

September 13, 2018

To: Members
Community & Protective Services Committee

Re: Regina Fire Bylaw

RECOMMENDATION

1. That the City Solicitor be directed to prepare the necessary bylaws to authorize the following:
 - a. repeal *The Regina Fire Bylaw 2005-18*.
 - b. bring forward the new Regina Fire Bylaw as outlined in Appendix A to this report.
2. That this report and related bylaws be forwarded to the September 24, 2018 City Council meeting for approval.

CONCLUSION

The Regina Fire Bylaw, 2005-18 (Fire Bylaw) requires several updates to ensure alignment with recent changes to the provincial legislation and the *National Fire Code of Canada*. The proposed bylaw will replace the existing Fire Bylaw and introduces additional provisions, which are highlighted in this report, to ensure consistency with *The Fire Safety Act* (the Act) that was enacted in November 2015. In accordance with the requirements of the Act, the proposed bylaw has been reviewed by the Ministry of Government Relations' Emergency Management and Fire Safety.

BACKGROUND

The Government of Saskatchewan (Province) ensures the regulation of fire safety under the framework established by the *National Fire Code of Canada, 2015* (NFC). The NFC is a model code published by the National Research Council to provide minimum fire safety requirements for buildings, structures and areas where hazardous materials are used. It also ensures acceptable levels of fire protection and fire prevention for ongoing building operations.

The Province enacted *The Fire Safety Act* on November 2, 2015, replacing *The Fire Prevention Act, 1992*. Section 49 of the Act allows a municipality to pass bylaws to modify or revise the NFC to suit local needs where the modifications are more exacting than the requirements in the Code. In the fall of 2015, the Administration began reviewing the Fire Bylaw to ensure alignment with recent changes to the Act and the NFC. The Bylaw was last amended in 2010. As part of the review, the Administration identified several updates and additional requirements for inclusion in the Bylaw such as license requirements for industry fire safety systems technicians, a new fee schedule including false alarms and the prohibition of flying lanterns.

A previous draft of the new Fire Bylaw was presented to City Council on June 27, 2016 and defeated due to the lack of consultation over provisions that would require property owners/landlords to test smoke alarms in rental properties every 30 days, as per the CAN/ULC standard. Since then, the Administration has conducted a new and comprehensive engagement process, meeting with and engaging stakeholders on the proposed changes. The Administration also conducted a survey of the fees charged by other major fire departments in Canada.

In an April 26, 2018 meeting with the Saskatchewan Landlord Association (SKLA), alternative proposals for smoke alarm regulations were discussed to mitigate risk to tenants in residential rental properties in lieu of more frequent testing of smoke alarms. The proposed changes are less onerous for landlords while still improving tenant safety.

DISCUSSION

After extensive research and stakeholder consultation, Regina Fire & Protective Services (RFPS) is proposing several changes to the Fire Bylaw that will help to improve the safety of City of Regina (City) residents and first responders.

Fire Safety System Industry Standards

RFPS Fire Inspectors have experienced several instances where fire and life safety systems have been non-compliant. This is due to a number of private technicians not following regulated industry standards when providing maintenance services. The requirements introduced in the proposed bylaw will require private technicians who perform annual inspection, testing and maintenance on portable fire extinguishers, commercial cooking equipment, sprinkler and standpipe systems, fire alarm systems and addressable fire alarm systems be trained and qualified to the industry standards as per NFC requirements. Individuals who intend to do this work will be required to provide RFPS with proof of qualifications in order to obtain a license to carry out the work. Installation work on the listed services is already well-regulated and therefore is not included in these permits. Consultation with individual technicians and with the Electrical Contractors Association of Saskatchewan were positive and stakeholders were generally supportive of the proposed changes.

Smoke Alarms in Rental Properties

In the last 10 years, there were 15 fire fatalities in Regina – 10 were in rental properties. In 2015, 75 per cent of residential smoke alarm deficiencies identified by RFPS Fire Inspectors were in rental properties. New provisions in the NFC require the installation in rental properties of hard-wired smoke alarms with alternative power sources that provide power to the alarm for a minimum of seven days. As an additional safety standard, the proposed bylaw will require that a 10-year tamper-proof lithium battery-operated smoke alarm be installed on all floors that do not have bedrooms and which do not have an interconnected, hardwired smoke alarm.

The June 2016 version of the Bylaw proposed that smoke alarms be tested every 30 days in conformance with CAN/ULC-S552-14 standard for the inspection, testing and maintenance of smoke alarms. Some stakeholder groups raised concerns over tenants' right to privacy and about the lack of stakeholder consultation at the time. In response, the Administration has conducted a

thorough and extensive stakeholder consultation process and adjusted its proposals, where possible, in response to the feedback collected. The proposed version of the Bylaw is less onerous but still has effective measures to improve tenant safety. The Bylaw will continue to require that smoke alarms be inspected and tested every six months by the property owner or agent to ensure operability. In addition to the six-month test, the property owner or agent must inspect and test smoke alarms after a tenant vacates a unit and before renting the unit again. It is important to note that these tests cannot be delegated to a tenant. In communications with the SKLA, they have expressed support for these regulations in a letter to RFPS. (Appendix “C”)

Smoke alarm requirements in the current Bylaw apply only to buildings that contain more than one dwelling unit, or one or more dwelling units that are not occupied by the owner of the building. The proposed bylaw extends smoke alarm provisions to other buildings containing similar occupancies, specifically:

- Dwelling unit(s) containing one or more sleeping rooms or sleeping areas where lodging is provided for a fee, such as short-term accommodation, but excluding hotel and motel occupancies, which are regulated under existing NFC provisions.
- Individual condominium units within a complex that are used as rental accommodations.

Flying Lanterns (Sky Lanterns)

Flying and sky lanterns are small paper lanterns resembling hot air balloons and are currently sold in various Regina stores. They are launched by lighting a candle at the base of the lantern and can float up to three kilometres depending on wind speed and direction. These devices have been linked to several fires within the Saskatchewan because they may land with the candle still burning. The Administration recommends prohibiting the launch of flying lanterns within the City limits.

False Alarms

The Fire Bylaw proposes to introduce general deterrents for false fire alarms. A false alarm is defined as:

- an alarm from a fire safety monitoring device that is not caused by heat, smoke or fire and that initiates a request for fire rescue services where no danger exists; or
- when an alarm from a system that detects an unauthorized entry or provides an alert to the commission of an unlawful act is directed to RFPS.

Responding to false alarms may have significant impacts on resource allocation and emergency service delivery which could result in delayed response times to critical emergencies and increased costs to RFPS. In the case of security alarms routed to RFPS, public and firefighter safety is put at risk. These proposed fees (penalties) are intended to encourage the maintenance of fire alarm systems to ensure they work as designed to lessen the risk to life safety. The proposed fees (penalties) start with a warning and no fee for the first false alarm and progress to a \$300 fee for the next false alarm and a \$600 fee for subsequent false alarms within the calendar year. In 2017, RFPS responded to 1931 monitoring and alarm calls. Fifty-five per cent of these calls (1,063) were false alarms. Of these, 547 had only one incident and would have received only a warning letter. The fees, to be charged to the property owner, are consistent with those charged by other municipalities and are proposed to come into effect on July 1, 2019 to allow a public education campaign. The City has established a false alarm bylaw (*False Alarm Bylaw*,

Bylaw No. 2004-24) for Regina Police Service (RPS). A similar provision is sought for fire crew response to false alarms.

Facility Inspection Fees

The proposed bylaw includes fees for requested inspections in compliance with the provincial licensing of alternative family care homes, child care homes and centres, and the University of Regina Homestays. Initially, RFPS proposed an inspection fee of \$145 which included the initial visit and any re-inspection visits. During consultation, stakeholders felt the fee was too high and asked for an option that included scaling. In response, RFPS researched a reduced per visit fee to replace an annual inspection fee that would include any required re-inspections. The Department's research shows between 42 and 44 per cent of inspections on provincially-licensed facilities required a re-inspection – that is 88 of the 211 inspections in 2016 and 111 of the 255 inspections in 2017. Although this number is fairly high, it still indicates that more than half of the annual inspections conducted on provincially licensed facilities required only one visit. Given this feedback and these historical statistics, RFPS is now proposing a per visit fee of \$95 to replace the \$145 annual fee that would have covered re-inspections as well as the initial visit. Where facilities require a re-inspection, an additional \$95 per visit fee will be charged. This will promote safety by minimizing costs for facilities who maintain their systems to life safety standards as per the NFC, companion standards and the newly proposed Fire Bylaw. This approach is comparable to that taken by the Saskatoon Fire Department, who introduced a per visit facility inspection fee of \$90 in 2015.

Permits

The proposed bylaw also introduces some fees for new and pre-existing permits aimed at changing behaviours to increase safety for the public. This follows a user pay model for partial recovery of the costs to the Department for the associated work and resources. A proposed permit for businesses selling fireworks is new and will aid RFPS in ensuring the sale and display of fireworks is safe and compliant with explosive regulations. Permits for open air fires (any fire or burning practice that is conducted outside a building but does not include compliant fires in fire pits or outdoor fireplaces), fireworks/pyrotechnics exhibition permits (with and without an onsite inspection), are pre-existing permits that previously carried no fee. The proposed fees would bring the City in line with other jurisdictions such as Edmonton, London, Toronto and Thunder Bay for open air fire permits and Saskatoon, Calgary, Edmonton, Toronto and Windsor for fireworks/pyrotechnics exhibition permits. Consultation with pyrotechnics companies in the City received a favourable response to this proposed change.

RECOMMENDATION IMPLICATIONS

Financial Implications

Implementation of the new Bylaw is expected to provide additional annual revenue of \$40,000 and \$10,000 in additional administrative expenses in 2019.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

The proposed Bylaw supports the health, safety, financial viability and community security goals outlined in the *Official Community Plan (OCP)* and ensures that municipal regulations pertaining to fire and life safety are aligned with provincial legislation and national standards.

Other Implications

Fire Inspectors may issue an order to remedy contraventions of the Act or a bylaw passed pursuant to the Act. Appeals of orders issued under the Act or bylaw are considered by the Ministry of Government Relations Emergency Management and Fire Safety for a decision. The Department met with the Assistant Deputy Minister and Fire Commissioner regarding the proposed changes and provided him with a draft of the proposed bylaw for review to ensure alignment with the requirements of the Act. The repeal and replacement of the current bylaw with a new bylaw will have no impact on the validity of orders issued under the former bylaw nor appeals that are outstanding at the time the bylaw is replaced.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

As required by the Act, the new bylaw was reviewed by the Ministry of Government Relations (Emergency Management and Fire Safety) to ensure alignment with the Act. On June 13, 2018, the Fire Commissioner responded to inform the Administration that the proposed bylaw is not in conflict with the National Fire Code (Appendix “B”).

A comprehensive communications plan details the extensive stakeholder consultation process RFPS undertook regarding proposed changes to the Fire Bylaw. The Department employed multiple engagement methods including direct mail outs to stakeholder groups and meetings with key stakeholders such as the SKLA and the Electrical Contractors Association.

RFPS began preliminary consultations with commercial kitchen cleaning service providers to ensure awareness of the training and certifications that will be necessary to obtain a permit. This initiative began due to an increase in the number of restaurant fires directly attributed to excessive grease laden appliances, canopies and ducts. The Fire Marshal has also communicated to Regina restaurants regarding the importance of hiring trained service providers to correctly clean their systems. Feedback from long-standing cleaning companies has been positive.

The Administration consulted with the SKLA regarding the newly proposed residential rental property smoke alarm regulations. A meeting was held on April 26, 2018 which centred on tenant safety as a primary goal of both parties. The SKLA representatives were supportive of the changes but shared concerns over the proposed implementation deadlines. As a result of this engagement and consultation with other individual landlords, RFPS proposed an adjusted

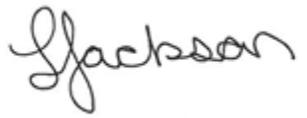
deadline of January 1, 2020. A letter from the SKLA supporting the proposed bylaw provisions and deadlines is attached in Appendix "C" to this report.

Information about the proposed bylaw changes will be shared through the City's website and social media channels as appropriate.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,

A handwritten signature in black ink that reads "Layne Jackson". The signature is written in a cursive style and is contained within a thin black rectangular border.

Layne Jackson, Fire Chief
Fire & Protective Services

Respectfully submitted,

A handwritten signature in black ink that reads "Kim Onrait". The signature is written in a cursive style and is contained within a thin black rectangular border.

Kim Onrait, Executive Director
City Services