

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2008)-18673

A by-law to require the provision of Fire Safety Plan Lock Boxes.

WHEREAS clause 7.1 (1) (a) Of the Fire Protection and Prevention Act, 1997 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 Act 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 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

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH HEREBY ENACTS AS FOLLOWS:

1. In this By-law:

- a) “Act” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended from time to time, or any successor thereof;
- b) “Approved” means approved by the Chief Fire Official in writing, and “Approval” has a corresponding meaning;
- c) “Chief Fire Official” means the Chief of the Guelph Fire Department, or his or her designate;
- d) “Existing Fire Safety Plan Box” means a fire safety plan box in use prior to the enactment of this By-law;
- e) “Fire Code” means O. Reg. 213/07 made under the Act, as amended from time to time, or any successor thereof;
- f) “Guelph Fire Department” means the fire department of the City of Guelph, established under Part II, subsection 5 (0.1) of the Act, as amended from time to time, or any successor thereof;
- g) “Fire Safety Plan” means an emergency plan, including drawings, as described in Section 2.8 of Division B of the Fire Code, as amended from time to time, or any successor thereof, and approved by the Chief Fire Official;
- h) “Fire Safety Plan Lock Box” means a white metal weather proof box identified with reflective and visible wording, as shown on Schedule “A” to this By-law;
- i) “Hazardous Material” has the same meaning as in the Occupational Health and Safety Act;

- j) “Key Lock Box” means a SUPRA MAX key lock box, as shown on Schedule “A” to this By-law;
 - l) “MSDS Sheet” means an unexpired material safety data sheet containing the information as prescribed under the Occupational Health and Safety Act;
 - m) “Occupational Health and Safety Act” means the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, and the regulations thereto, as amended from time to time, or any successor thereof;
 - n) “Officer” means the Chief Fire Official, any person employed by the City as a fire prevention officer in the Guelph Fire Department, any person designated as an assistant to the Fire Marshal, and any other person appointed by City by-law from time to time for the purpose of enforcing this By-law; and
 - o) “Owner” includes the registered owner, tenant, lessee or manager of the premises.
2. This By-law applies to those premises for which a Fire Safety Plan is required under the Fire Code, as specified in Schedule “B” to this By-law.
 3. The Chief Fire Official shall be responsible for the administration of this by-law.
 4. a) Any Officer may enter upon lands and into structures at any reasonable time for the purposes of inspecting to determine whether this By-law is being complied with, and may for that purpose:
 - i) access the Fire Safety Plan Lock Box or Approved Fire Safety Plan Box, and inspect the box and its contents;
 - ii) require the production for inspection of documents or things relevant to the inspection;
 - iii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iv) require information from any person concerning a matter related to the inspection; and
 - v) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
 - b) In addition to and without limiting any other provision of this By-law, every Owner shall, upon request, provide an Officer with access to the Fire Safety Plan Lock Box or Approved Fire Safety Plan Box, and its contents, without delay, for purposes of an inspection to determine whether this By-law is being complied with.

5. Fire Safety Plan Lock Box

Every Owner of a premises to which this By-law applies shall install and maintain on the premises:

- a) a Fire Safety Plan Lock Box, along with a Key Lock Box; or
- b) a Fire Safety Plan Lock Box with a padlock which can be cut to gain access to the material within;

6. Exception for Approved Existing Fire Safety Plan Boxes

- a) Notwithstanding section 5, the Owner may maintain an Approved Existing Fire Safety Plan Box in place of the requirements of that section.

- b) Any Approval of an Existing Fire Safety Plan Box may contain conditions relating to the location and condition of the box, which may, if the Chief Fire Official determines appropriate, vary from the requirements of this By-law.
- c) An Approval of an Existing Fire Safety Plan Box may be revoked by the Chief Fire Official by notice in writing to the Owner if, in his or her opinion, the Owner fails to comply with any of the conditions thereof.
- d) If an Approval is revoked by the Chief Fire Official pursuant to subsection 6(C), the Owner will, as of the date of revocation, be required to comply with the requirements of section 5.
- e) An Approval of an Existing Fire Safety Plan Box shall not relieve the Owner from complying with any other provision of this By-law, except as may be specifically stated in any condition of the Approval.

7. Location

- a) Every Owner shall ensure that the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box is:
 - i) 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 ground; and
 - ii) Securely mounted to an exterior wall of the premises, or in another area approved in writing by the Chief Fire Official.
- b) Every Owner shall ensure that, where a Key Lock Box is provided as required by subsection 5(a) of this By-law, such box:
 - i) Is, at all times, designed to allow access using the standard key held by the Guelph Fire Department;
 - ii) Is located within 0.3 metres of the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, or in another area approved in writing by the Chief Fire Official; and
 - iii) Contains a functioning key to the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, along with functioning master keys to the remainder of the building

8. Contents

- a) Every Owner shall ensure that the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box at all times:
 - i) Contains a true copy of the Fire Safety Plan(s) for the premises;
 - ii) Contains a true copy of all MSDS Sheets required from time to time by the Occupational Health and Safety Act to be obtained or prepared in respect of Hazardous Materials, or information where they are located on the premises;
 - iii) Contains a true copy of all other information as may be required from time to time to be provided to the fire department pursuant to the Occupational Health and Safety Act;
 - iv) Contains an open replacement padlock capable of locking the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, if no Key Lock Box is provided; and
 - v) Contains functioning master keys to the remainder of the building, if no Key Lock Box is provided

- b) Except as may be required by law from time to time, the Owner shall ensure that the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box contains only those documents required or permitted to be contained therein pursuant to this By-law.
- c) An Owner may, with the consent of the Chief Fire Official, include in any Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, any information which is not required by this By-law to be contained therein, but which is relevant for fire prevention or fire safety purposes, including, where the consent of the affected person(s) has been obtained, any personal information relating to persons requiring assistance during a fire.
- d) Every Owner shall ensure that the Fire Safety Plan Lock Box is a minimum of 13” H X 13” W X 4”D and is at all times of sufficient size to hold all the contents required by this By-law.
- e) Where there is an Approved Existing Fire Safety Plan Box, every Owner shall ensure that such box is of sufficient size to hold all of the contents required by this By-law from time to time, and if the box is not of sufficient size at any time, that it is replaced with a Fire Safety Plan Lock Box meeting the requirements of this By-law.

9. Condition and Access

- a) The Owner shall maintain the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, as the case may be, in good repair at all times.
- b) The Owner shall ensure that he or she at all times maintains and has access to a functioning key to the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, to allow the information located within such box to be kept current.
- c) The Owner shall ensure that:
 - i) all information in the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box is reviewed and updated at a minimum:
 - a. every twelve (12) months; or
 - b. where reviews or updates are required pursuant to any statute or regulation, in accordance with the applicable statutory or regulatory requirements; and
 - ii) in addition to clause (i), the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box at all times contains the most up-to-date version of all documents
- d) The Owner shall ensure that, when responding to a call for assistance or alarm, the Guelph Fire Department is at all times permitted access to the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box, and for this purpose, the Guelph Fire Department may use any means available to obtain access to or open same.
- e) The Owner shall ensure that the Fire Safety Plan Lock Box or Approved Existing Fire Safety Plan Box is kept locked at all times except where the Guelph Fire Department requires access pursuant to this By-law, or for the purposes of updating the contents of such box.

10. Tampering

- a) No person shall tamper or interfere with a Fire Safety Plan Lock Box, a Key Lock Box or an Approved Existing Fire Safety Plan Box, including without limitation any tampering or interference that results in access to the Guelph Fire Department being denied, or that results in contents required under this By-law being removed, or the security of the box being compromised.

- b) No person shall use the contents of a Fire Safety Plan Lock Box, a Key Lock Box or an Approved Existing Fire Safety Plan Box for any purpose other than fire prevention or fire safety.

11. Other Legislation

This By-law shall be in addition to, and shall not detract from, the requirements of any other statute, regulation or by-law in effect from time to time.

12. Offence

Every person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and on conviction is liable to a fine not to exceed \$5,000.00, exclusive of costs.

PASSED this TWENTY-FOURTH day of NOVEMBER, 2008.

KAREN FARBRIDGE – MAYOR

LOIS A. GILES – CITY CLERK

SCHEDULE "A"

Fire Safety Plan Lock Box:



Key Lock Box:



SCHEDULE "B"

For purposes of Section 2 of this By-law, the premises to which the By-law applies are those containing any of the following occupancies, as defined in the Fire Code:

- 1) assembly occupancies,
- 2) residential occupancies where the occupant load exceeds 10,
- 3) business and personal services where the occupant load exceeds 300,
- 4) mercantile occupancies with an occupant load exceeding 300,
- 5) high hazard industrial occupancies where the occupant load exceeds 25,
- 6) medium hazard industrial occupancies where the occupant load exceeds 100; and
- 7) low hazard industrial occupancies where the occupant load exceeds 300.