



# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 135-2019**

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### **Being a By-law to Adopt A Fire Prevention and Public Education Policy for the Town of Fort Erie and to Repeal By-law No. 103-08**

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**Whereas** By-law No. 103-08 was passed by the Municipal Council of the Town of Fort Erie on the 16<sup>th</sup> day of June, 2008 to adopt a Fire Prevention and Public Education Policy for the Town of Fort Erie; and

**Whereas** at the Council-in-Committee Meeting of October 15, 2019 Report No. FES-05-2019 was approved for proposed revisions to the Fire Prevention and Public Education Policy for the Town of Fort Erie; and

**Whereas** it is deemed desirable to adopt a Fire Prevention and Public Education Policy for the Town of Fort Erie in the form of Schedule "A" attached to this by-law;

**Now therefore** the Municipal Council of The Corporation of theTown of Fort Erie enacts as follows:

1. **That** the Fire Prevention and Public Education Policy for the Town of Fort Erie in the form of Schedule "A" attached to this by-law is approved and adopted.
2. **That** By-law No. 103-08 is repealed.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first and second time this 21<sup>st</sup> day of October, 2019.**

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Mayor

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Clerk

Read a third time and finally passed this 4<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 135-2019 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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**Town of Fort Erie**  
**FIRE DEPARTMENT PUBLIC EDUCATION & PREVENTION POLICY**

**POLICY STATEMENT**

In Ontario, the fire service is regulated through Provincial legislation that includes the *Fire Protection and Prevention Act (FPPA)*, 1997, S.O. 1997. Part II of the FPPA states that:

2.1(1) every municipality shall,

- a) Establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- b) Provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

The FPPA authorizes the Council of a Municipality to establish, maintain and operate a fire department for all or any part of the municipality and to pass by-laws regarding fire prevention.

Municipal Council, obliged by the FPPA to provide fire protection services, must:

- Establish levels of service commensurate with the needs and circumstances; and
- Provide fiscal resources for staffing, apparatus and equipment to support the level of service.

The Fort Erie Fire Department (FEFD) is committed to safely protecting life, property and the environment through the skilled and continued delivery of Public Education, Fire Prevention and Emergency Response.

**APPLICATION**

This Public Education and Prevention Policy shall act as the guideline directive for the activities of the Public Education and Prevention Division of the Fort Erie Fire Department. All fire personnel shall understand and adhere to this procedure. Copies of this policy shall be available upon request, and shall be available in the fire stations throughout the Town.

**PURPOSE**

The purpose of this policy is to outline the services provided by the FEFD with respect to Public Education and Fire Prevention. The FEFD will minimize the potential loss of life and occurrences of fire by delivering strong public fire safety education programs, fire code enforcement, plans review and fire cause determination.

The FPPA directs that certain education and prevention activities are mandatory.

As well, the FEFD Establishing and Regulating By-law (Attached as Schedule No. 1) establishes the levels of service for the Department. The provisions of this policy shall ensure that this level of service is maintained or exceeded.

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Fire Department personnel may be delegated to have Chief Fire Official Approval Authority with respect to the Ontario Fire Code Regulations as listed below, pursuant to *Article 6.6. of the Fire Protection and Prevention Act, (FPPA)* which states:

Delegation

(6) A fire chief may delegate his or her powers or duties under sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation. 1997, c. 4, s. 6.

- Section 14 - deals with entry on to lands where fire has occurred or is likely to occur.
- Section 19 - deals with the powers for inspection.
- Section 20 - deals with obtaining a warrant to enter lands where entry has been refused.

The following is a list of Items that can be delegated:

- Fire Safety Plans
- Records of Fire Safety Maintenance
- Inspection Orders
- Entry on to Lands for the Purpose of Fire Suppression or Investigation
- Fire Investigations
- Open Burning Approvals
- Alternate Fire Safety Measures – i.e., fire watch

**DEFINITIONS**

**“Assembly Occupancy”**: means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposed or for the consumption of food or drink.

**“Chief Building Official”** means a person appointed by municipal Council responsible for establishing operational policies for the enforcement of the Building Code Act and Building Code, and coordinating and overseeing their enforcement.

**“Chief Fire Official”** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2 of Division C of the Ontario Fire Code or a person appointed by the Fire Marshal under Article 1.1.1.1 of Division C.

**“Code”** means a collection of rules and regulations that has been enacted by law in a particular jurisdiction. Codes typically address a single subject area.

**“Contravention”** means to fail to do what is required by (a law or rule).

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“**Deficiency**” means the quality or state of being defective or of lacking some necessary quality or element.

“**Fire Chief**” means a fire chief appointed under subsection 6 (1), (2) or (4) of the FPPA, 1997.

“**Fire Code**” means a regulation made under the Fire Protection and Prevention Act, 1997 consisting of a set of minimum requirements respecting fire safety within and around existing buildings and facilities.

“**Fire Marshal**” means the Fire Marshal appointed under subsection 8 (1) of the FPPA, 1997.

“**Immediate Threat to Life**” means the Fire Marshal, an assistant to the Fire Marshal or a fire chief has reasonable grounds to believe that a risk of fire poses an immediate threat.

“**Industry Standard**” means generally accepted requirements followed by the members of an industry.

“**Information**” means a formal criminal charge which begins a criminal proceeding in the courts.

“**Inspection**” means formal examination of occupancy and its associated uses for processes to determine its compliance with the fire and life safety codes and standards.

“**LPG fuel**” means Liquid Petroleum Gas.

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

“**Order**” means an order made under subsection 21(1) of the Fire Protection and Prevention Act, 1997.

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

“**Prevailing Code**” means a code that is usual, common or popular.

“**Regulation**” means a law that is made by a person or body whose authority to make the law is set out in a statute.

“**Smoke Alarm Program**” means a program required 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.

“**Vulnerable Occupancies**” means any occupancy that meets the definition of care occupancy, care and treatment occupancy or retirement home regulated under the Retirement Homes Act, 2010.

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**1. PUBLIC FIRE SAFETY EDUCATION**

Public Education is a legislative requirement under the Fire Protection and Prevention Act. It is the 1<sup>st</sup> of the 3 lines of defence (Public Education, Prevention and Fire Suppression).

Education initiatives shall be delivered by the Department through the following methods:

- 1.1. Various fire prevention and emergency preparedness educational programs delivered to the community.
- 1.2. The children throughout the elementary school years shall be provided with Fire Safety Education Programs in conjunction with their regular school curriculum when requested.
- 1.3. Relevant fire safety and emergency preparedness education shall be available to any social group or interested parties upon request.
- 1.4. The Fire Department may take part in public events or festivals by staging fire safety displays, emergency or disaster preparedness and providing information.
- 1.5. The Fire Safety Education Trailer shall be made available pursuant to the protocol for the use of this trailer.
- 1.6. Participate in The Arson Prevention Program for Children (TAPP-C), a collaborative program that brings together fire services and mental health professionals to work with children, teens and their families to eliminate dangerous fire-related behaviours.
- 1.7. The Department will conduct a Smoke Alarm Program (Smoke Alarm Fort Erie ~ S.A.F.E) campaign on an annual basis with the goal of reducing deaths and injuries due to fire.

A detailed report of public fire education and emergency preparedness activities shall be provided to the fire Chief on an annual basis to assist in the preparation of the year end Fire Department Statistical Report to Council.

**2. FIRE CODE ENFORCEMENT**

It is the responsibility of a property owner to ensure they comply with appropriate regulations and statutes. Property owners who fail to ensure that their properties meet the minimum standards of fire and life safety will be charged under the *Provincial*

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*Offences Act* and are subject to penalties as outlined in the *Fire Protection and Prevention Act, 1997*. FEFD has fire inspectors

The Fire Prevention division conducts fire safety inspections to ensure buildings are safe and comply with the Ontario Fire Code. The Fort Erie Fire Department is legislatively responsible for conducting fire safety inspections to ensure public safety. The frequency of inspections directly impacts the level of fire safety and code compliance of properties. Of particular concern are vulnerable occupancies (retirement homes and care and treatment facilities).

It is the policy of the Department to conduct fire prevention inspections of occupancies and properties at the frequencies not exceeding those indicated in Section 2.2 of this Policy.

## **2.1 GENERAL REQUIREMENTS**

- All requests for inspections shall be dealt with as expediently as possible, with initial contact made within 3 working days.
- The owner(s) of rental or leased properties shall be contacted and made aware of any inspection requests.
- The inspections shall be conducted in accordance with industry standard, as provided by the Ontario Fire Marshal, and in conjunction with the prevailing code.
- Contraventions of codes found during inspections shall be noted in an *Inspection Order* detailing said contraventions. The Order shall be completed with a copy provided to the owner(s) and occupant(s).
- A file detailing all inspections and pertinent information shall be maintained in accordance with the Corporate Policy for file maintenance.
- The timeframe to complete corrections to contraventions, shall be dealt with in the following manner:
  - High threat to life - Immediate to 48 hours – *fire alarms, sprinkler systems, blocked exits, etc.*
  - Maintenance Items - 30 days - *exit lights, paper work/reports, etc.*
  - More complex issues shall be dealt with at the discretion of the Inspector in consultation with the Fire Chief.
- If a contravention is not corrected in the allotted timeframe, an extension can be granted, if the person responsible to correct the deficiencies can prove they have been working towards compliance, or have documentation stating why the contravention(s) was not completed. The extension may provide for a further timeframe to complete the required work.
- If the contravention is still not completed, or if the contravention is an immediate threat to life safety, “*Information*” shall be filed with the Court to begin legal proceedings, with a fee being charged to the owner(s) for filing court documents. Once the Information has been laid, it will not be withdrawn and the issue shall proceed through the court system.

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- To complete the above procedure, it will be a requirement to re-inspect the premise on or about the date provided on the “*Inspection Order*”. This shall establish the conditions in the occupancy on or about the date of the beginning of the legal court process.

## **2.2 FIRE INSPECTION FREQUENCY TARGETS**

Fire Inspections shall be conducted on a managed scheduled basis where circumstance and resources allow. The following guidelines will dictate timings:

- Circumstances may warrant deviation from the schedule from time to time.
- Priority shall be given to “life-safety” items and complaints from residential occupancies.
- Town business licences shall be conducted on an as available basis in conjunction with the schedule provided in the Licensing By-law.
- Reasonable complaints shall receive a high priority, being addressed within 24 hours.
- Vulnerable occupancies shall be inspected annually, with a municipal Fire Prevention witnessed fire drill taking place.
- All schools shall have annual inspections with annual fire drills taking place.
- Inspections in multi-residential, assembly occupancies, hotels/motels and rooming houses should be completed every two years.
- Mercantile, industrial, business and personal service occupancies should be inspected approximately every five years.
- All public events such as carnivals, fireworks displays and festivals, including food trucks and vendors shall be inspected prior to the commencement of their event for public fire safety issues.
- Any mobile food vehicles or food vendors using LPG fuel for cooking are required to submit all applicable fire reports to fire prevention a minimum of two weeks prior to the event. Any fee(s) for the Fire Safety Inspection(s) will be covered by event organizers as per the Town of Fort Erie (TOFE) Consolidated Schedule of Fees and Charges.

## **2.3 RESIDENTIAL INSPECTIONS**

### **2.3.1 Home Inspections**

Residential home inspections are to be conducted by request or complaint, or as a part of an amnesty program initiated by the Fire Department, i.e. Smoke Alarm Program.

### **2.3.2 Fireplace and Wood Stove Inspections**

Inspections are to be done in accordance with *Ontario Fire Code 213/07 as amended in Article 2.6.2.1 and Article 2.6.2.2*. Inspectors shall report only on

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those areas visible and inspected. New installations shall be initiated under the building permit process. Inspection orders will be issued for any deficiencies with a 30-day compliance requirement, or an extended period if applicable.

**2.4 CHANGE OF OWNERSHIP OR OCCUPANCY USE**

Change of ownership inspections shall be conducted when requested by the purchaser or purchasers, or purchaser’s solicitor, only where permission has been granted in writing from the owner(s) or the owner’s agent. A fee shall be imposed for such inspections in accordance with the TOFE’s Consolidated Schedule of Fees and Charges.

- 2.4.1** With any change of occupancy or use – inspections shall be conducted in conjunction with the Building Officials to ensure all relevant codes and regulations are in compliance. The Ontario Building Code states that: changes in use of a building, or part of a building that constitute an increased hazard may require the issuance of a “building permit”.
- 2.4.2** A fee shall be charged for preparing a letter of outstanding work orders and a further fee charged if an inspection is requested as a result of, or in conjunction with, said inspection report.
- 2.4.3** The fee schedule for various types of letters, inspections and or reports shall be available on the TOFE website, or through the Fire Department office.

**2.5 OPEN AIR BURNING PERMITS**

**2.5.1 Not Permitted**

Open air burning is NOT permitted within the Municipality without the express approval of the Chief Fire Official in accordance with the *Ontario Fire Code Division B Sentence 2.4.4 4 (1)*.

**2.5.2 Permitted**

Open burning may be approved in accordance with the restrictions as set out in by-law No. 167-03 and/or any superseding by-law regarding open burning.

The Fire Prevention division issues burn permits. When a burn permit is requested, the division inspects the proposed fire area to ensure all the requirements of the by-law are met.

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**2.6 SPECIAL OCCASION PERMITS**

The Fire Prevention division also helps issue special occasion permits by ensuring that buildings being used for an event are:

- Fire safe;
- An appropriate occupant load;
- Tents have proper flame-retardant materials; and
- Tents have correct certificates.

**2.7 LIQUOR LICENSE APPROVALS**

The Fire Prevention Division is often requested to set the occupant load for establishments applying for a liquor license, following the provisions set out in both the Ontario Building Code and the Ontario Fire Code.

A detailed report of Fire Code Enforcement activities shall be provided to the Fire Chief on an annual basis to assist in the preparation of the year end Fire Department Statistical Report to Council.

**3. PLANS REVIEW**

The Fire Prevention Division (Examiner) is also responsible for fire plan reviews. They shall review selected building permit applications to ensure that the fire and life safety requirements are in compliance with the *Ontario Building Code* and *Ontario Fire Code*. These requirements include smoke and fire alarm systems, automatic fire sprinkler systems, emergency power systems, emergency lighting systems, hose and standpipe systems, hazardous processes/operations and protection, smoke control systems, and high-rise safety measures, and kitchen suppression systems.

**3.1 NEW CONSTRUCTION**

New construction shall be inspected in accordance with *By-law No. 077-1997*, and/or any superseding by-law that prescribes the type of fire inspections conducted and authorizes the Fire Chief and the Fire Prevention Officers as Building Officials under the *Building Code Act*. The Chief Building Official and the Fire Chief shall determine a mutually agreed upon workflow that is beneficial to all parties.

The Fire Department shall review site and building plans as required by this by-law.

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**4. FIRE CAUSE DETERMINATION**

The Fire Prevention division is responsible for fire investigations. Investigations are conducted to determine the area of origin and cause. This information is used to determine trends and assists the Fort Erie Fire Department in the prevention of similar incidents as well as in developing fire safety education programming.

**4.1 FIRE INVESTIGATIONS & FOLLOW-UP**

Under *clause 9.(2)(a) of the Fire Protection and Prevention Act, 1997 (FPPA)*, it is the duty of the Ontario Fire Marshal to investigate the cause, origin and circumstances of any fire or of any explosion or condition that in the opinion of the Fire Marshal might have caused a fire, explosion, loss of life or damage to property.

As an Assistant to the Fire Marshal the Fire Chief is charged with ensuring this task is completed in the TOFE.

**4.2** A follow-up investigation shall determine the circumstances leading to the fire, and the possible need to enhance/develop Public Education Programs.

**4.3** Investigation and follow-up shall be conducted at all incidents which involve Public occupancies, including:

- All structure fires.
- False alarms involving schools, hospitals, nursing homes, and any building sending numerous false alarms.

**5. FEES FOR SERVICES & INFORMATION**

As previously mentioned fees for services and information will be charged according to the current Town of Fort Erie Consolidated Schedule of Fees and Charges.

**Schedule No. 1 ~ Table No 1 - Fire Prevention Core Services**  
**Fire Department Public Education & Prevention Policy** *(excerpt Fire Services Master Plan 2006-2011)*

<b>Inspections - All Building Classes</b> <ul style="list-style-type: none"> <li>• Request</li> <li>• Complaint</li> <li>• Emergency Call Follow-up – Fire Safety Systems,</li> <li>• Wood Stoves</li> <li>• Community Events</li> <li>• Festivals</li> <li>• Fireworks</li> <li>• Concerts</li> <li>• Public events</li> </ul>	<p>Coordinate, deliver, record, the finds of the various inspections.</p>
<b>Code Enforcement</b> <ul style="list-style-type: none"> <li>• Inspections to Fire Code compliance – all classes of buildings</li> <li>• Assistants to the Fire Marshal for FPPA actions or Fire Marshal's Orders</li> <li>• By-law enforcement – fire related matters</li> <li>• Reports</li> <li>• Court preparation</li> <li>• Evidence – crown briefs</li> <li>• Pre and post court inspections</li> <li>• Prosecution and court attendance</li> <li>• Follow-up after court</li> </ul>	<p>Coordinate, deliver, record, the finds of the various inspections.</p>
<b>Fire Investigations</b> <ul style="list-style-type: none"> <li>• Fire Investigation – Cause and Origin</li> <li>• Scene examination</li> <li>• Witness statements</li> <li>• Title search</li> <li>• Compile report</li> <li>• Determine action – lay charges if applicable</li> <li>• Court prep, if applicable</li> <li>• Liaison – NRP, OPP, OFM, Insurance companies, ESA, TSSA, Arson Task Force</li> </ul>	<p>Investigate the cause and origin of all fires. Determine the need for further action such as legal recourse etc.</p>
<b>Fire Investigation - Human Behaviours</b> <ul style="list-style-type: none"> <li>• Post fire cause and origin interviews</li> <li>• Cause actions</li> <li>• Counselling</li> <li>• Victim assist</li> <li>• Report preparation</li> <li>• Training or educational opportunities</li> </ul>	<p>Investigate the cause and origin of all fires. Determine if Public Education or training will assist in the prevention of future occurrences.</p>
<b>Plans Review</b> <ul style="list-style-type: none"> <li>• Fire Safety/Emergency Plans</li> <li>• Daycare Centres</li> <li>• Schools</li> <li>• Building plans – new and renovation</li> <li>• OBC compliance – fire safety matters</li> </ul>	<p>Review all new building plans as regards to fire safety and code compliance. Review all fire safety and/or emergency plans for relevance and code compliance.</p>

**Schedule No. 1 ~ Table No 1 - Fire Prevention Services Core Services**  
**Fire Department Public Education & Prevention Policy** *(excerpt Fire Services Master Plan 2006-2011)*

<b>Emergency Management</b> <ul style="list-style-type: none"> <li>Emergency planning resource assistance.</li> </ul>	Assist the CEMC in the delivery of the Emergency Plan requirements.
<b>Public Fire Training</b> <ul style="list-style-type: none"> <li>Fire safety education general</li> <li>Fire extinguishers</li> <li>Fire alarms</li> <li>Fire safety plan preparation</li> <li>School program for all ages</li> <li>Seniors programs</li> <li>Industry</li> <li>Institutional</li> </ul>	Provide Public Fire Safety and Training for Town Residents of all ages.
<b>Fire follow-up Human Behaviour</b> <ul style="list-style-type: none"> <li>Causes determined – Human Behaviour cause.</li> <li>Training Education required –general – specific.</li> </ul>	Investigate the cause and origin of all fires. Determine if Public Education or training would assist in the prevention of future occurrences.
<b>TAPP-C – The Arson Prevention Program for Children</b>	Deliver/coordinate the TAPP-C Program to local children as required.
<b>Public Fire Information Displays</b> <ul style="list-style-type: none"> <li>General displays</li> <li>Specific groups</li> <li>Festivals, public assemblies</li> <li>Community events</li> <li>Sparky's fire safety trailer</li> </ul>	Provide public fire safety information and training for town residents of all ages.
<b>Media Relations</b> <ul style="list-style-type: none"> <li>Liaison with local media outlets</li> <li>Prepare press releases</li> </ul>	Coordinate public fire safety Information to all media outlets.
<b>General Public Assistance</b> <ul style="list-style-type: none"> <li>Assist public with specific problem – <ul style="list-style-type: none"> <li>° i.e. handicapped fire safety</li> </ul> </li> <li>Research and provide information in an easily understandable format</li> <li>Liaison with and coordinate efforts with FMO</li> </ul>	Assist general Public with fire emergency and safety concerns.
<b>Smoke Alarm Program</b> <ul style="list-style-type: none"> <li>Door-to-door awareness campaign</li> <li>Compliance with OFM and FPPA requirements for a smoke alarm program</li> </ul>	Develop, coordinate, deliver, and administer the local Smoke Alarm Program.
<b>Emergency Management</b> <ul style="list-style-type: none"> <li>Develop and deliver appropriate emergency preparedness information</li> <li>Emergency plan awareness</li> <li>Training of public</li> <li>Media relations – non-emergency</li> </ul>	Assist the general public in all types of emergency and life safety.