

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 09-847

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### Being a by-law to adopt a Municipal Fire Prevention Policy for the Municipality of Temagami

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**WHEREAS** under Section 8. (1) (a) and (b) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Under subsection 2(1), the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, every municipality shall, establish a program in the municipality 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;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the Municipality hereby adopts the Municipality Of Temagami Fire Prevention Policy attached hereto as Schedule "A" to this bylaw.
2. This bylaw shall come into force and take effect upon final passing thereof.

BE TAKEN AS READ A FIRST time on this 28<sup>th</sup> day of May 2009.

READ A SECOND AND THIRD time and finally passed this 28<sup>th</sup> day of May 2009.

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MAYOR

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CAO/Clerk

## Municipality Of Temagami

### Fire Prevention Policy

#### General:

Under subsection 2(1), the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, every municipality shall, establish a program in the municipality 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.

In discharging its responsibilities under subsection (1), the municipality, under establishing and regulating bylaws, has directed the fire departments to provide fire prevention and education.

This Fire Prevention Policy is applicable in its entirety for the whole of the Municipality.

This policy provides for the participation of department members in fire prevention and public fire 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, fire department personnel and the public.

#### Definitions:

Except for headings and names of regulations and statutes, the words and terms used in this Code that are in lower case bold face shall have the following meanings:

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Building Code** means any version of the **Ontario Building Code** that was in force at any time since it was made under **The Building Code Act, 1974**, the **Building Code Act** of the Revised Statutes of Ontario, 1980, the **Building Code Act** of the Revised Statutes of Ontario, 1990, the **Building Code Act, 1992** or a successor to the **Building Code Act, 1992**.

**Building department** refers to the Municipality of Temagami building department

**Chief Fire Official** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the **fire department** appointed by the Municipal Fire Chief under Subsection 1.1.8. or a person appointed by the Fire Marshal under Subsection 1.1.8.

**Dwelling unit** means a **suite** operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities

**Fire department** means a group of firefighters authorized to provide fire protection services by the Municipality of Temagami

**Fire detector** means a device which detects a fire condition and automatically initiates an electrical signal to actuate an **alert signal** or **alarm signal** and includes **heat detectors** and **smoke detectors**

**Fire safety legislation** – includes legislation regulated under the Ontario Fire Code, Fire Protection and Prevention Act, the Forest Fire Prevention Act, and Municipal open air burning bylaw.

**Inspect** means physical examination to determine that the device or system will apparently perform in accordance with its intended function.

**Inspectors** – a member of a municipal fire department, appointed as an “assistant to the fire marshal”

**Municipality** means the Municipality of Temagami

**Occupancy** means the use or intended use of a **building** or part thereof for the shelter or support of persons, animals or property.

**Owner** means any person, firm or corporation having control over any portion of the **building** or property under consideration and includes the persons in the **building** or property.

**Property** – a piece of land or real estate, confined to the area as identified in the parcel registry

**Residential occupancy** (Group ‘C’) means the **occupancy** or use of a **building** or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

**Retrofit** means upgrades to older **buildings** to meet the minimum performance requirements for life safety for existing **buildings**.

**Smoke alarm** means a combined **smoke detector** and audible alarm device that is designed to sound an alarm within the room or suite in which it is located when there is smoke within the room or suite.

**Smoke detector** means a **fire detector** designed to operate when the concentration of airborne combustion products exceeds a predetermined level.

**Violation** – is non-compliance or infringement of a law or rules pertaining to fire safety codes and legislation

Inspections:

***Complaint Investigations:***

The Fire Chief and/or members delegated by the Fire Chief shall investigate, as soon as practical, every complaint that alleges that a fire safety hazard or violation of fire safety legislation exists to determine if the complaint is justified. The complainant must provide sufficient information on the location and description of the fire safety hazard, or violation, for the department to investigate the complaint.

Complaint initiated inspections shall be limited to the extent of the **building** or property where the violation is reported. Anonymous complaints will not be investigated.

***Requests for Assistance:***

The Fire Chief and/or members delegated by the Fire Chief shall provide inspection services, within the municipality, to assist owners/occupants of commercial / industrial establishments in achieving compliance with the Ontario Fire Code.

**Home Inspections:** Fire safety inspection requests, for residential (home/cottage) dwelling units, will be scheduled based on availability of fire prevention personnel.

**Other Inspections:** Inspection requests for licensing requirements, property sales or any other administrative or information purpose are subject to a cost recovery fee, as per the Municipal schedule of fees.

### ***Department initiated Inspections:***

Occupancies have been divided into 3 levels for prioritizing inspections:

- Level 1 priority includes: hospitals, old age homes, schools, multi-plex residential, large assembly occupancies (Community Center),
- Level 2 priority includes: Assembly occupancies (licensed establishments, restaurants, ...), municipal buildings, 3 & 4 plex residential units, duplex, groc./hardware, marinas,...
- Level 3 priority includes: mercantile, small engine / garages, single resident buildings (excluding smoke alarm inspections), ...

Fire prevention officers / inspectors **shall** conduct fire safety inspections at schools, large assembly occupancies, nursing homes and senior apartments/complexes on an annual basis.

Inspectors shall conduct routine fire safety inspections of all other assembly occupancies, commercial and industrial properties within the Municipality, as department resources permit. Inspections to be prioritized based on municipal building stock / property profile and the potential impact to the community should a fire occur.

Inspectors shall seek out opportunities to promote fire safety and fire code education during the performance of fire code inspections.

Excluding inspections of multiple dwelling units, under 9.5 or 9.8 of the Fire Code, department initiated inspections of residential dwellings shall be completed as per municipal Smoke Alarm Policy. If Fire Code violations are noted, a subsequent inspection shall be completed to determine the extent of non-compliance.

### ***Follow-up Inspections:***

Fire prevention officers/inspectors **shall** conduct follow-up inspection(s) when a fire safety hazard or violation of the Ontario Fire Code has been identified. Follow-up inspections will document that voluntary compliance has been achieved, or the apparent lack of intent to achieve compliance; requiring enforcement of the fire code.

### ***Retrofit Inspections:***

A number of properties in the Municipality may be subject to “Retrofit Requirements” of the Fire Code. The Fire Department will attempt to identify, schedule and conduct “Retrofit Inspections” to educate property owners of their responsibility and Ontario Fire Code regulations that apply to their **building(s)**.

### ***New Construction:***

The Fire Department will **NOT** conduct inspections of new construction or alterations to existing *buildings* where building permits are required. The building department (Chief Building Official) is responsible for insuring compliance with Part 3 of the Ontario Building Code (Fire & Life Safety) requirements for all building permits issued in the Municipality.

All requests and complaints regarding new construction or alterations to existing buildings will be forwarded to the Building Department for action.

### ***Solid Fuel Burning Systems:***

Building permits are required for new (chimney) installations.

Fire department personnel **Shall Not** conduct Inspections of existing Woodstove installations.

The fire department recommends inspections of existing installations are conducted by a qualified inspector, certified by a recognized inspection authority, such as W.E.T.T. (Wood Energy Technology Transfer Inc.).

### **Fire Cause Determination:**

The Fire Chief and/or members of the fire department delegated by the Fire Chief shall investigate, where possible, fire cause determination for all structure fires within the municipality. Ontario Fire Code compliance assessments will be done, where possible, in conjunction with fire cause investigations.

Investigation services by other agencies may be relied upon in determining a fire cause and origin (OPP, MNR, OFM). Where necessary, a private fire investigation consultant may be hired to assist in determining fire cause and origin.

The fire department will immediately notify the Office of the Fire Marshal of all:

- large loss fires,
- fires involving fatalities,
- all gaseous explosions or
- where there is suspicion of arson.
- Where an investigator from the OFM is assigned to a fire investigation, the fire department will assist the OFM investigator as requested.

### **Enforcement:**

#### ***Ontario Fire Code Violations***

Fire prevention officers/inspectors shall take all steps reasonable to encourage voluntary compliance by the owner, in achieving fire code compliance in a timely matter. Where all reasonable actions have been exhausted, or if the owner has indicated an unwillingness to comply with legislation; the **Chief Fire Official** shall take all actions necessary to enforce all fire safety legislation to the letter of the law.

#### ***Smoke Alarms:***

As identified in the municipal smoke alarm policy and program, the fire department will take a zero tolerance approach for smoke alarm violations.

#### **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 in accordance with the conditions set out in the Municipal *Open Air Burning By-law*.

## Administration

### ***Notification of Owner:***

The Fire Department shall notify the owner or responsible person when a fire safety hazard or violation of the Ontario Fire Code is identified.

### ***Change of Occupancy or Ownership:***

Inspections shall be conducted within a reasonable period of time (within 10 business days of receipt of request) when requested by the purchaser's solicitor only where written permission has been obtained from the owner or the owner's agent to inspect and release inspection results. A fee for inspection services will be charged.

### ***Fees for Services:***

A fee schedule for various types of inspections, letters and reports is available upon request at the Fire Department or at the Municipal Office.

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

Records relating to all fire prevention and public fire safety education activities must be prepared and retained. These records include:

- Emergency response statistics using the Standard Fire Incident Report
- Fire investigations
- Fire prevention inspection program – complaints, requests, mortgage and resale, licensing, building code, other inspection types
- Smoke alarm program
- Distribution of Public Fire Safety information and media releases,
- Public displays/presentations, lectures, demonstrations, fire hall tours, etc.
- Fire safety programs

### **Training and Development:**

Fire department personnel involved in fire prevention shall, where possible, participate in various workshops and seminars that promote fire prevention and/or public fire safety education. The Fire Chief, Deputy Chief and/or Fire Prevention Personnel may attend meetings and/or conferences of various organizations whose purpose is to promote fire prevention and/or public fire safety education.

The fire department shall provide training for fire department members regarding the promotion of fire prevention and public fire safety education, and delivery of the various programs that members will be involved in.

## Public Fire Safety Education

### Smoke Alarm Program

It is the policy of the of the Municipality of Temagami to promote the installation and maintenance of working smoke alarms in all dwelling units within the Municipality through the implementation of the "Municipality of Temagami Smoke Alarm Program" as set out in by-law No. 07-693.

### Distribution of Fire Safety Information

Fire Departments will coordinate the distribution of fire safety educational material in the community through a number of methods, which may include:

- the provision of pamphlets and other education materials at various locations and events,,
- public service announcements in the local radio and newspapers,
- Distributing public fire safety educational material at various group functions and public events.
- Fire safety information through the municipal website
- Mail-outs of pamphlets /brochures and/or fire safety messages

### Simplified Risk Assessment (SRA)

The SRA is an evaluation of the municipalities risks, and identification of potential fire prevention and education programs needed to address, potential fire safety risks identified within the municipality, and the requirements of the Fire Protection and Prevention Act 1997.

The SRA containing a current community fire profile identifying current public education and prevention needs within the entire municipality. It provides direction for the development, delivery and review of fire prevention & education programs within the municipality.

The SRA will be updated every 3 years, to reflect changes in potential fire safety risks within the community. Fire safety programs will be evaluated to ensure they continue to meet the needs of the community and address relevant fire safety issues identified in the SRA.

A list of public fire safety programs currently available in the municipality are listed in **Schedule B** of this by-law. Fire Departments will provide these programs to community groups as the need arises within the community.

## Schedule B

### Public Fire Safety Education Programs

#### **Fire Safety Education for Seniors:**

The municipality supports the provision of public fire safety education programs in the community to address the fire safety concerns facing seniors. Programs available include:

- Older & Wiser Program
- Remembering When

#### **Fire Safety Education for Children**

The Temagami Fire Department supports a variety of fire safety education programs for children in the community, including

***Risk Watch*** is a comprehensive injury prevention program designed for use in classrooms. Linking teachers with community safety experts and parents, *Risk Watch* effectively teaches kids and their families the skills and knowledge they need to be safe from the areas they're at greatest risk to unintentional injuries. Once the program is used in the classroom, personnel from the coalition of local safety advocates (police, fire ambulance...) support *Risk Watch* lessons through classroom visits and presentations. Temagami is a member of the Temiskaming Risk Watch Coalition.

**Fire prevention week** – provide static displays, and /or classroom presentations during fire prevention week at Temagami Public School.

#### **TAPP-C**

Playing with fire and firesetting are extremely dangerous behaviours that can result in substantial personal and economic loss to families and communities.

The Arson Prevention Program (TAPP-C) is a program for youth between the ages of 2 and 17, who have played with fire or set fires, including such things as playing with matches or lighters, burning paper or garbage, performing lighter "tricks," intentionally setting fire to buildings, or making bombs. It is an evidence-based collaborative program that involves fire service and mental health professionals working together to insure that all youth involved with fire have the best chance possible for a safe and healthy future.

TAPP-C's model of service delivery insures that every adolescent who is referred to the program, along with his/her family, has access to a home safety check and fire safety education provided by the fire department.

#### **Fire Station Tours:**

Tours of the fire station provide an excellent opportunity to promote fire safety education to the citizens of the community. Fire Station tours by community groups, can be arranged through the local fire chief, and scheduled based on availability of fire department / fire prevention personnel.

Fire departments will provide a minimum of 1 "open house" per year in which the general public can tour the local fire hall. Fire educational material will be made available during the open houses.

### **Lectures & Demonstrations:**

Every effort will be made to provide fire safety lectures and/or demonstrations, upon request, for various public sectors such as industries, community groups, service clubs, business groups, day care facilities and schools, within the municipality, where department resources permit.

### **Home Inspection Program**

As identified under Fire Prevention, a home inspection can be initiated by either the owner or tenant for compliance with the Ontario Fire Code. Fire department personnel will inspect the residence, bringing any fire safety concerns observed to the owner attention. The program is designed to assist the owner in bringing the building into compliance with the Ontario Fire Code.

### **Rural / Forest Interface Evaluation Program**

If you live in a forested area, you may have to contend with the threat of a forest fire. While the best protection against personal injury or property damage is to prevent fires from occurring, there are things you can do to reduce the chances of losing your home / cottage when a wildfire occurs.

Based on MNR's *Fire Smart*, the department is working on a program to assist home / cottage owners identify potential fire risks that may be present in and around their property, and things that can be done in harmony with vegetation management directives set out in Municipal Official Planning by-laws.

### **Fire Hazard Awareness seminars**

A ½ day workshop; developed with the awareness that structural fire suppression services may not be available in some areas of the municipality. This program provides fire safety information on the hazards associated with structural fires; and includes a component dealing with portable pump operations; available to all community groups throughout the municipality.

### **Fire Extinguisher demonstration / inspection program**

This workshop includes a short presentation on fire extinguisher selection, maintenance & use, followed by a hands-on training component. A nominal fee may be charged to cover the cost of fire extinguisher re-fills.

### **Other Programs**

As fire safety concerns arise, the department will attempt to provide the most appropriate fire safety program(s) available to address the need. In some cases we may direct the person(s) to one of the adjacent community groups/agencies already providing the safety training.