

THE CORPORATION OF THE  
T O W N   O F   P E L H A M

BY-LAW # 496 (1978)

Being a by-law respecting fire prevention.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS

AS FOLLOWS:

- (1) This by-law is designed to control the maintenance of satisfactory conditions for preventing fires, and the spreading of fires, and for the preservation of life by measures introduced for the purpose of fire prevention and fire protection.
- (2) In this by-law:
- (a) "APPLIANCES FOR PROTECTION AGAINST FIRE" - include fire alarm systems, fire extinguishers, fire extinguishment systems, fire protection systems, sprinkler systems, standpipe and hose systems, emergency lighting and exit lighting.
  - (b) "BUILDING CODE" - means The Building Code Act, 1974, S.O., Chapter 74, as amended, and the Regulations made thereunder, being Ontario Regulation 925/75, as amended, or any regulation made in substitution therefor.
  - (c) "CHIEF BUILDING OFFICIAL" - means the Chief Building Official of the Corporation.
  - (d) "CHIEF FIRE OFFICIAL" - means the Chief of the Fire Department of the Corporation.
  - (e) "CORPORATION" - means The Corporation of the Town of Pelham.
  - (f) "FIRE DEPARTMENT" - means the Fire Department of the Corporation.
  - (g) "HIS" - importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and the converse.
  - (h) "N.F.C.C. - 1975" - means The National Fire Code of Canada, 1975 issued by the Associate Committee on The National Fire Code, National Research Council of Canada.
  - (i) "OWNER" - includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property.
  - (j) "PROPERTY" - means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and vacant land.

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(k) "THIS CODE" - means the N.F.C.C. - 1975 as deemed to be amended by this by-law.

(3) (1) In addition to the provisions of Section 2 hereof but subject to subsections 2 to 6 inclusive of this section, Part 1 entitled "Application and Definitions" of N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part 1 shall be deemed to be amended as set out in the said subsections 2 to 6 inclusive of this section.

(2) Subsection 1.1.1 of Section 1.1 of the said Part 1 is hereby repealed.

(3) Subsection 1.2.2 of Section 1.2 of the said Part 1 is amended by striking out the definition "approved" and substituting therefor the following:

"Approved" means, with respect to materials, systems and equipment, to the same standard accepted in the Building Code where the Building Code applies; where the Building Code does not apply, it means to the standard specified in this by-law; if not covered in this by-law it means to the standard specified by the Chief Fire Official.

(4) Subsection 1.2.2 of Section 1.2 of the said Part 1 is amended by striking out the definition "authority having jurisdiction" and substituting therefor the following definition;

"Authority having jurisdiction" has the same meaning as the Chief Fire Official.

(5) Subsection 1.2.2 of Section 1.2 of the said Part 1 as amended by the addition thereto of the following definitions:

"Covered Mall" means a covered or roofed area in which the least horizontal dimension is thirty (30) feet or more and which is used as a pedestrian thoroughfare to connect two or more buildings; the authority having jurisdiction may classify an area within a separate building a covered mall.

"Decorative Material" means all such materials as curtains, draperies, streamers, surface coverings applied over the building interior finish for any purpose, and also cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect, but does not include floor coverings and ordinary window shades.

"Order" means an authoritative direction requiring compliance with this by-law.

"Sidewalk Sales" when used in respect of a covered mall, means the temporary use, for the display and sale of merchandise, of areas normally designated as pedestrian travel space, but not within the required means of egress from the covered mall.

"Special Events" when used in respect of a covered mall, means displays and activities other than sidewalk sales,

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including, without limiting the generality of the foregoing, exhibits of vintage cars, exhibits of boats, flower shows and art shows and seasonal promotions.

"Unprotected Openings" when used in respect of an exposing building face, means a doorway, window or opening other than one equipped with a closure having the required fire protection rating, or any part of a wall forming part of such exposing building face that has a fire resistance rating less than required for such exposing building face.

(6) The definition "supervisory staff" in Subsection 1.2.2 of Section 1.2 of the said Part 1 is amended by striking out "and may also refer to the local fire department where it assumes these responsibilities," in the third and fourth lines of the said definition.

(4) (1) Subject to Subsections 2 to 13 inclusive of this section, Part 2 entitled "Building & Occupant Fire Safety" of the N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part shall be deemed to be amended as set out in the said subsections 2 to 13 inclusive of this section.

(2) The said Part 2 is hereby amended by striking out "National Building Code of Canada 1975" wherever it occurs and inserting in lieu thereof in each instance "Building Code".

(3) Article 2.1.1.2 of Subsection 2.1.1 of Section 2.1 of the said Part 2 is hereby repealed and the following substituted therefor:

"2.1.1.2 - Deviations from requirements shall be permitted, provided that the Chief Fire Official is satisfied that either the building as constructed provides an acceptable degree of life safety, or alternative measures are taken to provide such safety.

(4) Article 2.6.1.1 of Subsection 2.6.1 of Section 2.6 of the said Part 2 is hereby repealed and the following substituted therefor:

"2.6.1.1 - (1) Heating, ventilating and air-conditioning appliances and equipment shall be installed in conformance with the Building Code.

(2) In addition to the provisions of Sentence 1 hereof, The Energy Act, 1971, S.O. Chapter 44, and all regulations passed thereunder and all amendments thereto apply to heating appliances and heating equipment and not limiting the generality of the foregoing and for purposes of illustration only includes:

(a) Fuel Oil Code O. Reg. 298/72 as amended by O. Regs. 311/73 and 650/76.

(b) Gas Utilization Code R.R.O. 254 as amended by O. Regs. 296/72 and 314/73,

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(c) Propane Storage, Handling and Utilization Code R.R.O. 255, as amended by O. Regs. 295/72 and 313/73.

(5) Article 2.6.1.7 of Subsection 2.6.1 of Section 2.6 of the said Part 2 is hereby repealed and the following substituted therefor:

"2.6.1.7 - Where a flue pipe is removed, the flue pipe collar shall be removed from the chimney and the opening sealed with masonry."

(6) Article 2.6.2.2 of Subsection 2.6.2 of Section 2.6 of the said Part 2 is hereby repealed.

(7) Article 2.6.2.3 of Subsection 2.6.2 of Section 2.6 of the said Part 2 is hereby amended by striking out "Articles 2.6.2.1 and 2.6.2.2" in the first line and inserting in lieu thereof "Article 2.6.2.1."

(8) Article 2.8.2.2 of Subsection 2.8.2 of Section 2.8 of the said Part 2 is hereby repealed.

(9) Subsection 2.10.2 of Section 2.10 of the said Part 2 is hereby repealed.

(10) Article 2.10.4.1 of Subsection 2.10.4 of Section 2.10 of the said Part 2 is repealed and the following substituted therefor:

"2.10.4.1 - A member of the staff of day-care centres in which more than 10 children are cared for shall conduct monthly fire prevention inspections and complete an inspection report in a form that is satisfactory to the Chief Fire Official,"

(11) Article 2.10.4.2 of Subsection 2.10.4 of Section 2.10 of the said Part 2 is repealed and the following substituted therefor:

"2.10.4.2 - The completed fire prevention inspection reports shall be maintained on an annual basis and shall be produced for inspection when so requested by the Chief Fire Official."

(12) Section 2.11 of the said Part 2 is hereby repealed and the following substituted therefor:

"Section 2.11 - BOARDING & LODGING HOUSES, APARTMENTS, AND RESIDENTIAL BUILDINGS -

Subsection 2.11.1 - Definitions -

2.11.1.1 - In this section:

(a) "Apartment House" means a building containing four or more separate dwelling units.

(b) "Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

(c) "Lodging House" means a building in which lodging for gain with or without meals is provided for more than four persons but does not include a hotel, motel or hospital.

(d) "Residential Occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodations is provided and who share a common exit facility but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

2.11.1.2 - Every apartment house and lodging house shall conform to the requirements of The Building Code, except that deviations from these requirements shall be permitted as described in Article 2.1.1.2.

Subsection 2.11.2 - Fire Protection Measures -

2.11.2.1 - Unless otherwise required in Part 6, at least one portable extinguisher having a 2A rating shall be installed on each storey of every apartment house and lodging house.

2.11.2.2 - Unless otherwise approved, the owner or occupant of every building which:

- (i) is not more than 3 storeys in height, and
- (ii) contains more than 2 and less than 6 dwelling units, and
- (iii) provides sleeping accommodations for not more than 10 persons, and
- (iv) was constructed prior to 1970 and was not altered or converted subsequent to its construction, except in accordance with the plans, specifications, documents and any other information and directions in writing on the basis of which a building permit for such alteration or conversion was issued by the Chief Building Official shall provide and maintain a manual fire gong at each common exit or exits from each floor and each such gong shall be of sufficient size to be clearly heard throughout the building.

2.11.2.3 - Unless otherwise approved, the owner or occupant of every building which:

- (i) is not more than 3 storeys in height, and
- (ii) contains more than 2 and less than 6 dwelling units, and
- (iii) provides sleeping accommodations for not more than 10 persons, and
- (iv) was constructed prior to 1970 and was not altered or converted subsequent to its construction, except in accordance with the plans, specifications, documents and any other information and directions in writing on the basis of which a building permit for such alteration or conversion was issued by the Chief Building Official

shall provide and maintain in each common hallway, on the ceiling of each floor adjacent to each stairway, and in the basement or cellar adjacent to each stairway, a products of combustion detector or detectors listed by Underwriter's Laboratories of Canada.

Each such products of combustion detector shall be of the single station alarm type, audible within bedrooms when intervening doors are closed and shall be:

- (a) equipped with visual indication that it is in operating condition, and
- (b) connected to the building electrical supply without a disconnect wall switch, and
- (c) permanently mounted to a standard electrical outlet or junction box on the ceiling, and
- (d) served by a circuit not interconnected to any wall outlet, and
- (e) electrically interconnected so that an alarm in any one detector will sound a similar alarm in all detectors throughout the building.

2.11.2.4 - Unless otherwise approved, the owner or occupant of every residential building which

- (i) is more than 3 storeys in height, or
- (ii) contains more than 5 dwelling units, or
- (iii) provides sleeping accommodations for more than 10 persons, and
- (iv) was constructed prior to 1970 and was not altered or converted subsequent to its construction, except in accordance with the plans, specifications, documents and any other information and directions in writing on the basis of which a building permit for such alteration or conversion was issued by the Chief Building Official.

shall provide and maintain an electrically supervised fire alarm system capable of being heard throughout the building and installed in compliance with the Building Code.

(13) The said Part 2 is hereby amended by adding thereto the following section:

"Section 2.13 - COVERED MALLS -

2.13.1 - Safety From Fire & Fire Prevention  
Requirements for Covered Malls -

2.13.1.1 - The owner of a covered mall or his authorized agent shall, at all times, be responsible to ensure that the provisions of this subsection are complied with.

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2.13.1.2 - (1) No decorative material whose application presents an ignitable surface shall be used in a covered mall. A match flame test applied in fire-safe surroundings to a piece removed from the material shall determine the degree of hazard present. The piece of material to be tested shall be held in a vertical position exposed to a flame from a common match held in a horizontal position  $\frac{1}{2}$  inch underneath the piece and in a constant location for a minimum of 15 seconds.

(2) Treatments used to accomplish flame-proofing for the purpose of sentence (1) shall be renewed as often as may be necessary to maintain the flame-proof effect.

2.13.1.3 - Sales, displays, decorative material or activities shall not:

(a) impede the proper water distribution from the sprinkler system;;

(b) restrict access to other fire protection equipment;

(c) infringe on the required exit width from adjoining stores, or exits from the covered mall.

2.13.1.4 - Except as permitted in clause (a) of Article 2.13.1.5 or clause (g) of Sentence 2.13.1.6 (2), flammable or combustible liquids or gases shall not be displayed or used within a covered mall.

2.13.1.5 - Unless prior written approval has been granted by the authority having jurisdiction, the following shall not be permitted within a covered mall:

(a) open flames and the associated fuel supply;

(b) assembly occupancies as defined in subsection 1.2.2.

2.13.1.6 (1) - Sidewalk Sales - A covered mall shall not be used for the purpose of a sidewalk sale otherwise than in conformity with this subsection.

(2) - An annual permit may be issued by the authority having jurisdiction for sidewalk sales, provided that the following provisions of this By-law are complied with:

(a) the covered mall shall be sprinklered;

(b) all adjoining occupancies with unprotected openings facing the mall shall be sprinklered;

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(c) a thirty (30) feet space separation shall be maintained between sidewalk sales areas: (i) on opposite sides of the covered mall, and

(ii) between sidewalk sales areas and unprotected openings on opposite sides of the covered mall, and

(iii) the sales areas shall not extend beyond six (6) feet from the building face into the covered mall;

(d) unobstructed pedestrian travel spaces at least twelve (12) feet wide, parallel and adjacent to each connected building and extending to each mall exit shall be provided free of any display or activity, the said travel spaces are to be located within the thirty (30) feet space separation required under clause (c);

(e) displays of combustible material including, without limiting the generality of the foregoing, expanded foam, plastics, mattresses or building materials which may create a fire load exceeding sprinkler design classification as established in NFPA Standard No. 13, 1973, "Installation of Sprinkler Systems", including all revisions to May 1, 1975, shall not be located within the covered mall;

(f) vertical distance between sprinkler heads and merchandise shall not be less than thirty-six (36) inches;

(g) a floor plan showing the location of sales, displays or activities shall accompany each permit application.

2.13.1.7 (1) - Special Events - A covered mall shall not be used for the purpose of special events otherwise than in conformity with this subsection.

(2) - An annual permit may be issued by the authority having jurisdiction for special events within a covered mall provided that the following provisions of this by-law have been complied with:

(a) the covered mall shall be sprinklered;

(b) all adjoining occupancies with unprotected openings facing the mall shall be sprinklered;

(c) unobstructed pedestrian travel spaces at least twelve (12) feet wide, parallel and adjacent to each connected buildings and extending to each mall exit shall be provided;

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(d) construction of booths, stages and structures required for display purposes shall be constructed in compliance with the Building Code;

(e) tents, tarpaulins, decorative material and fabric used in connection with any display or exhibit shall conform to the appropriate requirements for resistance to fire contained in N.F.P.A. 701-1969 "Standards Methods of Fire Tests of Flame Resistant Textiles and Films" or U.L.C. S109, 1969 "Standards for Flame Tests of Flame Resistant Fabrics and Films: including all revisions to May 1, 1975 for both standards;

(f) temporary electrical services shall comply with all Ontario Hydro regulations;

(g) motor vehicles shall contain not more than one quarter tank of gasoline and the tank cap shall be locked or secured against tampering. The batteries in such motor vehicles shall be disconnected in a manner approved by the authority having jurisdiction;

(h) before entering the covered mall for display purposes, cylinders containing liquified petroleum gas shall be removed from all boats, trailers or other equipment;

(i) a floor plan showing the location of displays or activities for each scheduled event shall accompany the permit application or shall be forwarded to the Chief Fire Official not less than ten (10) days prior to the event.

(5) (1) Subject to Subsections 2 to 11 inclusive of this section, Part 3 entitled "Property Protection for Industrial and Commercial Occupancies" of the N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part 3 shall be deemed to be amended as set out in the said subsections 2 to 11 inclusive of this section.

(2) The said Part 3 is hereby amended by striking out "National Building Code of Canada 1975" wherever it occurs and inserting in lieu thereof in each instance "Building Code."

(3) Subsection 3.1.1 of Section 3.1 of the said Part 3 is hereby amended by adding thereto the following article:

"3.1.1.2 - Deviations from the requirements shall be permitted, provided that the Chief Fire Official is satisfied that the existing situation provides either an acceptable degree of life safety, or alternative measures are taken to provide such safety."

(4) Article 3.2.2.1 of Subsection 3.2.2 of Section 3.2 of the said Part 3 is hereby repealed.

(5) Article 3.2.2.16 of Subsection 3.2.2 of Section 3.2 of the said Part 3 is hereby repealed.

(6) Articles 3.2.2.18, 3.2.2.19 and 3.2.2.20 of Subsection 3.2.2 of Section 3.2 of the said Part 3 are hereby repealed.

(7) Sentence 3.3.2.10 (1) of Subsection 3.3.2 of Section 3.3 of the said Part 3 is hereby amended by adding at the end thereof "unless otherwise permitted by the authority having jurisdiction."

(8) Article 3.4.2.5 of Subsection 3.4.2 of Section 3.4 of the said Part 3 is hereby repealed and the following substituted therefor:

"3.4.2.5 - Propane cylinders shall be stored in conformance with The Energy Act, 1971 S.O. Chapter 44, and regulations made thereunder, as amended, and for purposes of illustration only includes Propane Storage, Handling and Utilization Code, R.R.O. 255 as amended by O. Regs. 295/72 and 313/73."

(9) Subsection 3.5.2 of Section 3.5 of the said Part 3 is hereby amended by adding thereto the following Article.

"3.5.2.4 - The height limitation of 10 feet in Article 3.5.2.1 does not apply to piles of wrecked vehicles provided that:

(a) the batteries, fuel tanks and tires have been removed;

(b) the vehicles have been compressed, and

(c) the piles do not exceed twenty (20) feet in height."

(10) Article 3.6.1.2 of Subsection 3.6.1 of Section 3.6 of the said Part 3 is hereby repealed and the following substituted therefor:

"3.6.1.2 - Combustible liquid solvents having a flash point below one hundred and twenty-five (125) degrees F shall not be used in dry cleaning and dry dyeing plants except as provided in Article 3.6.1.56"

(11) Subsection 3.6.1 of Section 3.6 of the said Part 3 is hereby amended by adding thereto the following Article:

"3.6.1.6 - No piping connected with a tank for the storage of flammable liquids shall pass through or enter any building."

(6) (1) Subject to Subsections 2 to 23 inclusive of this section, Part 4 entitled "Flammable and Combustible Liquids" of the N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part 4 shall be deemed to be amended as set out in the said Subsections 2 to 23 inclusive of this section.

(2) The said Part 4 is hereby amended by striking out "National Building Code of Canada 1975" wherever it occurs and inserting in lieu thereof in each instances "Building Code."

(3) Article 4.1.1.1 of Subsection 4.1.1 of Section 4.1 of the said Part 4 is amended by striking out "service stations" in the third line.

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(4) Clauses (b) and (c) of Sentence 4.1.2.1 of Subsection 4.1.2 of Section 4.1 of the said Part 4 are hereby repealed and the following substituted therefor:

- (b) The Energy Act, 1971, S.O. 1971, Chapter 44, and all Regulations made thereunder and all amendments thereto and not limiting the generality of the foregoing and for the purposes of illustration only includes:
  - (i) Fuel Oil Code, O. Reg. 298/72 as amended by O. Regs. 311/73 and 650/76;
  - (ii) Gas Utilization Code, R.R.O. 254 as amended by O. Regs. 296/72 and 314/73;
  - (iii) Propane Storage, Handling & Utilization Code, R.R.O. 255 as amended by O. Regs. 295/72 and 313/73.
- (c) The Gasoline Handling Act, R.S.O. 1970 Chapter 189, as amended and the regulations passed thereunder being the Gasoline Handling Code, R.R.O. 380 as amended by O. Regs. 58/72, 734/73, 155/74 and 941/74.

(5) Article 4.1.4.1 of Subsection 4.1.4 of Section 4.1 of the said Part 4 is hereby repealed and the following substituted therefor:

"4.1.4.1 - Electrical equipment in a location where flammable or combustible liquids are present, shall conform to The Power Corporation Act, R.S.O. 1970, Chapter 354 and the Regulations made thereunder being the Electrical Safety Code, O. Regs. 168/73 and 898/74, as amended or any regulation made in substitution therefor."

(6) Article 4.1.5.1 of Subsection 4.1.5 of Section 4.1 of the said Part 4 is hereby amended by deleting "or as permitted by the authority having jurisdiction" in the first and second lines.

(7) Sentence 4.1.6.1 (1) of Subsection 4.1.6 of Section 4.1 of the said Part 4 is hereby amended by deleting "except as permitted by the authority having jurisdiction" in the first line.

(8) Article 4.2.2.2 of Subsection 4.2.2 of Section 4.2 of the said Part 4 is hereby amended by striking out "an approved location" in the second line and inserting in lieu thereof "a safe location and notify the Chief Fire Official."

(9) Sentence 4.2.4.2 (3) of Subsection 4.2.4 of Section 4.2 of the said Part 4 is hereby amended by striking out the expression "unless otherwise permitted by the authority having jurisdiction" where it occurs therein.

(10) Article 4.3.1.5 of Subsection 4.3.1 of Section 4.3 of the said Part 4 is repealed and the following substituted therefor:

"4.3.1.5 - Pressure vessels shall conform to The Boilers & Pressure Vessels Act, R.S.O.

1970, Chapter 47, and the regulations made thereunder."

(11) Sentence 4.3.8.2 (1) of Subsection 4.3.8 of Section 4.3 of the said Part 4 is hereby amended by striking out "except as provided in Sentence (2)" in the first line.

(12) Sentence 4.3.8.2 (2) of Subsection 4.3.8 of Section 4.3 of the said Part 4 is hereby repealed.

(13) Sentence 4.3.8.6 (1) of Subsection 4.3.8 of Section 4.3 of the said Part 4 is hereby amended by striking out "except when otherwise approved" in the first line.

(14) Clause (e) of Sentence 4.4.1.1 (2) of Subsection 4.4.1 of Section 4.4 of the said Part 4 is hereby repealed and the following substituted therefor:

"(e) piping within the scope of The Boilers and Pressure Vessels Act, R.S.O. 1970, Chapter 47 and the regulations made thereunder."

(15) Article 4.4.3.1 of Subsection 4.4.3 of Section 4.4 of the said Part 4 is hereby amended by adding at the end thereof the following by such means as:

- (a) a protective material, or
- (b) thoroughly coating with tar, asphaltum, rust resistant paint, or other corrosive resistant material,
- or
- (c) electrolytic protection

(16) Sentence 4.4.6.1 (1) of Subsection 4.4.6 of Section 4.4 of the said Part 4 is hereby amended by striking out "including those in service stations" in the second line.

(17) Sentence 4.4.9.2 (3) of Subsection 4.4.9 of Section 4.4 of the said Part 4 is hereby amended by striking out "ACNBC Canadian Heating, Ventilating and Air-Conditioning Code 1975" in the second and third lines and inserting in lieu thereof "Building Code".

(18) Section 4.5 of the said Part 4 is hereby repealed.

(19) Article 4.6.5.3 of Subsection 4.6.5 of Section 4.6 of the said Part 4 is hereby repealed and the following substituted therefor:

"4.6.5.3 - Flammable liquids shall be dispensed or transferred inside buildings only by the use of:

- (a) an electrical pump conforming to the requirements set out in Article 4.1.4.1 as re-enacted by this by-law, or
- (b) a hand pump."

(20) Section 4.7 of the said Part 4 is hereby repealed.

(21) Sentence 4.8.4.3.1 (1) of Subsection 4.8.3 of Section 4.8 of the said Part 4 is hereby amended by inserting after "where" in the first line "The Chief Fire Official deems that."

(7) (1) Subject to Subsections 2. to 10 inclusive of this section, Part 5 entitled "Hazardous Materials, Processes and Operations", of the N.F.C.C. 1975 is hereby adopted and declared to be a part of this by-law. The said Part 5 shall be deemed to be amended as set out in the subsections 2 to 10 inclusive of this section.

(2) The said Part 5 is hereby amended by striking out "National Building Code of Canada 1975" wherever it occurs and inserting in lieu thereof in each instance "Building Code".

(3) Article 5.1.3.1 of Subsection 5.1.3 of Section 5.1 of the said Part 5 is hereby repealed and the following substituted therefor:

"5.1.3.1 - Electrical installation shall conform to The Power Corporation Act, R.S.O. 1970, Chapter 354, and the regulations made thereunder being the Electrical Safety Code, O. Regs. 168/73 and 898/74, as amended, or any regulation made in substitution therefor."

(4) Article 5.1.3.2 of Subsection 5.1.3 of Section 5.1 of the said Part 5 is hereby amended by striking out "CSA C22 1-1975, Canadian Electrical Code, Part 1, Section 18" in the fourth and fifth lines and inserting in lieu thereof "The Power Corporation Act and the regulations made thereunder."

(5) Article 5.2.2.2 of Subsection 5.2.2 of Section 5.2 of the said Part 5 is hereby amended by adding at the end thereof the following:

"and shall conform to By-law #45 (1970) of the Corporation of the Town of Pelham relating to the sale and setting off of fireworks"

as amended or any by-law enacted in substitution therefor.

(6) Article 5.13.5.6 of Subsection 5.13.5 of Section 5.13 of the said Part 5 is hereby repealed and the following substituted therefor:

"5.13.5.6 - Where flammable and combustible liquids contained in dip tanks are heated, the electrical installation shall conform to the requirements of The Power Corporation Act and the said regulations made thereunder."

(7) Subsections 5.16.1 and 5.16.2 of Section 5.16 of the said Part 5 are hereby repealed and the following substituted therefor:

"Subsection 5.16.1 - Application -

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The Pesticides Act, 1973, S.O. Chapter 25  
and the regulations made thereunder, as  
amended, or any regulation made in sub-  
stitution therefor, apply to fumigation  
and thermal insecticidal fogging."

(8) (1) Subject to subsections 2 to 9 inclusive of this section Part 6 entitled "Installation, Inspection, Testing, Maintenance and Operation of Fire Protection Equipment" of the N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part 6 shall be deemed to be amended as set out in the said subsections 2 to 9 inclusive of this section.

(2) The said Part 6 is hereby amended by striking out "National Building Code of Canada 1975" whenever it occurs and inserting in lieu thereof in each instance "Building Code."

(3) Article 6.1.1.4 of subsection 6.1.1 of section 6.1 of the said Part 6 is hereby amended by striking out "The Fire Department" in the second line and the addition of the words "in writing" at the end of the third line.

(4) Article 6.2.6.10 of subsection 6.2.6 of section 6.2 of the said Part 6 is hereby repealed.

(5) Article 6.5.2.1 of subsection 6.5.2 of section 6.5 of the said Part 6 is hereby amended by striking out "the fire department and any other authority having jurisdiction" in the second and third lines and inserting in lieu thereof "The Chief Fire Official" and further amended by inserting the words "in writing" before the last three words of the third line.

(6) Article 6.5.2.2 of subsection 6.5.2 of section 6.5 of the said Part 6 is hereby amended by striking out "and the fire department" in the third and fourth lines and by inserting the words "in writing" after the words "prior approval" in the third line.

(7) Article 6.7.1.1 of subsection 6.7.1 of section 6.7 of the said Part 6 is hereby amended by striking out "CSA C22.1 - 1975 Canadian Electrical Code, Part 1" in the second and third lines and inserting in lieu thereof "The Power Corporation Act and regulations made thereunder, as amended."

(8) Subsection 6.7.2 of section 6.7 of the said Part 6 is hereby amended by adding thereto the following Article:

"6.7.2.13 - Where water cooled internal combustion engines are used in emergency power systems in buildings four storeys or more in height, the water supply for the cooling system shall be taken from the standpipe system."

(9) Article 6.8.1.9 of subsection 6.8.1 of section 6.8 of the said Part 6 is hereby amended by striking out "approved" in the second line and inserting in lieu thereof "it is designed."

(9) (1) Subject to subsections 2 and 3 of this section, Part 7 entitled "Inspection, Testing and Maintenance of Fire Emergency Systems in High Buildings" of the N.F.C.C. - 1975 is hereby adopted and declared to be a part of this by-law. The said Part 7 shall be deemed to be amended as set

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out in the said subsections 2 and 3 of this section.

(2) The said Part 7 is hereby amended by striking out "National Building Code of Canada 1975" wherever it occurs and inserting in lieu thereof in each instance "Building Code."

(3) Article 7.3.1.1 of subsection 7.3.1 of section 7.3 of the said Part 7 is hereby repealed and the following substituted therefor:

"7.3.1.1 - Approved test procedures shall be carried out in addition to those required by Sections 7.1 and 7.2, appropriate to the fire safety measures selected by the designer in meeting the requirements contained in Article 3.2.6.2 of the Building Code where the building was subject to such regulations when constructed."

"7.3.1.2 - Where the designer has adopted one (1) or more or the fourteen (14) methods to limit smoke movement as contained in the Associate Committee on the National Building Code publication "Measures for Fire Safety in High Buildings" and described as Measures A to N, the test procedures described in Subsections 7.3.2 to 7.3.15 inclusive, as appropriate to the fire safety measures being used, are deemed to be approved."

"7.3.1.3 - Where the designer has developed his own smoke control method, a test procedure shall be prepared by the designer, similar to those described in subsections 7.3.2 to 7.3.15 inclusive, and appropriate to the method being used, and the proposed test procedure shall be acceptable to the Chief Fire Official."

(10)

For the purpose of administering the N.F.C.C. - 1975 and this by-law in the Town of Pelham, the said N.F.C.C. - 1975 shall be deemed to be amended by adding thereto the following Part:

"Part 8 - Administration -

~~Section 8.1 - Enforcement:~~

Subsection 8.1.1 - Inspection

"8.1.1.1 - The Chief Fire Official may at all reasonable times and upon producing proper identification, have free access and right of entry to any building or any part of a building whether completed or under construction, or to any property:

(a) in or upon which it is known or suspected that explosive or flammable substances or materials are manufactured, transported, handled, stored, used, sold or otherwise disposed of, or

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(b) which the Chief Fire Official believes may not -

(i) be designed or constructed so as to prevent fire or the spread of fire,

(ii) have or provide for fire escapes or other exit facilities adequate for escape in the event of fire or the alarm of fire, or

(c) which the Chief Fire Official, believes may be designed or constructed so as to contain hazards to life or safety, or,

(d) in which the Chief Fire Official, believes hazards to life or safety to be present, or

(e) that does not conform to the requirements of this by-law."

"8.1.1.2 - The owner, occupier or lessee of a building or property or any other person having knowledge of the building or property shall, upon request, give to the Chief Fire Official, who is carrying out an inspection of the building or property under this code, such assistance as he may require in carrying out the inspection."

"8.1.1.3 - Every person who is required by Article 8.1.1.2 to give information or assistance to the Chief Fire Official, and who,

(a) does not give the information or assistance which he is required to give, or

(b) knowingly states anything false in any information delivered or furnished to the Chief Fire Official, and every person who obstructs or interferes with the Chief Fire Official, who is carrying out an inspection under this Code."

is guilty of an offence and liable on summary conviction to a fine of not more than One Thousand Dollars (\$1,000) exclusive of costs."

"Subsection 8.1.2 - Orders

8.1.2.1 - When the Chief Fire Official has reasonable grounds to believe that:

(a) any property does not conform to the requirements of this by-law, or

(b) any person has failed to comply with a duty imposed under this Code,

he shall issue an order in writing to the owner, lessee, or occupant of the property inspected, or

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to the person who has failed to comply with a duty imposed under this Code, as the circumstances may indicate, stating the violations, and requiring the violations to be corrected within a period of time not to exceed sixty (60) days."

"8.1.2.2 - (1) The Order referred to in Article 8.1.2.1 shall be served:

- (a) by personal service, or
- (b) by prepaid registered mail, or
- (c) by posting a copy of it in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of the order.

(2) An order made under Article 8.1.2.1, when served by prepaid registered mail, shall be sent to the last known address of the person.

(3) Where a notice or order is served by prepaid registered mail, the date of service is the date of the next working day, following the date of mailing."

"8.1.2.3 - The owner or his authorized agent, or an occupier or a lessee or any person upon being served with an order issued pursuant to Article 8.1.2.1 shall do or direct to be done all such things as are necessary to correct violations and comply with the order."

"8.1.2.4 - (1) Where an order of the Chief Fire Official is directed to an owner to repair and the property affected is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of the said property shall afford entry to the owner or his agent at all reasonable times so that the owner or his agent may carry out the required repairs.

(2) The occupant of any property to the extent that he is made responsible by the lease or agreement under which he occupies the property, shall be required to repair the property in accordance with the order."

"8.1.2.5 - (1) The Chief Fire Official may also make an order in writing extending the time for compliance with any order issued pursuant to Article 8.1.2.1 given by him, provided there is evidence of intent to comply with any such order and that reasonable conditions exist which prevent immediate compliance.

(2) The order referred to in Sentence (1) hereof shall be served or caused to be served:

- (a) by personal service, or
- (b) by prepaid registered mail,

and the provisions of Sentences (2) and (3) of Article 8.1.2.2 shall apply."

"8.1.2.6 - Every owner shall ensure that his property is maintained in accordance with the provisions of this code."

"8.1.2.7 - Every person to whom an order is issued pursuant to this by-law shall comply with such order and failure to do so shall be a contravention of this by-law."

"8.1.2.8 - Every person in control of a property shall ensure that the Chief Fire Official or his authorized subordinates or assistants, would not be interfered with unnecessarily or unreasonably in the exercise of the duties on or about such property in case of fire."

"8.1.2.9 - The owner of any property or the person in control of the property shall ensure that the appliances for protection against fire on or in such property, and the exits therefrom, and the ways leading thereto, are in a safe condition and are of sufficient size and number and are sufficient for the purpose for which the same are designed and intended and that none are lacking."

"8.1.2.10 - The owner of any property or the person in control of the property shall ensure that any heating appliance or equipment or any pipe or chimney is in a safe condition and unlikely to cause a fire."

"8.1.2.11 - No person shall tamper with any appliance for protection against fire."

"8.1.2.12 - No person shall remove from its position any appliance for protecting against fire unless it is shown by such person that the purpose of such removal was the immediate use of such appliance for the purpose for which it was installed or for the service or repair of such appliance."

#### Subsection 8.1.3 - Penalties -

"8.1.3.1 - Every person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than One Thousand Dollars exclusive of costs."

"8.1.3.2 - Any prosecution under this by-law may be heard by a provincial judge or by a justice of the peace."  
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Section 8.2 - PERMITS AND LICENSES -

8.2.1 - General -

"8.2.1.1 - (1) A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

(2) Such permit does not take the place of any license required by law.

(3) A permit shall not be transferrable and any change in use or occupancy of a building or premises shall require a new permit."

"8.2.1.2 - (1) Before a permit may be issued, the authority having jurisdiction will be required to inspect and approve the receptacles, vehicles, buildings or storage places to be used.

(2) In cases where laws or regulations enforceable by departments other than the Fire Department are applicable, joint approval shall be obtained from all departments concerned."

"8.2.1.3 - (1) The application for a permit shall be made in the form prescribed by the authority having jurisdiction and contain at least the following requirements:

(a) the signature of the applicant,

(b) a statement of the intended use of the occupancy or operations to be conducted on the premises,

(c) two copies of the specifications and scale drawings of the building with respect to the use and occupancy showing -

(i) the dimensions of the building and its location,

(ii) the proposed use of each room or floor area,

(iii) fire protection installations, including portable extinguishers as required by this code, and

(iv) means of egress."

"8.2.1.4 - For every permit to be issued by the authority having jurisdiction under the provisions of this Code, the applicant shall pay such fee as shall be prescribed by by-law of the Corporation."

"8.2.1.5 - The authority having jurisdiction shall issue a permit where:

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- (a) an application is made,
- (b) the proposed operation or occupancy conforms with this Code and any other applicable by-laws, and
- (c) the prescribed fee has been paid."

"8.2.1.6 - The authority having jurisdiction may revoke a permit or recommend to Council that a permit be revoked where there is a violation of:

- (a) any condition under which the permit was issued, or
- (b) any requirements of this Code."

"8.2.1.7 - This Code shall not be construed to hold the Corporation responsible for any damage to persons or property by reason of:

- (a) inspections authorized by this Code,
- (b) the failure to carry out an inspection,
- (c) the permit issued as herein provided, or
- (d) the approval or disapproval of any equipment authorized herein."

"8.2.1.8 - Permits and licenses shall be posted in the premises in a conspicuous place to the satisfaction of the authority having jurisdiction."

#### Subsection 8.2.2 - PERMITS AND LICENSES REQUIRED -

- "8.2.2.1 - (a) An annual permit shall be required for sidewalk sales and covered malls.
- (b) An annual permit shall be required for special events to be held within a covered mall."

#### Section 8.3 - DEVIATIONS

##### Subsection 8.3.1 - General -

"8.3.1.1 - Subject to Article 8.3.1.2 - deviations from the requirements of this by-law may be permitted by the Chief Fire Official and by the Chief Building Official provided they are satisfied that either the building as constructed provides an acceptable degree of life safety, or alternative measures are taken to provide such safety."

"8.3.1.2 - No deviation from the requirements of this by-law shall be permitted if such deviation would constitute a breach of the Building Code."

(11) Where there is in existence any Federal or Provincial statute or regulation regulating matters which are regulated by this by-law, the provisions of which conflict with the terms of this by-law, the provisions of such statute or regulation shall govern and this by-law shall be deemed to be amended accordingly.

(12) If any section or sections of this by-law are for any reason held to be invalid, such section or sections shall be deemed to be severable and the remaining sections shall remain in effect until repealed.

READ A FIRST AND SECOND TIME  
THIS 18th. DAY OF DECEMBER,  
1978 A.D.

ES Bergenstein  
MAYOR

[Signature]  
CLERK

READ A THIRD TIME AND FINALLY  
PASSED BY COUNCIL THIS 12th.  
DAY OF FEBRUARY , 1979 A.D.

ES Bergenstein  
MAYOR

[Signature]  
CLERK