

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1988)-12716

Office Consolidation

Being a by-law to adopt the National Fire Code of Canada, 1985, and to make such other regulations as are deemed necessary for preventing fires and the spread of fires within the City of Guelph, and that by-law (1979)-9991 is hereby repealed.[**amended by By-law (1991)13762**]

THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH

ENACTS AS FOLLOWS:

Short Title

1. This By-law may be cited as the Fire Prevention By-law.

Application

2. The National Fire Code of Canada, 1985, as revised from time to time, hereinafter called the "National Fire Code," subject to such additions or deletions as may be hereinafter set out, is hereby adopted and declared to be part of this By-law.
3. In addition to other matters set out in the National Fire Code, this by-law applies to buildings that are in existence on the date upon which this by-law comes into effect.
4.
 - (a) The owner, occupant or lessee of any building shall ensure that it be made to comply with the provisions of this by-law.
 - (b) Where the provisions and regulations contained in this by-law are at variance with any applicable Provincial Statute or Regulations, the more stringent regulations or standard will take precedence.
5.
 - (a) In this By-law, the National Building Code of Canada, as referred to in the National Fire Code, shall mean the Ontario Building Code Act, R.S.O. 1980, c. 51, as amended and revised from time to time, and Ontario

Regulation 419/86 made thereunder, as amended and revised from time to time, which Act and Regulation are known as the Ontario Building Code.

(b) In this by-law, the words and phrases listed below shall have the following meanings;

(1) “Authority having jurisdiction” shall have the same meaning as an “Inspector” as defined herein.

(2) “Dwelling unit” means a room or a suite occupied or designed to be occupied by 1 or more persons as an independent and separate housekeeping establishment and usually containing cooking, eating, living, sleeping and sanitary facilities.

(3) “Inspector” means the duly appointed Chief or the Deputy Chief of the Guelph Fire Department or a Fire Prevention Officer for the City of Guelph.

(4) “Order” means an authoritative direction from an Inspector requiring compliance with the provisions of this by-law.

(5) “Ontario Fire Code” means Ontario Regulation 67/87 as it may be amended or revised from time to time.

Inspection

6. (1) An Inspector, for the purpose of carrying out an inspection to ascertain compliance with any of the provisions of this by-law may, upon complaint or, when he considers it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon the said buildings and premises, taking with him a constable or other police officer or such other person as he considers proper and necessary under the circumstances.

(2) Every person who obstructs, hinders or otherwise disturbs an inspector in the execution of his duties under this section, or who knowingly provides false information to an inspector, is guilty of an offence and, on conviction, is liable to a penalty as hereinafter set forth.

Orders

7. Where an inspector finds that a provision of this by-law has been contravened, or has not been complied with, or has been complied with improperly or only in part, or that a condition or conditions exist in or upon a building or property to which this by-law applies which, in his opinion, constitute a fire hazard to life or property or both, the inspector may make an Order to ensure full and proper compliance with this by-law and, in particular, but without limiting the generality of the foregoing, he may:
 - (a) make to the owner, occupant or lessee of the building property such recommendation as he deems necessary to correct the contravention or to ensure compliance with this by-law, or to remove the hazards referred to in this by-law, or
 - (b) make sure other Order or Orders as he deems necessary with respect to any of the matters referred to in this by-law.

8. The provisions of Section 18 of the Fire Marshals Act, R.S.O. 1980, c.166, as amended or revised from time to time, respecting the contents and service of the Order, and the appeal procedure therefrom, apply mutatis mutandis to an Order issued under this by-law.

9. In addition to the requirements set out in Subsection 2.1.4.3.(1). The owner, person, firm or corporation having control over the dwelling unit have one year from the date of passage of this by-law to comply with said subsection.

10. Notwithstanding Sub-Section 2.6.3.4. of the Ontario Fire Code, no person shall light, ignite or start, or permit to be lighted, ignited or started, a fire in a grill or barbecue for the purpose of cooking food on a balcony of any building containing two (2) or more dwelling units. Barbecue includes any metal frame for cooking over heat or flame, whether such heat or flame is produced by gas, electricity, wood or otherwise. **[amended by By-law (1991)-13762]**

11. Each battery-powered industrial truck shall be equipped with a 5BC or higher rated portable extinguisher conforming to the standards requirements of Part 6 of the Ontario Fire Code.
12. In addition to the requirements set out in Section 6.4. of the Ontario Fire Code, each standpipe hose cabinet shall have installed therein a 2A 10BC rated fire extinguisher conforming to the standards requirements of Part 6 of the Ontario Fire Code.

Penalty

13. Every person who contravenes any provision of this by-law, or fails to comply with any Order issued under this by-law, is guilty of an offence and, on conviction, is liable to a fine of not more than \$2,000.00, exclusive of costs, recoverable under the Provincial Offences Act.
14. The imposition or payment of a fine for failure to comply with an Order does not relieve the person convicted from the continuing obligation of complying with that Order.
15. By-law (1979)-9991 is hereby repealed.
16. It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

PASSED THIS 18TH DAY OF JANUARY, 1988.

Original Signed by: John Counsell
Mayor

Original Signed by: Lois A. Giles
Clerk

BARBECUES

Fire Prevention By-law No. (1988)-12716 (as amended)

Ontario Fire Code – subsection 2.6.3.4. “Open air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire, supervised at all times, and used to cook food on a grill or barbecue.”

10. Notwithstanding subsection 2.6.3.4 of the Ontario Fire Code, no person shall light, ignite or start, or permit to be lighted, ignited or started, a fire in a grill or barbecue for the purpose of cooking food on a balcony of any building containing two (2) or more dwelling units. “Barbecue includes any metal frame for cooking over heat or flame, whether such heat or flame is produced by gas, electricity, wood or otherwise.”

Penalty

13. Every persons who contravenes any provision of this by-law, or fails to comply with any order issued under this by-law, is guilty of an offense and, on conviction, is liable to a fine or not more than \$2,000.00, exclusive of costs, recoverable under the Provincial Offenses Act.
14. The imposition or payment of a fine for failure to comply with an Order does not relieve the person convicted from the continuing obligation of complying with that Order.

Propane Barbecues

Place your barbecue away from combustible surfaces when it is operating. It should not be close to a wooden fence or beneath a combustible roof, overhang or even a low tree. It is unlawful to operate a barbecue within 10 feet of a combustible wall or a window (open or closed) of a building.”

- Ministry of Consumer and Commercial Relations –

Fire Prevention Bureau
Guelph Fire Department
50 Wyndham Street South
Guelph ON N1H 4E1
(519) 824-3232
Fire Prevention 519-763-8111