

CITY OF NIAGARA FALLS

A Consolidated By-law

Being **By-law No. 2009 - 71** as amended by:
By-law 2010-115

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

WHEREAS 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 the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality has the capacity, rights and powers and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;

AND 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 *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 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*, S.O. 2001, c. 25 (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 Niagara Falls that the health and safety of persons and property within Niagara Falls would be enhanced by the mandatory installation of fire safety boxes;

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

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS
AS FOLLOWS:**

INTERPRETATION

1. Definitions:

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

- (a) “building audit familiarization programme” means a survey prescribed by the Fire Chief for the purpose of collecting information on the fire emergency systems located on the premises, including but not limited to information on sprinklers, standpipes, fire pumps, emergency generators, smoke control measures, access to roof measures, fire alarms, elevators, heating sources, hydro panels, gas shut-off valves, water shut-off valves and the number of stairways on the premises, and information on the presence of hazardous materials on the premises;
- (b) “Chief Fire Official” has the same meaning as in the Fire Code;
- (c) “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;
- (d) “Fire Chief” means the Fire Chief appointed by the Council of the City under the *Fire Protection and Prevent Act, 1997* for the Fire Department of the City and includes, in the absence of the Fire Chief, a Deputy Fire Chief;
- (e) “Fire Department” means the Fire Department of the City and includes its officers and members;
- (f) “Fire Protection Services” has the same meaning as in the *Fire Protection and Prevention Act, 1997*;
- (g) “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;
- (h) “fire safety plan” means a fire safety plan as described in the Fire Code;
- (i) “lock box” means a metal cabinet or box that is locked with a padlock for the storage of keys to service rooms;
- (j) “owner” means a person who is shown in the assessment rolls for the City as the assessed owner or tenant of the premises to which this by-law applies and includes the registered owner or mortgagee in possession of such premises. Where the premises is a condominium building, the condominium corporation having control of the common elements of the building shall be considered the owner;

- (k) “padlock” means a padlock that is non-reinforced and is capable of being cut by a bolt cutter; and
- (l) “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.

THE REGULATIONS

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, either a fire safety box or a fire safety box and a lock box or existing lock box.

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 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) A completed, up-to-date building audit familiarization programme for the premises if prepared by the Fire Department and, if prepared, where approved by the Chief Fire Official;
- (c) An unlocked replacement padlock capable of locking the fire safety box and lock box where applicable; and
- (d) 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 have a lock, as approved by the Chief Fire Official, and 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 a fire safety box, lock box or 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.

THE 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 Five Thousand Dollars (\$5,000.00).

GENERAL

13. General:

13.1 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.

13.2 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.

13.3 This by-law may be cited as “The Fire Safety Boxes By-law”.

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

(Original By-law was) Passed this fourth day of May, 2009.

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DEAN IORFIDA, CITY CLERK

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R.T. (TED) SALCI, MAYOR

First Reading: May 4, 2009.
Second Reading: May 4, 2009.
Third Reading: May 4, 2009.