

Report to Council



Date: July 11, 2022
To: Council
From: City Manager
Subject: Amendments to the Fire and Life Safety Bylaw for Vacant Premises and Damaged Buildings
Department: Property Standards Compliance Team

Recommendation:

THAT Council receives, for information, the report from the Property Standards Compliance Team dated July 11, 2022, with respect to amending the Fire and Life Safety Bylaw for changes to the Vacant Premises and Damage Buildings requirements;

AND FURTHER THAT Bylaw No. 12414 being Amendment No. 3 to the Fire and Life Safety Bylaw No. 10760 be advanced for reading consideration.

Purpose:

That Council receives the report from the Property Standards Compliance Team (PSCT) regarding amendments to the Fire and Life Safety Bylaw to allow additional requirements in the maintenance and standards for vacant premises and damaged buildings.

Background:

The purpose of the Fire and Life Safety Bylaw is to provide the municipality with the fundamental powers to regulate municipal services, firecrackers, fireworks, explosives and to the health, safety or protection of persons or property. The Bylaw authorizes the Municipal Fire Chief and designated staff to exercise these powers accordingly for the prevention of fires. The existing bylaw was adopted in July of 2013.

A number of City departments work in coordination to respond to matters surrounding vacant buildings, damaged buildings and related fire calls in the City. This includes City Fire Department, Bylaws, and RCMP. The PSCT has been dealing with an increasing number of cases involving vacant or occupied homes damaged by fire or not secured appropriately to prevent unauthorized entry. Often these properties are subject to multiple break ins over an extended period utilizing a large amount of resources per property.

The PSCT is currently tracking four properties that the recommended bylaw changes could help address. Between 2019 to 2022, these four properties have combined for a total 287 attendances from the Fire Department, RCMP and Bylaw.

Discussion:

Staff are proposing updates to the Life and Safety Bylaw related to vacant premises and damaged buildings which is based off the provincial BC Fire Code. BC Fire Code requires that vacant properties be secured appropriately and that is reflected in the City's current bylaw. The existing Fire and Life Safety Bylaw states that the Fire Chief, or designate, may order the owner to secure the building or other part of the vacant premises against unauthorized entry. It also provides that the City may have the building secured if the owner has not dealt with it accordingly. However, it does not provide detailed prescriptions on how the work is to be completed or requirements for repeat incidences.

The proposed updates are to expand the existing regulation and add a graduated level of requirements to appropriately secure a building. In addition to dealing with vacant properties, the proposed changes would permit fire crews at a fire scene to have the building and area secured to a defined level of safety after suppressing the fire.

The attached proposed Schedule 'D' defines how the owner must secure the building. It is a graduated process which ensures that if the securing of the property does not keep unauthorized people out, additional steps of securing will be required. Each time the premise is breached, an additional level of security would be required. The four steps of increasing enforcement based on number of breaches is summarized as follows:

1. **Initial vacancy** - All buildings identified as being vacant must be secured to prohibit unauthorized entry:
 - a. Building must be secured within 24 hours of being notified;
 - b. In the event the property owner cannot be contacted or does not secure the building as directed, the Fire Chief or designate shall have a contractor secure the property and the cost of the work carried out will be the responsibility of the property owner;
 - c. All opening must be secured by plywood under the specified construction methods; and
 - d. No trespassing sign posted on each side of the building.

2. **First Breach** - A security company must be contracted to visit the site twice per night:
 - a. Twice between 8:00 pm – 10:00 pm and 3:00 am - 5:00 am;
 - b. Any breach of the property must be reported to the City of Kelowna Bylaw or RCMP immediately.

3. **Second Breach** - Property must have construction fencing installed:
 - a. 1.8 m tall and bolted together.

4. **Third Breach** – A contracted security company must remain on the site continuously.

All costs and expenses associated with the securing of the property, materials or contractors are the responsibility of the property owner.

Conclusion:

Recommendation from the PSCT is to proceed with the amendments to the Fire and Life Safety Bylaw as it would significantly reduce the number of times that the Fire Department, RCMP and Bylaws would

need to attend trouble properties by adding graduated enforcement levels to properly secure a building by an owner. Existing enforcements steps have proven to not be effective on certain properties of concern. Given the ongoing life-safety concerns and impact to the adjacent landowners the PSCT support the proposed amendments.

Internal Circulation:

K. Hunter, Bylaw Services Supervisor
P. Johnson, Fire Prevention Officer
S. Fleming, City Clerk

Legal/Statutory Authority:

Council may enact bylaw requirements under the Community Charter S.B.C. 2003, c. 26 and Fire Services Act and Regulations.

Financial/Budgetary Considerations:

If the required works are not completed by the owner, the City may contract the work out and the direct costs associated with carrying out this work on the Property could be charged to the owner as directed by the Municipal Fire Chief.

Considerations not applicable to this report:

Existing Policy

External Agency/Public Comments

Communications Comments

Submitted by: W. Miles, Planner Specialist

Approved for inclusion:



Ryan Smith, Divisional Director

Attachments:

Schedule A: Amendments and Proposed Schedule 'D'

cc:

K. Hunter, Bylaw Services Supervisor
P. Johnson, Fire Prevention Officer
S. Fleming, City Clerk