

# Report to Council



**Date:** January 13, 2020

**To:** Council

**From:** City Manager

**Subject:** Amendment to Fire and Life Safety Bylaw No. 10760 and Bylaw Notice Enforcement Bylaw No 10475

**Department:** Fire Department

## **Recommendation:**

THAT Council, receives, for information, the Report from the Fire Chief dated January 13, 2020 recommending that Council approve the bylaw amendment for the Fire and Life Safety Bylaw No. 10760;

AND THAT Bylaw No. 11747, being Amendment No. 2 to the Fire and Life Safety Bylaw No. 10760 be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 11833 being Amendment No. 24 to the Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

## **Purpose:**

To obtain Councils approval to amend the Fire and Life Safety and Bylaw Notice Enforcement Bylaws.

## **Background:**

The Fire and Life Safety Bylaw provides for the City of Kelowna to ensure public safety conditions are in place, especially in relation to fire safety concerns such as fireworks, explosives, open burning and building safety initiatives. The Bylaw authorizes the Fire Chief and designate to exercise powers for fire related inspections and prevention and regulates the prevention and control of fire as identified through the *Community Charter* and *Fire Services Act*.

The Fire and Life Safety Bylaw is being updated to clarify some of the descriptions, reduce redundancy, create efficiency and increase life safety while also aligning with the British Columbia Building Code and British Columbia Fire Code.

The Bylaw Notice Enforcement Bylaw, which outlines the penalties for non-compliance with the Fire and Life Safety Bylaw is being recommended for amendment as well.

## Discussion:

The Fire and Life Safety Bylaw is used by Kelowna Fire Department to enforce or support public safety initiatives. This bylaw is often used in conjunction with the BC Fire Code and Building Code during Fire Inspections.

A number of the changes proposed, including clearer language and additional definitions were to better align the bylaw with Provincial Legislation such as the building and fire codes. Examples of this include:

- The addition of Carbon Monoxide alarms in homes, similar to the requirement for smoke alarms.
- Identify the requirement to maintain fire separations, which are currently required only at occupancy stage.
- Clarify the requirements for the maintenance of fire protection systems, especially in relation to record keeping
- Identify that fire protection systems must be maintained by a Fire Protection Service Technician, which will require those maintaining these systems to be a part of the Applied Science Technologist and Technicians of BC (ASTTBC).

Other changes to the bylaw will assist in fire protection for new buildings, especially high-rise construction. These changes include:

- Moving the construction of a fire fighter equipment room from a requirement to a recommendation
- Clarify the requirement for in building communication systems for fire fighter operations to be objective based and to better describe the outcomes and testing requirements

Changes relating to Mobile Food Vendors have also been proposed. With the increase in Mobile Food Vendors, staff are working towards a model where licenses will remain free if inspections are requested during specific pre-identified times such as designated weekends. This program is a shared initiative between Penticton, West Kelowna and Kelowna, where a vendor is only required to be inspected in one municipality to receive approval to operate in any of the three participating communities. An inspection fee is being introduced for inspections that happen outside the designated window.

These proposed amendments do not include potential requirements that may come forward in the future in relation to open burning. This fall, the Province made substantive changes to its Open Burning and Smoke Control Regulation (OBSCR). This has resulted in confusion for agricultural residents. Currently we are working to both understand the new regulation and consider its impact on this bylaw. The only proposed amendment in this report relating to open burning is to introduce a fee for burn pile re- inspections where the pile either does not meet the requirements of the bylaw at first inspection or the inspection is not completed do to actions by the owner. This offsets some of the additional cost of sending an Inspector up for a second or more time.

The proposed changes to the enforcement bylaw will better align it with the changes noted above and to better match the enforcement bylaw with the Fire and Life Safety Bylaw.

**Conclusion:**

The recommended amendments to the fire and life safety bylaw will clarify language and reduce redundancy in the bylaw, while increasing life safety. It also aligns better with the British Columbia Building Code and the British Columbia Fire Code. This will make it easier for people to follow and adhere to the bylaw. The amendments also create efficiencies for staff by coordinating inspections for mobile vendors and lowering the number of burn pile re- inspections.

The recommended amendments to the Bylaw Notice Enforcement Bylaw details better the sections of the Fire and Life Safety Bylaw that the Bylaw Notice Enforcement Bylaw references. This clarifies what the offence when people are given an offence notice.

**Internal Circulation:**

City Clerk's office  
Development services  
Bylaw Services  
Business Licenses

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

**Considerations not applicable to this report:**

Submitted by: Chief Travis Whiting

Approved for inclusion:



S. Leatherdale Director of Human Resources