



Corporate Report

NO: R154

COUNCIL DATE: JUNE 25, 2007

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 2, 2007**

FROM: **Fire Chief**

FILE: **3900-20**

SUBJECT: Proposed Fire Service Bylaw Amendments (By-law No. 10771)

RECOMMENDATION

It is recommended that Council:

1. receive this report as information;
2. direct staff to bring forward for the necessary readings amendments to Surrey Fire Services By-law No. 10771 as documented in Appendix I to this report.

BACKGROUND

Thousands of fire safety inspections are performed annually by the Surrey Fire Service in order to ensure that a reasonable level of public safety is continually and consistently maintained for all people that live in, work in or visit our city every day. Other than conducting an actual fire safety inspection, the most important part of the inspection process is to document the findings for the building owner/occupier. Existing building hazards or fire code violations that require attention are recorded on a document currently known as a Fire Safety Report (FSR).

All buildings requiring a fire alarm or automatic sprinkler system are also required by the BC Fire Code to have a building Fire Safety Plan, detailing occupant re-location/evacuation instructions as well as equipment maintenance, testing and record keeping requirements for all building life safety systems. Most recorded fire code violations involve items addressed in a building Fire Safety Plan but the plans contents are often ignored by, or unknown to building owners/occupants because the plan is currently considered to be a document required for initial occupancy approval only. Once occupancy is granted the critical Fire Safety Plan is often relegated to the back of a dusty bookshelf in a little used service room and it's intended prominence and significance to fire safety and occupant protection is eliminated. Out of site – out of mind.

DISCUSSION

Some building owners respond quickly upon receiving a Fire Safety Report and correct violations in a timely manner. Many owner/occupiers however respond slowly and the process may finally result in an actual “Order” (Provincial) being issued to achieve code compliance. The steps currently involved to achieve compliance with uncooperative building owner/occupiers usually involves several return visits by a fire inspector before ultimately an “Order” seems to get the attention required to have outstanding fire safety issues resolved, requiring yet another visit. This process is becoming increasingly taxing in terms of personnel and time spent to conclude one inspection event before moving on to the next one. The Surrey Fire Service needs to modify our current system of achieving fire code compliance by having the process begin with a new “Order to Comply” rather than a document represented as a “report”, to clearly make building owners/occupiers aware of their responsibility for fire safety in our city and the associated urgency of having fire code violations corrected quickly.

To further continue the shift of responsibility for building fire safety from the Fire Department to the building owners in our city, the importance and significance of building Fire Safety Plans must be raised by requiring consistent, specified formats for all Fire Safety Plans as well as requiring them to be conveniently available in a prescribed building location for building managers, supervisors and responding firefighters. Having accessible, acceptable Fire Safety Plans prominently located in building lobbies will best enhance the intended benefits of the plans which will contain new required vital building information of great importance to responding firefighters attending an incident. Required plan information to be submitted by the owner will include such items as fire alarm zone and sprinkler coverage specifics, building construction information and the presence of hazardous processes or materials on site. These beneficial new requirements pertaining to the critically important Fire Safety Plan are modelled after similar new plan requirements instituted by the Calgary and Toronto Fire Departments and have been reviewed by Assistant City Solicitor Kelly Rayter.

RECOMMENDED CHANGE

It is recommended that applicable sections of the Surrey Fire Service By-law, 1990, No.10771 be amended as documented in Appendix I to this report.

Legal Services has reviewed the proposed amendments to By-law No. 10771.

CONCLUSION

The BC Fire Code is the minimum standard for fire safety in Surrey and is a regulation of the BC Fire Services Act based on the model 2005 National Fire Code of Canada. The BC Fire Code addresses the following three broad objectives:

- Safety
- Health
- Fire protection of buildings and facilities

To meet these objectives the BC Fire Code includes provisions for:

- The on-going maintenance and use of the fire safety and fire protection features in buildings
- The conduct of activities that might cause fire hazards in and around buildings
- Limitations on hazardous contents in and around buildings
- The establishment of fire safety plans
- Fire safety at construction and demolition sites

Section 2.2.1.1. of the Code states;

- 1) "Unless otherwise specified, the owner or the owner's authorized agent shall be responsible for carrying out the provisions of this code".

The amendments proposed to the City's Fire Service By-law as documented in Appendix I will increase the ability of the Surrey Fire Service to motivate every building owner to comply with his or her responsibilities for fire safety in relation to the buildings that they own and to more effectively and efficiently enforce those requirements where necessary.

A handwritten signature in black ink that reads "Len Garis". The signature is written in a cursive, flowing style.

Len Garis
Fire Chief

LWG/jlg

<http://surrey.ihostez.com/content/uploaded/b12e3356bb9a4a0f95dea0a6657ee8ef-r154.doc>
M 7/15/10 3:42 PM

**Proposed Amendments to Surrey Fire Service
By-law, 1990, No. 10771
as amended (the "By-law")**

That the By-law be further amended as follows:

1. By replacing the definition of "Building Code" in Section 1 of the By-law with the following new definition of "Building Code":

Building Code – means the British Columbia Building Code Regulation 295/98 as may be amended or replaced from time to time.

2. By replacing the existing definition of "Code" in Section 1 of the By-law with the following new definition of "Code":

Code – means the British Columbia Fire Code Regulation 15/87 as may be amended or replaced from time to time.

3. By deleting Section 11 in its entirety and replacing it with the following new heading and Sections 11 and 11.1:

Inspection of Premises

11. The Fire Chief, or any member of the Fire Department authorized by the Fire Chief, may at any reasonable time enter any premises for the purpose of fire prevention inspections or to ascertain whether:

- (a) the requirements of this by-law are being complied with;
- (b) the premises are in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- (c) the premises are so used or occupied that fire would endanger life or property;
- (d) combustible, flammable or explosive conditions exist on the premises so as to endanger life or property; or
- (e) in the opinion of the Fire Chief or member a fire hazard exists on or about the premises.

- 11.1. No person shall refuse to permit any member of the Fire Department to enter into premises where the member has reasonable grounds that a fire or a fire hazard exists.

4. By deleting the words ", subsection (a) through (c)" from Section 26(d).

5. By renumbering revised Section 26(d) to Section 27 and giving it the following heading:

"Recovery of Costs and Expenses as Taxes"

6. By adding new Sections 26(d) and (e) as follows:

(d) Where an owner or occupier does not comply with an order under Section 29(a) or 29(c) and the City carries out or causes to be carried out the requirements of the order, the property owners shall be liable to the City for all costs and expenses incurred in carrying out the requirements of the order.

(e) Where the Fire Chief or a member attends an incident caused or contributed to by a condition that was the subject of an order under Section 28 or 29 and the owner or occupier had not carried out every requirement of the order at the time of the incident, the property owners shall be liable to the City for all costs and expenses incurred in attending and combating the incident.

7. By adding new Sections 28 and 29 as follows:

28. Remedial Orders

(a) The Fire Chief, or any member of the Fire Department authorized by the Fire Chief, is authorized to issue orders in writing to an owner or occupier of any building or premises requiring the correction or removal of any condition or thing in or about any building or structure which is in contravention of this by-law, and every owner or occupier shall be responsible for the carrying out of every requirement of every such order.

(b) Every order issued under Section 28(a) shall state a date by which the order shall be carried out, which date shall, in the discretion of the Fire Chief, be fixed having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

29. Order to Remedy Conditions

Without limiting the generality of Section 28, the Fire Chief, or any member of the Fire Department authorized by the Fire Chief, may in writing, order that:

(a) the owner or occupier destroy or repair premises, in whole or in part, and if the owner or occupier fails to destroy or repair the premises as required and within the time period set out in the order, the City may carry out or cause to be carried out the required destruction or repairs at the cost of the owner or occupier;

(b) the owner or occupier alter the use or occupancy of the premises;

- (c) premises be secured by the owner or occupier, or in default of the owner or occupier securing the premises within the time set out in the order, may make the premises secure at the cost of the owner or occupier; or
- (d) the owner or occupier remove or take precautions against a fire hazard.

8. By adding a new Section 31 as follows:

31. Fire Safety Plan

- (a) Every owner or occupier of a building, site, storage area or other area for which a Fire Safety Plan is required by the Code, the Building Code or other enactment shall submit a Fire Safety Plan to the Fire Chief for review and approval.
- (b) Every Fire Safety Plan shall conform to the requirements of the Code and shall be submitted in a form prescribed by and acceptable to the Fire Chief.
- (c) Every Fire Safety Plan shall be placed on the property in a location and manner acceptable to the Fire Chief.
- (d) Every owner or occupier of premises where a Fire Safety Plan is required shall review the Fire Safety Plan annually. Where changes are to be made to a Fire Safety Plan, the revised plan shall first be submitted to the Fire Chief for review and approval.

9. By adding a new Section 32 as follows:

32. Code

The Code is adopted as a standard of the City.

10. By replacing existing Section 36(e) with a new Section 36(e) as follows:

- (e) For each completed Fire Safety Plan reviewed, \$150.00, except in the case of a high building as defined in the Building Code, or a care or detention occupancy (Group B) as defined in the Code, the fee shall be \$300.00.

11. By inserting the following headings directly above the Section number named below:

Heading	Section Number
<u>Definitions</u>	1.
<u>Fire Chief and Fire Personnel</u>	2.
<u>Department Operations</u>	5.
<u>Fire and Other Incidents</u>	12.
Fees Added to Taxes	36(h).
<u>Offences and Penalties</u>	37.
<u>Citation</u>	40.