

CITY OF KELOWNA

BYLAW NO. 12414

Amendment No. 3 to Fire and Life Safety Bylaw No. 10760

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Fire and Life Safety Bylaw No. 10760 be amended as follows:

1. **THAT PART EIGHT: REGULATION OF FIRE HAZARDS, 8.7 Vacant Premises, 8.7.1 and 8.7.2** be deleted in their entirety as follows:

"8.7.1 For the purpose of this Section, vacant premises includes a lot, building or other structure in respect of which a water or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted.

8.7.2 The owner of vacant premises must promptly act to ensure that, at all times:

- a) the premises are free from litter and debris or accumulations of combustible or flammable materials except where storage of combustible or flammable materials is in strict accordance with the British Columbia Fire Code and this Bylaw; and
- b) all openings in the premises are securely closed and fastened in a manner acceptable to the Fire Chief or designate so as to prevent fires and the entry of unauthorized persons.
- c) Sprinkler and fire alarm systems remain operational as per requirements of the British Columbia Fire Code "

And replace them with:

"8.7.1 For the purpose of this section, a vacant premise(s) shall be:

- a) A lot, building or other structure in respect of which a water or an electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted, or
- b) A lot, building or other structure whereas the premise is being inhabited by squatters or by persons not owning the property, have gained entry to the premise (unit) in order to seek temporary shelter, or
- c) a lot, building or other structure where the owner or person in care and control of the property has deemed unoccupied.

8.7.2 The owner of vacant premises must promptly act to ensure that, at all times:

- a) the lot, building or other structure is free from litter and debris or accumulations of combustible or flammable materials except where storage of combustible or flammable materials is in strict accordance with the British Columbia Fire Code and this Bylaw; and
- b) All openings in the building or structure must be securely closed and fastened in conformance with the requirements listed in Schedule D of this Bylaw, and
- c) The Sprinkler and fire alarm systems remain operational as per requirements of the British Columbia Fire Code;"

2. AND THAT **PART EIGHT: REGULATION OF FIRE HAZARDS, 8.7 Vacant Premises, 8.7.3** be amended by:
 - a) deleting the wording that reads "in a manner set out in the notice" and replace it with "in conformance with Schedule D of this bylaw.";
3. AND THAT **PART EIGHT: REGULATION OF FIRE HAZARDS, 8.7 Vacant Premises, 8.7.4**, be amended by
 - a) deleting "or agents, who may board up or otherwise secure doors, windows and other points of entry into the premises in order to prevent fires and unauthorized entry, at the cost and expense of the owner" and replace it with "agents or contractors, in conformance with Schedule D of this Bylaw. All costs and expenses shall be incurred by the owner.";
4. AND THAT **PART EIGHT: REGULATION OF FIRE HAZARDS, 8.8 Damaged Buildings, 8.8.1**, be amended by deleting:
 - a) "or that all openings and points of entry into the building or property are kept securely closed and fastened in a manner acceptable to the Fire Chief or designate so as to prevent the entry of unauthorized persons. If the owner fails to provide the necessary security within 2 hours of being notified by the Fire Department or following an incident, The Fire Chief or designate may cause the work to be carried out at the cost and expense of the owner."And replace it with
 - a) "until such time as the building can be secured in conformance with Schedule D of this bylaw.
 - a) If the owner fails to provide the necessary security within 2 hours of being notified by the Fire Department, The Fire Chief or designate may hire the necessary security or have the building secured in conformance with Schedule D of the bylaw. The work shall be carried out at the cost and expense of the owner.
 - b) If the Fire Department is unable to contact the owner within 2 hours following the incident, The Fire Department is permitted to hire the necessary security on behalf of the owner or have the building secured in conformance with Schedule D of this bylaw. The work shall be carried out at the cost and expense of the owner.
5. AND FURTHER THAT **Schedule D – Securing of Vacant Properties** be added in its appropriate location as attached to and forming part of this bylaw.
6. This bylaw may be cited for all purposes as "Bylaw No. 12414 being Amendment No. 3 to Fire and Life Safety Bylaw No. 10760";
7. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule D
Securing of Vacant Properties

1.0 Preface

This schedule (Schedule D) shall be the reference document for ensuring a minimum standard for securing vacant properties as defined in Section 8.7.1 of Bylaw 10761.

2.0

All buildings identified as being vacant must be secured to prohibit unauthorized entry as per Section 8.7.2(b). All openings which would permit entry by persons or animals must be sealed to prevent entry. In the event doors, windows or vents installed at the original time of construction are compromised and would permit entry, these openings must be sealed/locked to prevent entry. The securing of the vacant buildings must meet the requirements listed in Section 3.1 of this schedule. Should the owner, or authorized agent not secure the building as per the listed requirements, then the building will be secured in conformance with Section 3.2.

2.1

If the building had been secured in conformance with Section 3.1 but was broken into after the securing had occurred, then the requirements listed in Section 3.2 of this schedule shall apply.

2.2

If the building had been secured in conformance with Section 3.2 but was broken into after the securing had occurred, then the requirements listed in Section 3.3 of this schedule shall apply.

2.3

If the building had been secured in conformance with Section 3.3 but was broken into after the securing had occurred, then the requirements listed in Section 3.4 of this schedule shall apply.

2.4

If the building had been secured in conformance with Section 3.4 but was broken into after the securing had occurred, then the requirements listed in Section 3.5 of this schedule shall apply.

3.0

This section lists the progressive steps of securing a vacant property as outlined in Section 2.

3.1

The following lists the means in which a vacant property premise must be secured by the property owner. The owner shall be responsible for securing the building within 24 hours of being notified as per Subsection 8.7.3 of this Bylaw. 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.

- a. All unsecured opening must be sealed using 17 mm (5/8") plywood.
- b. All plywood must be screwed into the frame of the opening being sealed.
- c. All screws must be pan head screws a must be a minimum of 70 mm (2 ¾") long

- d. All screws must have the threads dipped in PL400 or equivalent or other acceptable construction adhesive prior to being secured into the frame.
- e. The plywood must have screws placed not greater than 203 mm (8") apart
- f. All screws must be a minimum of 38 mm (1 ½") from the edge of the plywood
- g. All screw heads (i.e., Robertson Head or Phillips Head) must be filled with construction adhesive as to ensure prohibited entry.
- h. A "no trespassing" sign not smaller than 216 x 280 mm (8 ½" x 11") shall be posted each side of the vacant building.

3.2

The vacant property will be secured by a contractor designated by the Fire Chief or designate. The following lists the means in which a vacant property must be secured by the contractor. All costs and expenses associated with securing the property are the responsibility of the property owner.

- a. All unsecured opening must be sealed using 17 mm (5/8") plywood.
- b. All plywood must be screwed into the frame of the opening being sealed.
- c. All screws must be pan head screws and must be a minimum of 70 mm (2 ¾") long
- d. All screws must have the threads dipped in PL400 or equivalent or other acceptable construction adhesive prior to being secured into the frame.
- e. The plywood must have screws placed not greater than 203 mm (8") apart
- f. All screws must be a minimum of 38 mm (1 ½") from the edge of the plywood
- g. All screw heads (i.e., Robertson Head or Phillips Head) must be filled with construction adhesive as prohibit entry.
- h. A "no trespassing" sign not smaller than 216 mm x 280 mm (8 ½ x 11") shall be posted on each side of the vacant building.

3.3

A vacant property must be secured in conformance with Section 3.2. In addition to the listed requirements, a contracted security company must visit the site twice per evening. The first visit must be between 8:00 PM and 10:00 PM to ensure the property is secure. The second visit must be conducted between 3:00 AM and 5:00 AM. Any breach of the property must be reported to the City of Kelowna Bylaw Office or Kelowna RCMP immediately. All costs and expenses related to obtaining a security company are the responsibility of the property owner.

3.4

A vacant property must be secured in conformance with Section 3.2. In addition to the listed requirements, the vacant house and any associated outbuildings on that property must be surround by construction fencing not less than 1.8 meters tall. The construction fencing must be bolted together, and the use of construction pins between fence panels will not be accepted. All costs and expenses associated with the fencing rental and the installation costs of said fencing are the responsibility of the property owner.

3.5

A vacant property must be secured in conformance with Section 3.4. In addition to the listed requirements, a contracted security company must remain on site continuously. All costs and expenses associated with obtaining a security company are the responsibility of the property owner.