

CITY OF NIAGARA FALLS

By-law No. 2018-50

A by-law with respect to the installation and maintenance of a fire safety plan box, security key box and building access keys.

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-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 plan 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) “Approved” means approved by the Chief Fire Official;
- (b) “Fire Protection Equipment” means the equipment and systems that provide fire safety in a building which includes, but is not limited to, fire alarm systems, automatic sprinkler systems and other special suppression systems;
- (c) “Service room” means a room in a building used to contain equipment associated with building services;
- (d) “Security key box” means a reinforced box that is securely attached to a building and contains keys to access portions of a building as required by this by-law, and is obtained through the Niagara Falls Fire Department;
- (e) “Building access keys” include keys or an electronic device that provides access to secured parts of a building which includes service rooms and an elevator;
- (f) “Chief Fire Official” means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief;
- (g) “Fire Chief” means the Fire Chief appointed by the Council of the City under the Fire Protection and Prevention Act, 1997 for the Fire Department of the City and includes, in the absence of the Fire Chief, a Deputy Fire Chief;
- (h) “Fire Department” means the Fire Department of the City of Niagara Falls and includes its officers and members;
- (i) “Fire safety plan box” means a cabinet or box that is locked with a padlock for the storage of the items identified in section 2 of this by-law;
- (j) “Fire safety plan” means a fire safety plan as described in Section 2.8 of the Ontario Fire Code;
- (k) “Owner” means a person or corporation who has control over the premises.

- 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.

THE REGULATIONS

2. Fire Safety Plan Box:

- 2.1 If an approved fire safety plan is required at a property, the owner shall install and maintain a fire safety box at the premises;
- 2.2 Not more than one fire safety plan box shall be installed at each premises;
- 2.3 Every fire safety plan box shall, at all times, contain a complete copy of the approved fire safety plan.

3. Location:

- 3.1 Every fire safety plan box required under this by-law shall be:
 - (a) Surface mounted within three metres of the principal entrance of the premises at a height between 1.5 metres to 1.8 metres above the floor; and
 - (b) Securely mounted to an interior wall of the premises or if adequately protected from the elements, on an exterior wall;
- 3.2 Despite Section 3.1, the fire safety plan box may be installed in an alternative location with the approval of the Chief Fire Official;
- 3.3 The fire safety plan box shall be locked at all times.

4. Security Key Box:

- 4.1 If a security key box is installed to satisfy the requirements of Section 5.3(a) of this by-law, the security key box shall be installed in an approved location;
- 4.2 Not more than one security key box shall be installed at each premise.

5. Building Access Keys:

- 5.1 If keys are required to access areas of a building that contain fire protection equipment, a set of keys shall be made available to fire department personnel;
- 5.2 If keys are required to access service rooms, a set of keys shall be made available to fire department personnel;
- 5.3 If a key is required to access a fire safety plan box, the key shall be made available to fire department personnel.

- 5.4 If the building contains an elevator, the owner shall make keys available to fire department personnel, upon request;
- 5.5 Keys referenced in Sections 5.1, 5.2, 5.3 and 5.4 can be made available to the fire department by:
 - (a) being secured in a security key box obtained through the fire department or;
 - (b) being made available by an onsite representative.
- 5.6 Keys referred to in Section 5.1, 5.2, 5.3 and 5.4 shall be:
 - (a) clearly marked and identifiable; and
 - (b) current to the building;
- 5.7 In the event a building access key has become damaged or obsolete, the owner shall ensure that current building access keys are made available to the fire department in accordance with Section 5.5 of this by-law;
- 5.8 No person shall access a security key box without the approval of the Chief Fire Official.

ADMINISTRATION OF THE BY-LAW

6. Administration:

- 6.1 The Fire Chief shall be responsible for the administration of this by-law;
- 6.2 Members of the Fire Department and the Municipal By-Law Division 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.

ENFORCEMENT

7. Interference with Enforcement:

- 7.1 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

8. Offence and Penalty:

- 8.1 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

9. General:

- 9.1 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;
- 9.2 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 licence;
- 9.3 This by-law may be cited as “The Fire Safety Plan Box, Security Key Box, and Access Key By-law”;
- 9.4 By-law Nos. 2009-71 and 2010-115 are hereby repealed.
- 9.5 This by-law shall come into force and effect on the day it is passed.

Passed this eighth day of May, 2018.

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BILL MATSON, ACTING CITY CLERK

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JAMES M. DIODATI, MAYOR

First Reading: May 8, 2018.

Second Reading: May 8, 2018.

Third Reading: May 8, 2018.