeping and Risk Assessment**

Current records relating to all fire prevention activities must be prepared and retained. These records include:

- Emergency response statistics using the current Office of the Fire Marshal Standard Fire Incident Report;
- Fire investigations;
- Fire prevention inspection program that includes complaints, requests, mortgage and resale, licensing, and other inspection types;
- Home inspection program;
- Smoke alarm program;
- Distribution of Public Fire Safety information and media releases;
- Public displays, fire station tours, etc.;
- Lectures, demonstrations, presentations to the public;
- Simplified risk assessment and other needs analysis processes containing a current community profile identifying current public education and prevention needs.

#### **4.0 Risk Assessment**

The simplified risk assessment will be reviewed annually and programs modified as may be appropriate.

#### **5.0 Public Education Programs**

**5.01** The Fire Prevention Officer, with the assistance of the Training Officer and Volunteer Firefighters where appropriate, will provide fire prevention education programs within the community in accordance with the priorities identified in the community's simplified risk assessment that may include:

- Alarmed for Life Program (community smoke alarm program);
- Older and Wiser Program (fire safety program for older adults);
- TAPP-C Program (The Arson Prevention Program for Children).

**5.02** In addition to these programs, social, service and special interest groups may request fire safety related presentations, demonstrations, tours of fire stations, and specific program presentations for clubs, cubs, guides and babysitters.

**5.03** Appropriate fire safety education materials, voice, print and social media, public service announcements, will be distributed in an effective manner to address fire safety issues and concerns based upon the City's needs and circumstances.

#### **6.0 Inspections and Enforcement**

**6.01** Fire Prevention Inspections shall be conducted for all complaints received by the fire department containing reports of potential Fire Code violations and/or potential fire hazards, and for all requests for inspections to assess fire safety.

**6.02** Where the fire department receives a complaint on any premise or building in the municipality, the inspection shall be given priority, and conducted as soon as practical under authority of the Fire Protection and Prevention Act regardless of the frequency established in this Fire Prevention Policy.

**6.03** It is the objective of the Temiskaming Shores Fire Department to conduct fire prevention inspections of occupancies at the frequency indicated below and as identified by the simplified risk assessment:

<b>Occupancy Type</b>	<b>Frequency</b>
<b><u>Assembly Occupancies</u></b>	
Schools	Annually
Recreation Centers (Arenas)	Annually
Curling/Golf Clubs	Every Three Years
Licensed Premises/Restaurants	Every two (2) years
Nursery/Day Care Facilities	Annually
Special Occasion Permits	Upon request
<b><u>Vulnerable Occupancies</u></b>	
Care and Treatment Occupancies	Annually (as per OFC)
Care Occupancies	Annually (as per (OFC)
<b><u>Commercial or Business Occupancies</u></b>	
Mercantile	Upon request/complaint
Business / Personal Service	Upon request/complaint
<b><u>Industrial Occupancies</u></b>	
Factories or Complexes	Upon request/compliant
<b><u>Residential Occupancies</u></b>	
Apartments regulated by OFC Part 9	Upon request/complaint (target downtown core areas)
Home Inspection Program	Voluntary and upon request/complaint
Hotels / Motels (Including those regulated by OFC Part 9)	Upon request/complaint

- 6.04** Additional Fire Prevention Inspections may be conducted of any occupancy or building as deemed necessary to address the needs and circumstances of the community or a targeted risk.
- 6.05** Where a fire has occurred, the Fire Prevention Officer may inspect the property to ensure compliance with the Ontario Fire Code or any provisions under the Fire Protection and Prevention Act.
- 6.06** Appropriate action will be taken to ensure the elimination of serious fire hazards, immediate threats to life from fire, and to enforce the Fire Code under the authority and in accordance with the provisions outlined in the Fire Protection and Prevention Act.

## **7.0 Compliance Strategies for Smoke Alarms**

- 7.01** As a result of many recent fire tragedies in Ontario, the Temiskaming Shores

Fire Department will adopt a zero tolerance approach, under certain circumstances, when it comes to enforcing Fire Code smoke alarm requirements. The following compliance and enforcement strategies shall be utilized as part of the zero tolerance approach:

- **Fire Department Emergency Response:** In situations where the Fire Department has responded to a residential dwelling, a check to ensure the home is in compliance with the Fire Code may be made. In situations where a fire has occurred and lives have been put at risk, a warning to the homeowner may not be sufficient if the home is not in compliance with the requirements. In these situations the Fire Department may choose to issue a ticket under Part I of the Provincial Offences Act (POA) or lay an information under Part III of the POA and pursue a fine higher than allowed for the ticket;
- **Enforcement Strategies for Homeowners:** Whenever a home is found to be non-compliant with Fire Code smoke alarm or carbon monoxide regulations, all efforts and strategies shall be used to gain compliance. If however the homeowner refuses or fails to comply, or has been found to have been in non-compliance previously, a Certificate of Offence may be completed and a Offence Notice (ticket) issued to the homeowner under Part I of the POA.
- **Enforcement Strategies for Landlords:** Landlords who are found to be negligent in providing and maintaining smoke or carbon monoxide alarms for their rental dwelling units as determined through routine inspections or through a fire department response to an actual fire, may be automatically issued a ticket under Part I of the Provincial Offences Act (POA) or lay an information under Part III of the POA and pursue a fine higher than allowed for the ticket;
- **Enforcement Strategies for Tenants:** Tenants in multi-unit rental accommodation who disable smoke or carbon monoxide alarms are not only putting themselves at risk, but also tenants in neighbouring units. Experience has shown that removing batteries or otherwise tampering with smoke or carbon monoxide alarms is often a common response to nuisance alarms. Tenants who admit to removing batteries or otherwise disabling a these devices may be automatically issued a ticket under Part I of the Provincial Offences Act (POA) for intentionally disabling a smoke alarm.

**7.02** Education is a critical component to helping to ensure homeowners are educated about smoke alarm types, carbon monoxide alarms, placement, installation and maintenance, and they must also be informed of the Fire Code requirements and the consequences for non-compliance. Through this policy all efforts will be made to seek voluntary compliance. That said, there will always be those who do not comply with the regulations, and the fire department must be prepared to enforce them. It is however important to recognize that the individual circumstances of each case must be taken into consideration, and that the fire department will exercise discretion and flexibility in their approach.

## **8.0 Open Air Burning**

Open air burning is regulated within the municipality. Open air burning will only be conducted with approval of the Chief Fire Official and/or his/her designate and in accordance with the conditions set out in the Burning By-Law.

## **9.0 New Construction**

New construction or alterations to existing buildings will be inspected in accordance with the Ontario Building Code Act and Regulations.

## **10.0 Fireplaces and Solid-Fuel-Burning Appliances and Equipment**

**10.01** New installations or alterations of fireplaces and solid-fuel-burning appliances and equipment will be inspected in accordance with the Ontario Building Code Act and Regulations.

**10.02** The fire department does not inspect existing installations of fireplaces and solid-fuel-burning appliances and equipment for compliance. Qualified contractors are available to carry out these types of inspections.

## **11.0 Requested Inspections for Change of Ownership**

Inspections will be conducted within a reasonable period of time when requested by the purchaser's solicitor and only where written authorization has been obtained from the owner or the owner's agent to inspect and release inspection results. Fees for conducting these inspections and issuance of compliance letters and reports will be charged in accordance with established municipal fee structure.

## **12.0 Investigation of Fires**

**12.01** The Fire Chief and/or members of the fire department as delegated by the Fire Chief shall investigate the origin and cause of all fires within the municipality.

**12.02** The Office of the Fire Marshal will be notified for the following reasons:

- Fires resulting in either a fatality or serious injury requiring person(s) to be admitted as in-patient(s) to a hospital (it is the responsibility of the fire department to confirm the status of injured persons transported by ambulance prior to release of the fire scene);
- Explosions (where the explosion is the primary event);
- All fires in vulnerable occupancies (i.e. retirement homes, care and treatment occupancies, and care occupancies as defined in the Fire Code);

- Fires suspected of being incendiary and for which expert investigative assistance is required with determining cause, origin or circumstance;
- Large loss fires, \$500,000 and over or where the loss is significant to the community;
- Fires of unusual origin or circumstances and for which expert investigative assistance is required with determining cause;
- Fires resulting in unusual fire/smoke spread;
- Fires involving circumstances that may result in widespread public concern (e.g. environmental hazard);
- Fires in multi-unit residential occupancies where fire spread is beyond unit of origin or where suspected Fire Code violations have impacted on the circumstances of the event; and
- Fires involving clandestine drug operations or marijuana grow operations.

### **13.0 Fees for Service**

Fees may be charged for any or all of the above referenced services in accordance with the User Fees for Service Charges By-Law.

### **14.0 Summary**

This policy provides for the participation of all members of the department in fire prevention and public education activities, during available hours and also addresses the types of inspection services that have been approved by Council. It is intended as an affirmative direction to the Fire Chief, to all fire department personnel, and to the public.