

TO:	CHAIR AND MEMBERS COMMUNITY & PROTECTIVE SERVICES COMMITTEE MEETING ON April 22, 2013
FROM:	JOHN KOBARDA FIRE CHIEF, LONDON FIRE DEPARTMENT
SUBJECT:	FIRE SAFETY PLAN BOXES

RECOMMENDATION

That on the recommendation of the Fire Chief and the concurrence of the Managing Director of Neighbourhood, Children and Fire Services that the following action **BE TAKEN**:

The attached proposed By-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting of April 30, 2013 requiring owners, whose buildings are legislated to have a fire safety plan under the Ontario Fire Code, to install and maintain Fire Safety Boxes in an approved location.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- None

BACKGROUND

The Ontario Fire Code requires the preparation, approval and implementation of fire safety plans for a number of different occupancies in the Province of Ontario. Among the occupancies requiring the implementation of fire safety plans are: (a) assembly occupancies (arenas, theatres), (b) care occupancies (nursing homes, hospitals, retirement homes) and (c) residential occupancies where the occupant load exceeds 10 persons. Fire safety plans are critical for use by on site building supervisory staff and responding fire fighters to assist in the mitigation of fire emergencies in these types of buildings. Fire safety plans are required under the Ontario Fire Code to be kept in a location approved by the Chief Fire Official.

The importance of both pre fire planning and the implementation and availability of the approved fire safety plan has been noted in a number Ontario Coroner's Inquests, as well as the Report of Public Inquiry into Fire Safety in High Rise Buildings, as a critical factor in the ability of municipal fire departments to reduce the likelihood of civilian injury or death in the event of a fire.

The installation and maintenance of Fire Safety Boxes will result in a standard and consistent location for the storing of fire safety plans in all buildings in the City of London. This requirement will benefit both the citizens and visitors to the City of London as well as the owners of buildings required to have a fire safety plan. The standardized location, which will result in rapid accessibility to the same, will greatly assist responding emergency personnel access the fire safety plan in a timely matter; providing them critical information necessary to mitigate the emergency. In addition, the requirement of the fire safety plan box will significantly reduce the probability of the owner not being able to locate and produce the fire safety plan upon the arrival of the fire department, as well as on the request of a Fire Prevention Inspector; a violation of the Ontario Fire Code that would result in charges pursuant to the Fire Protection and Prevention Act, 1997.

A number of municipalities in Ontario have already enacted similar municipal by-laws requiring the installation and maintenance of Fire Safety Boxes, including: Toronto, Mississauga, Brampton, Oshawa, Vaughan, Kingston and Niagara Falls.

Every owner, required under the Ontario Fire Code to prepare, implement and keep the fire safety plan in an approved location, will be required to install and maintain a fire safety box in a standardized manner. The fire safety box will be required to be securely mounted to an interior wall in the main entrance of the premises. The fire safety box will be required to contain: (a) an approved copy of the fire safety plan, (b) keys to the service rooms, unless there is an existing

lock box and (c) an unlocked replacement padlock capable fo locking the fire safety box. The average cost of a Fire Safety Box is approximately \$100.00 plus HST.

Financial Impact

The by-law does not have a financial impact on the fire department.

SUMMARY

As a result of the emphasis by the Office of the Ontario Fire Marshal for municipalities to increase their focus on pre fire planning and the review and approval of fire safety plans, it is appropriate to mandate a consistent and standard method of storing fire safety plans for the use of fire fighters in buildings in the City of London.

The London Fire Department will use the following implementation strategy to assist owners meet their obligations under the Ontario Fire Code and this municipal by-law:

- (a) Owners will be notified of this requirement during the following opportunities; (i) when their fire safety plan is submitted for approval or reviewed annually as required by the Ontario Fire Code, (ii) during pre–fire planning activities and routine inspections, (iii) during business licence inspections and (iv) as part of the building plan review process;
- (b) The London Fire Department, in cooperation with the Director, Business Liaison, has arranged for meetings with a number of the BIAs and the London Chamber of Commerce to explain the by-law and strengthen the relationship with these organizations;
- (c) The London Fire Department will provide the owners with the contact information of the suppliers of the approved fire safety plan boxes. In addition, information regarding the by-law and the purchase of the fire safety plan box will be posted on our web site;
- (d) The London Fire Department anticipates the full implementation of this by-law will take several years and accordingly, will not be enforcing a firm deadline for the installation of the fire safety plan boxes. The London Fire Department will permit an owner, subsequent to being appropriately notified, thirty (30) days to make arrangements to have the fire safety box installed.

PREPARED BY:	RECOMMENDED BY:
JIM JESSOP DEPUTY FIRE CHIEF	JOHN KOBARDA FIRE CHIEF
REVIEWED & CONCURRED BY:	
LYNNE LIVINGSTONE MANAGING DIRECTOR, NEIGHBOURHOOD, CHILDREN & FIRE SERVICES	

Bill No. 201
2013

By-law No. F.-_____

A by-law with respect to the installation and maintenance of a fire safety box.

WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality has the authority to enact by-laws for the safety of persons and the protection of persons and property;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that municipal powers shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs as they consider appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS clause 7.1(1)(a) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, permits the council of a municipality to pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the Fire Code established under Part IV of the *Fire Protection and Prevention Act, 1997* sets out requirements for the preparation, approval and implementation of fire safety plans;

AND WHEREAS under the Fire Code, fire safety plans are to be kept in a location approved by the Chief Fire Official;

AND WHEREAS this by-law shall not fetter the discretion of the Chief Fire Official with respect to approved locations of fire safety plans;

AND WHEREAS subsection 7.1(4) of the *Fire Protection and Prevention Act, 1997* provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section 7.1 are being complied with;

AND WHEREAS subsection 6(3) of the *Fire Protection and Prevention Act, 1997* provides that a Fire Chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services;

AND WHEREAS Part XIV of the *Municipal Act, 2001* (Enforcement), applies with necessary modifications to by-laws passed by the council of a municipality under any other general or special Act except as otherwise provided in that Act;

AND WHEREAS it is the opinion of the Council for The Corporation of the City of the City of London that the health and safety of persons and property within London would be enhanced by the mandatory installation of fire safety boxes;

AND WHEREAS section 425 of the *Municipal Act, 2001* establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

NOW THEREFORE the Council of The Corporation of the City of London hereby enacts as follows:

INTERPRETATION

1. Definitions:

1.1 Unless the context otherwise requires, the following terms have the meanings indicated:

"**Chief Fire Official**" has the same meaning as in the Fire Code;

"**existing lock box**" means a cabinet or box used for the storage of keys to service rooms that was in place prior to the effective date of this by-law;

"**Fire Chief**" means the Fire Chief appointed by the Council of the City under the *Fire Protection and Prevention Act, 1997* for the Fire Department of the City and includes, in the absence of the Fire Chief, a Deputy Fire Chief;

"**Fire Department**" means the Fire Department of the City and includes its officers and members;

"**Fire Protection Services**" has the same meaning as in the *Fire Protection and Prevention Act, 1997*;

"**fire safety box**" means a metal cabinet or box that is locked with a padlock for the storage of the items identified in section 6 of this by-law;

"**fire safety plan**" means a fire safety plan as described in the Fire Code;

"**lock box**" means a metal cabinet or box that is locked with a padlock for the storage of keys to service rooms;

"**owner**" shall have the same meaning as set out in the regulations to the *Fire Protection and Prevention Act, 1997*;

"**padlock**" means a padlock that is non-reinforced and is capable of being cut by a bolt cutter; and

"**service room**" means a room in a building used to contain equipment associated with building services.

1.2 In this by-law, a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

ADMINISTRATION OF BY-LAW

2. Administration:

2.1 The Fire Chief shall be responsible for the administration of this by-law.

2.2 The Fire Chief, the Chief Fire Official and any person employed by the City as a fire prevention officer in the Fire Department are appointed as officers for the purpose of entering upon the premises to which this by-law applies at any reasonable time to inspect the premises to determine whether this by-law is being complied with.

2.3 Any person who has been appointed by the City for the purpose of determining whether any other by-law of the City or other law regulating fire prevention or fire safety has been complied with and whose appointment has not been suspended or revoked is also appointed as an officer for the purpose of exercising the power given under subsection 2.2.

REQUIREMENTS AND PROHIBITIONS

3. Fire Safety Box and Lock Box:

3.1 Every person who is required under the Fire Code to prepare and implement a fire safety plan approved by the Chief Fire Official shall install and maintain on his or her premises one of the following:

- a) a fire safety box; or
- b) a fire safety box and a lock box; or
- c) a fire safety box and an existing lock box.

3.2 Every person to whom section 3.1 applies shall ensure that the fire safety box, lock box, and existing lock box comply with the requirements set out in sections 4, 5, 6, and 8 of this by-law.

4. One Fire Safety Box and One Lock Box:

4.1 No more than one fire safety box and one lock box or existing lock box shall be installed and maintained in each premise to which this by-law applies.

5. Location

5.1 Every fire safety box required under this by-law shall be:

- (a) surface mounted within three metres of the main entrance of the premises at a height between 1.5 metres to 1.8 metres above the floor;
- (b) securely mounted to an interior wall of the premises; and
- (c) of sufficient size to hold all the contents prescribed for a fire safety box by this by-law, including an unfolded fire safety plan.

5.2 Every lock box required under this by-law shall be:

- (a) surface mounted within three metres of the main entrance of the premises at a height between 1.5 metres to 1.8 metres above the floor;
- (b) securely mounted to an interior wall of the premises; and
- (c) of sufficient size to hold the keys to service rooms required by section 7.

5.3 Despite subsections 5.1(a) and 5.2(a), the fire safety box and/or the lock box may be located in a place on the premises other than within three metres of the main entrance of the premises, but only with the prior written approval of the Chief Fire Official.

5.4 Where prior written approval of the Chief Fire Official as referred to in section 5.3 is provided, the fire safety box and the lock box shall be located in the place so approved.

5.5 An existing lock box is not required to meet the requirements of subsections 5.2(a) and (b).

6. Contents:

6.1 Every fire safety box required under this by-law shall at all times contain:

- (a) a true copy of the approved fire safety plan for the premises;
- (b) an unlocked replacement padlock capable of locking the fire safety box and lock box where applicable; and
- (c) where the premises has service rooms, the keys required by section 7, unless there is a lock box or an existing lock box for the premises.

6.2 Every lock box or existing lock box required under this by-law shall at all times contain the keys required by section 7.

7. Service Rooms:

7.1 Every person who is the owner of premises that have service rooms shall supply to the Fire Department, a full working set of keys to open the service rooms and, for this purpose, shall place these keys in the fire safety box or the lock box or existing lock box required under this by-law, as the case may be.

7.2 The keys referred to in subsection 7.1 must at all times be equipped with metal or plastic tags that contain completed, up-to-date information clearly identifying the service rooms that the keys open.

7.3 No person, other than an officer or member of the Fire Department acting in the course of his or her duties, or the owner of the premises or his or her authorized agent, for the purposes of updating identification information or replacing defective keys, shall remove the keys from the fire safety box, lock box or existing lock box, as the case may be, or remove or change the identification tags for the keys.

7.4 When updating identification information or replacing defective keys, the owner of the premises or his or her authorized agent shall act promptly so as to ensure that at all times the Fire Department has immediately available to it, a full working set of keys with complete, up-to-date identification information.

8. Locked Box:

8.1 The fire safety box, lock box and existing lock box shall be locked at all times:

- (a) except where the Fire Department requires access; and/or
- (b) except for the purposes of having their contents updated.

ENFORCEMENT

9. Fire Department Access:

9.1 The Fire Department shall, at all times, be permitted to have access, and shall have access, to any fire safety box, lock box and existing lock box required under this by-law, including the contents prescribed in this by-law and for these purposes may use any means available to obtain access to or open the fire safety box, lock box or existing lock box.

10. Interference with Installation:

10.1 No owner of any premises to which this by-law applies shall refuse to allow, or shall prevent or interfere with, the installation and maintenance of a fire safety box, lock box or existing lock box required by this by-law.

11. Interference with Enforcement:

11.1 No person shall hinder, obstruct or interfere with a person duly appointed to enforce this by-law in the exercise of his or her powers and duties.

OFFENCE AND PENALTY

12. Offence and Penalty:

12.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of up to Twenty Five Thousand Dollars (\$25,000.00).

GENERAL

13. Severability:

13.1 If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

14. Short Title:

14.1 This by-law may be referred to as "The Fire Safety Boxes By-law".

15. General:

15.1 Nothing in this by-law relieves a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit order or license.

15.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council April 30, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk