

FIRE PREVENTION BYLAW

EFFECTIVE APRIL 19, 1999

AMENDED MARCH 09, 2009

Summary of Bylaw Amendments at end of Bylaw

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN PURSUANT TO SECTIONS 21 AND 64 OF THE CHARLOTTETOWN AREA MUNICIPALITIES ACT, R.S.P.E.I., CAP. C-4.1 AS FOLLOWS:

PART I: TITLE

1. 1.1 This Bylaw may be known and may be cited as the “Fire Prevention Bylaw”.

PART II: DEFINITIONS

2. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural number includes the singular. Where terms are not defined in this bylaw, they are defined using their ordinarily accepted meanings within the context in which they are used.
 - 2.1 **“Alarm Motoring Company”** means a company which when a fire alarm is activated a signal or message is transmitted to a location where personnel are in attendance at all times and their function is to notify the Fire Department of the alarm system being activated.
 - 2.2 **“Authority Having Jurisdiction”** means the Fire Chief, Deputy Chief, Fire Inspector, Fire Prevention Officer or their designate who is to carry out the duties assigned by the Chief Administrative Officer pursuant to the provisions of this Bylaw.
 - 2.3 **“City”** refers to the City of Charlottetown as established under Section 3 of the *Charlottetown Area Municipalities Act*, R.S.P.E.I., 1988, Cap. C-4.1.
 - 2.4 **“Code”** means the National Fire Code of Canada.
 - 2.5 **“Council”** means the Council of the City of Charlottetown.
 - 2.6 **“Deputy Chief”** means an officer of the Fire Department who is an assistant to the Fire Chief.
 - 2.7 **“Fire Chief”** means the manager and Chief Officer of the City of Charlottetown Fire Department responsible for the administrative and operational functioning of the Department.
 - 2.8 **“Fire Hazard”** includes any situation, process, material or condition which on the basis of applicable fire safety data and in the judgment of the Authority Having Jurisdiction may cause a fire or explosion or provide a fuel supply for a fire or explosion or may slow or hinder the escape of persons from a property in the event of a fire, explosion or other emergency situation.

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- 2.9 **“Fire Inspector”** means an officer of the Department responsible for the enforcement of this Bylaw.
- 2.10 **“Fire Prevention Officer”** means an officer of the Department responsible for carrying out fire prevention education as well as enforcement of this Bylaw.
- 2.11 **“Hazard Compliance Order”** means an order requiring the owner or occupant of a hazardous property to bring the property into conformance with this Bylaw and adopted Codes, within the time period set out in the order.
- 2.12 **“Hazardous Property”** means any property that, in the judgement of the Authority Having Jurisdiction, is not in compliance with the provisions of this Bylaw and adopted Codes and which may endanger life or property.
- 2.13 **“National Fire Code of Canada”** means the 2005 Edition of the National Fire Code of Canada.
- 2.14 **“Occupant”** means any person who lives in, has use of, or control of a property.
- 2.15 **“Owner”** includes:
- (a) a landowner, as listed in the Assessment Role compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto, which printed Assessment Roll is issued to the City at the beginning of each year, a tenant, lessee or other person in possession or occupancy of a property.
 - (b) an executor, administrator, trustee, agent or other person managing a property for the registered landowner; and,
 - (c) in any prosecution of a contravention of this Bylaw, the owner of a property may be proved *prima facie* by a certificate purporting to be signed by the Chief Administrative Officer, and it shall not be necessary to prove the authenticity of such signature and where the name in the certificate is the same as that of the person charged with an offence, it is *prima facie* evidence that he is the person named in the certificate.
- 2.16 **“Property”** includes all or any part of lands, buildings, structures, premises, motor vehicles or marine vessels.
- 2.17 **“Removal Order”** means an order requiring the removal of the occupants from a property which, in the opinion of the Authority Having Jurisdiction, is a hazardous property.
- 2.18 **“Residential Property”** means any property in which sleeping accommodations are provided for normal residential purposes and includes any property designed

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or used to provide sleeping accommodations, including but not limited to single family dwellings, duplexes, hotels, motels, inns, dormitories, apartment buildings, board and care facilities, lodging and rooming houses, tourist homes, bed and breakfast operations or marine vessels.

PART III: GENERAL

3. 3.1 It is the intent of the Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.2 Nothing in this Bylaw shall operate to relieve any person of an obligation to obtain any license, permission, permit, authority, approval or meet the requirements of this or any other Bylaw of the City as or any other applicable statute, including but not limited to the Criminal Code R.S.C. C-34 as amended from time to time.
- 3.3 This Bylaw shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building, structure or property for any damages to persons or property caused by defects, nor shall the Authority Having Jurisdiction or the City of Charlottetown be held as assuming any such liability by reason of the inspections authorized by this Bylaw or any permits or certificates issued under this Bylaw.
- 3.4 Where it is found that the provisions of this Bylaw and adopted Codes conflict with those of any other Bylaw and adopted Codes of the City the higher or more stringent provision shall prevail.

PART IV: ADMINISTRATION

4. 4.1 The Fire Chief shall administer this Bylaw.
- 4.2 This Bylaw shall be enforced by the Authority Having Jurisdiction (AHJ).
- 4.3 The AHJ shall determine whether the provisions of this Bylaw and adopted Codes and Standards are met.
- 4.4 Any requirements that are essential for the safety of building occupants and are not specifically provided for by this Bylaw and adopted Codes shall be determined by the AHJ.
- 4.5 The AHJ is authorized to render interpretations of this Bylaw and adopted Codes and Standards and to enforce the rules and supplemental regulations therein so as to carry out the application and intent of their provisions.

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- 4.6 The provisions of this Bylaw and the National Fire Code of Canada shall be permitted to be modified by the AHJ for buildings or structures identified and classified as historic buildings or structures where it is evident that a reasonable degree of safety is provided.
- 4.7 Any suit brought against a person who has served as the AHJ for the City of Charlottetown because of such act or omission performed in the enforcement of any provision of this Bylaw or any other Bylaw or official duties, shall be defended by the City of Charlottetown until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of Charlottetown.

PART V: ADOPTION OF CODES

- 5 5.1 The following Codes are adopted as the standard to which all property in the City shall conform:
- (a) National Fire Code of Canada (2005 Edition) and
 - (b) Uniform Fire Code™, of the National Fire Protection Association.
- 5.2 The provisions of this Bylaw and the adopted Codes shall apply to all property within the City except where it is found by the appropriate authority that a more stringent Provincial or Federal statute is applicable, in which case the more stringent provision shall apply.

PART VI: ENFORCEMENT

6. 6.1 The Authority Having Jurisdiction is authorized to enforce the provisions of this Bylaw and adopted Codes.
- 6.2 The Authority Having Jurisdiction is authorized to enter and inspect or have inspected all property in the City to ensure compliance with the provisions of this Bylaw and adopted Codes and is authorized to issue such Hazard Compliance Order and/or Removal Order as may be necessary to ensure compliance with and enforcement of this Bylaw.
- 6.3 Where in the opinion of the Authority Having Jurisdiction, property does not meet the requirements of this Bylaw or the adopted Codes, the Authority Having Jurisdiction shall issue a Hazard Compliance Order in the manner and form prescribed in Section 6.4 of this Bylaw.
- 6.4 The Hazard Compliance Order shall be issued to the Owner and/or Occupant and shall:
- (a) be in writing and shall include the following;

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- (b) state in which respect(s) the property does not meet the requirements of this Bylaw and adopted Codes and what corrections must be completed to bring the property into compliance with the requirements of this Bylaw and adopted Codes; and
 - (c) state the date before which the property shall be brought into compliance with the requirements of this Bylaw and adopted Codes, which date is not to exceed ninety (90) calendar days from the date the Hazard Compliance Order has been issued, as prescribed in Section 6.7 of this Bylaw.
- 6.5 An extension of time to bring a property into compliance may be granted by the Authority Having Jurisdiction if application for such extension is made in writing prior to the expiration of the time for compliance contained in the said Hazard Compliance Order, and it is shown by the property owner that the extension of time, in addition to the original time granted, is necessary to achieve compliance with the Hazard Compliance Order. The Authority Having Jurisdiction may allow an extension of up to a maximum of ninety (90) additional days for a property to be brought into compliance pursuant to a Hazard Compliance Order.
- 6.6 The Hazard Compliance Order may be delivered:
 - (a) by personal delivery of the Hazard Compliance Order to the owner and/or occupant of a property; and/or
 - (b) by forwarding the Hazard Compliance Order by means of a certified letter to the owner and/or occupant; and/or
 - (c) by posting the Hazard Compliance Order in a conspicuous place on the property.
- 6.7 The date of issue of the Hazard Compliance Order is deemed to be:
 - (a) in Section 6.6(a), the date of the personal delivery of the Hazard Compliance Order;
 - (b) in Section 6.6(b), the date stated on the acknowledgement card received from Canada Post for a certified letter;
 - (c) in Section 6.6(c), the date the Hazard Compliance Order is posted on the property.
- 6.8 Any person who impedes, attempts to impede, refuses or does not permit the Authority Having Jurisdiction to enter and/or inspect a property pursuant to this Bylaw and adopted Codes shall be guilty of an offence.

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- 6.9 A Provincial Court Judge or Justice of the Peace upon application by the Authority Having Jurisdiction, may issue a warrant authorizing a person named in the warrant to enter and inspect a property, if the Provincial Court Judge or Justice of the Peace is satisfied by information on oath that there is reasonable grounds to believe that a violation of this Bylaw exists and entry will afford evidence relevant to a violation of this Bylaw. A warrant shall name the date upon which it expires, which shall not be later than fifteen (15) calendar days after the warrant is issued.
- 6.10 Where the Authority Having Jurisdiction has reasonable grounds to believe a Hazardous Property exists, the Authority Having Jurisdiction shall issue a Removal Order.
- 6.11 In the event that a Removal Order is issued pursuant to Section 6.10 and is not complied with, the Authority Having Jurisdiction may apply to a Justice of the Peace or a Provincial Court Judge for an order authorizing the removal of all persons from the property.
- 6.12 Any person who impedes, attempts to impede, refuses or fails to comply with the terms of a Removal Order is guilty of an offence.
- 6.13 Any person who:
- (a) impedes, attempts to impede, hinders or obstructs the Authority Having Jurisdiction in the execution of his/her duties under this Bylaw; or
 - (b) contravenes a provision of this Bylaw and adopted Codes; or
 - (c) fails to comply with a Hazard Compliance Order or a Removal Order issued pursuant to the provisions of this Bylaw, is guilty of an offence and is subject to enforcement and penalties pursuant to Part XI of this Bylaw.

PART VII: APPEAL PROCESS

7. 7.1 When the Authority Having Jurisdiction issues a Hazard Compliance Order, the person to whom the Order has been issued may make a request for appeal and apply to use equivalencies, alternatives or other modifications as outlined below:
- 7.1.1 Equivalencies, Alternatives, and Modifications
- (a) Equivalencies. Nothing in the Bylaw or adopted Codes is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Bylaw or adopted Codes, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

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- (b) Alternatives. The specific requirements of the Bylaw or adopted Codes shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in the Bylaw or adopted Codes.
- (c) Modifications. The AHJ is authorized to modify any of the provisions of this Bylaw or adopted Codes upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the Bylaw or adopted Codes, provided that the intent of the Bylaw or adopted Codes shall be complied with, public safety secured, and substantial justice done.
- (d) Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required justifying the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.

7.1.2 Buildings with equivalency, alternative or modification approved by the AHJ shall be considered as conforming to this Bylaw.

7.2 The Authority Having Jurisdiction may review, change, alter, or vary the Hazard Compliance Order issued when:

- (a) There is a request to use equivalencies, alternatives or other modifications to meet the intent of the Hazard Compliance Order, or
- (b) There is a request for an extension of time for complying with the Hazard Compliance Order.

7.3 An appeal from a petitioner shall be submitted to the Authority Having Jurisdiction in writing within ten (10) calendar days of receipt of the Hazard Compliance Order and the appeal shall outline the relief sought and the remedy proposed.

7.4 Where the petitioner seeks an extension of time to comply with a Hazard Compliance Order, the Authority Having Jurisdiction may grant a limited but reasonable time, commensurate with the magnitude of expenditure, disruption of services, and degree of hazard.

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PART VIII: FIRE PROTECTION SYSTEMS

8. 8.1 Each fire protection system required by this Bylaw shall be installed in accordance with the requirements of the National Fire Code of Canada and the adopted standards of the National Fire Protection Association.
- 8.2 Each fire protection system required by this Bylaw shall be maintained in accordance with the requirements of the National Fire Code of Canada and the adopted standards of the National Fire Protection Association.
- 8.3 The responsibility for the proper installation, testing, inspection and maintenance of a fire protection system is that of the owner of the property in which the fire protection system has been installed.
- 8.4 Any person performing an inspection, or conducting testing or maintenance of a fire protection system shall notify the building's occupants and Fire Department before any work is carried out on the system.
- 8.5 Whenever a fire protection system is found to be inoperable, malfunctioning, or out of service, the owner of the property protected by the fire protection system shall immediately notify the Fire Department and shall immediately take whatever action is necessary to restore to good working order the fire protection system and provide any emergency safety measures that may be required by the Authority Having Jurisdiction.
- 8.6 The City may recover any expense incurred by the Fire Department from any person who fails to notify the Fire Department as outlined in Section 8.4 or Section 8.5 and that failure results in a response of the Fire Department.
- 8.7 The Authority Having Jurisdiction may cause a property protected by a fire protection system to be vacated if the system is out of service.
- 8.8 Any person who renders any fire protection system required by this Bylaw or the adopted Codes inoperative or inaccessible, except as may be necessary during emergencies, maintenance or testing is guilty of an offence.
- 8.9 The owner of a property protected by any fire protection system shall at least once a year have a properly trained and qualified person inspect, test and carry out necessary maintenance and shall supply to the Authority Having Jurisdiction an annual written report verifying the inspection, testing and any necessary maintenance has been carried out.
- 8.10 Fire Alarm Motoring Companies who provided motoring service to property owners in the City of Charlottetown shall obtain the following information from the property owner prior to providing service to their clients;
- (a) Property owner's name, address and phone number(s);

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- (b) After-hours phone number(s);
- (c) Person responsible for the system name and phone number(s).

The fire Alarm Motoring Company shall update this information on an annual basis or as needed.

- 8.11 Whenever a fire Alarm Motoring Company receives an alarm sounded by a fire protection system, the owner or person responsible for the system shall be notified by the fire Alarm Motoring Company. The owner or responsible person shall take whatever action is necessary to repair and restore to good working order the fire protection system.
- 8.12 Where an owner or person responsible for a property protected by a fire protection system is notified pursuant to Section. 8.11 of this Bylaw and the owner or person fails to restore to good working order the fire protection system and that failure results in an additional alarm(s) and response of the Fire Department, the City may recover any expenses incurred by the Fire Department to a maximum of \$2,000 per occurrence.

PART IX: AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS

9.

Assembly Property

- 9.1 An approved automatic sprinkler system shall be installed in all new and existing buildings containing assembly occupancies serving alcohol beverages and providing entertainment such as but not limited to bars, taverns, pubs, nightclubs and other drinking establishments with a design occupant load of 100 or more persons:
 - (a) Throughout the storey containing the assembly occupancy;
 - (b) Throughout all storeys below the storey containing the assembly occupancy;
 - (c) In the case of an assembly occupancy located below the level of exit discharge, throughout all storeys intervening between that storey and the level of exit discharge, including the level of exit discharge.

The requirements of Section 9.1 shall not apply to the following:

- (a) Assembly occupancies used primarily for religious worship;
- (b) Assembly occupancies used for food and non-alcohol beverage services;
- (c) Gymnasiums, skating rinks, and swimming pools used for sport activities;

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- (d) Non-profit organization halls, associations, fraternity or community halls, military mess or legion halls with an occupant load of less than 300 persons. Provided that an adequate number of competent and trained attendants or ushers are on duty at all times when the assembly occupancy is occupied, a ratio of one (1) attendant/usher for every 100 occupants.

Educational Properties

9.2 An approved automatic sprinkler system shall be installed in:

- (a) All new and existing buildings containing an educational facility; or
- (b) In a property that is converted to or used as an educational facility.

9.2.1 Educational Facilities include academies or schools used for educational purposes from kindergarten through to the twelfth grade by six or more persons for four or more hours per day or more than 12 hours per week.

9.3 Where only a portion or portions of a property is used as an educational facility, an approved automatic sprinkler system shall be installed in the area occupied by the educational facility and all areas below.

Each automatic sprinkler system required by another section of this Code shall be in accordance with one of the following:

- (a) NFPA 13, Standard for the Installation of Sprinkler Systems;
- (b) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Storeys in Height.
- (c) NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

Institutional and Health Care Properties

9.4 An approved automatic sprinkler system shall be installed in all new and existing buildings containing health care facilities or portion thereof used on a 24-hour basis for the medical, psychiatric, obstetrical, or surgical care of four or more inpatients.

9.5 Where only a portion or portions of a property is used as an institutional or health care property, an approved automatic sprinkler system shall be installed in the area occupied by the institutional or health care facility and all areas below.

Basements and Windowless Buildings

9.6 An approved automatic sprinkler system shall be installed in all basements and windowless buildings exceeding 5,000 sq. ft. (464.5 m²) in any property used for

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the handling or storage of any materials the Authority Having Jurisdiction deems to be highly combustible, flammable, hazardous or explosive.

PART X: GENERAL FIRE SAFETY REGULATIONS

10.

Fundamental Requirements

- 10.1 Multiple Safeguards. The design of every building or structure intended for human occupancy shall be such that reliance for safety to life does not depend solely on any single safeguard. An additional safeguard(s) shall be provided for life safety in case any single safeguard is ineffective due to inappropriate human actions or system failure.
- 10.2 Appropriateness of Safeguards. Every building or structure shall be provided with means of egress and other safeguards of the kinds, numbers, locations, and capacities appropriate to the individual building or structure, with due regard to the following:
- (a) Character of the occupancy
 - (b) Capabilities of the occupants
 - (c) Number of persons exposed
 - (d) Fire protection available
 - (e) Height and type of construction of the building or structure
 - (f) Other factors necessary to provide occupants with a reasonable degree of safety.

Means of Egress

- 10.3 (1) Number of Means of Egress. Two (2) means of egress, as a minimum, shall be provided in every building or structure, section, and area where size, occupancy, and arrangement endanger occupants attempting to use a single means of egress that is blocked by fire or smoke. The two means of egress shall be arranged to minimize the possibility that both might be rendered impassable by the same emergency condition.
- (2) Unobstructed Egress. In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed. No lock or fastening shall be permitted that prevents free escape from the inside of any building other than in health care occupancies and detention and correctional occupancies where staff are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency. Means of egress shall be

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accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.

- (3) Awareness of Egress System. Every exit shall be clearly visible, or the route to reach every exit shall be conspicuously indicated. Each means of egress, in its entirety, shall be arranged or marked so that the way to a place of safety is indicated in a clear manner.
- (4) Lighting of egress routes. Where artificial illumination is needed in a building or structure, egress routes shall be included in the lighting design.
- (5) Occupant Notification. In every building or structure of such size, arrangement, or occupancy that a fire itself might not provide adequate occupant warning, fire alarm facilities shall be provided where necessary to warn occupants of the existence of fire.

Spread of Fire

10.4 Any person who permits any fire to spread or operates any device which may start or spread a fire so as to endanger life or property, is guilty of an offence.

Notifying the Fire Department

10.5 Any person, who discovers a fire, or evidence of there having been a fire even though it has apparently been extinguished, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department shall be guilty of an offence.

Fire Department Access Roads

10.6 Fire department access roads shall be provided in accordance with the National Building Code of Canada for every facility, building, or portion of a building hereafter constructed or relocated.

10.7 More than one Fire Department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that may limit Fire Department access or operations.

Reporting Hazardous Condition

10.8 Any person who discovers evidence of, or is apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department is guilty of an offence.

Maintaining a Fire Hazard

10.9 Any person, who knowingly maintains a Fire Hazard, is guilty of an offence.

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Carelessness with Fire

10.10 Any person who deliberately, or through carelessness or negligence, sets fire to or causes the burning of any material, in such manner as to endanger the safety of any person or property, is guilty of an offence.

Lighting and Heating Producing Equipment

10.11 Any person who:

- (a) fails to maintain a minimum clearance of one (1) metre between heating and lighting equipment and ordinary combustible material;
 - (b) locates portable heating or lighting so it can be easily overturned or upset;
 - (c) fails to repair or replace a defective heating appliance or components thereof;
- is guilty of an offence.

Portable Heaters

10.12 The Authority Having Jurisdiction may prohibit the use of portable heaters in any situation in which such use or operation would, in the opinion of the Authority Having Jurisdiction, present a danger to life or property.

Commercial Cooking Equipment

10.13 (1) Cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, tents, shall comply with NFPA 96, "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations".

(2) The use of mobile or temporary concessions, such as trucks, buses, trailers, pavilions or tents operating commercial cook equipment using deep fat fryers or upright or high broilers and salamander broilers in buildings or other enclosures is prohibited.

(3) The use of cooking equipment such as deep fat fryers or upright or high broilers and salamander broilers in the outdoor is prohibited.

Disposal of Combustible Waste

10.14 Any person owning or having control of any property who allows any combustible waste material to accumulate in any area or in any manner so as to create a Fire Hazard is guilty of an offence.

10.15 All structures in which the handling, storage, or baling of combustible waste materials exists shall be equipped with an automatic fire sprinkler system installed in accordance with the provisions of NFPA 13.

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Fire Escapes

10.16 All fire escapes shall be constructed in conformance with the regulations as set down in the National Building Code of Canada.

Storage on Roofs and Balconies

10.17 Any person who places or maintains upon any roof, balcony, or fire escape any materials or objects which may interfere with egress from the property or Fire Department operations is guilty of an offence.

Responsibility to Prevent Overcrowding

10.18 The owner or operator of a place of public assembly, who allows the number of persons to enter the place of public assembly in excess of the occupant load as posted in conformance with the requirement of the provisions of the *Fire Prevention Act* is guilty of an offence.

Exterior Means of Egress

10.19 The owner of a property who fails to:

- (a) immediately repair an exterior means of egress including passageways or fire escape stairs damaged in any way; or
 - (b) maintain an exterior means of egress including passageways, exit stairs or fire escapes free of snow and ice accumulations; or
 - (c) ensure that an exit door or any means of egress is kept unlocked, not blocked, barred or otherwise obstructed;
- is guilty of an offence.

Exit Signs

10.20 The owner or occupant of a property who fails to properly maintain:

- (a) every required exit sign so it is located, illuminated and readily visible at all times the property is occupied; or
 - (b) every required emergency lighting system;
- is guilty of an offence.

Fire Door Assembly

10.21 Any owner, occupant or person who:

- (a) causes any fire door assembly equipped with a closure to be obstructed so as to prevent the closure to function as designed; or
 - (b) removes locks, blocks, obstructs or wedges open any fire door assembly, so as to prevent the fire door assembly to function as designed;
- is guilty of an offence.

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Smoke Alarms and Smoke Detectors

- 10.22 The owner of a residential property who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is installed in an approved manner, connected to an electrical or battery power supply and maintained in good operating condition at all times is guilty of an offence.
- 10.23 Every occupant of a living unit who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is connected to an electrical or battery power supply and maintained in good operating condition at all times is guilty of an offence.
- 10.24 Any person who at any time removes or disconnects a smoke alarm or smoke detector from its electrical or battery power supply for other than repairs or maintenance, or tampers with in any way a smoke alarm or smoke detector installed in accordance with the Life Safety Code is guilty of an offence.

PART XI: ENFORCEMENT

- 11. 11.1 Any person who contravenes a provision of this Bylaw, other than a Hazard Compliance Order issued pursuant to Section 6 of this Bylaw, shall be guilty of an offence and liable on summary conviction to a fine in an amount not less than \$100 and not more than \$2,000 for each offence.
- 11.2 Any person who fails to comply with the terms of any Hazard Compliance Order issued pursuant to Section 6 of this Bylaw, shall be guilty of and liable on summary conviction to a fine in an amount not exceeding the following cumulative amount for each week the offence is committed or continues to be committed:
 - (a) First week of the offence \$500
 - (b) Second week of the offence \$1,000 in addition to the \$500 for the first week of the offence;
 - (c) Third and subsequent weeks \$1,500 for each week in addition to the amounts for each of the previous weeks.
- 11.3 In addition to any fine or penalty imposed under Section 11.2, the summary conviction court may order the person convicted to bring the property into compliance with the provisions of the Bylaw.
- 11.4 In addition to any fine or penalty set out in this Bylaw, the Supreme Court of Prince Edward Island may, upon application by the City, cease or prohibit by injunction, occupancy of a property which does not comply with the provisions of this Bylaw and adopted Codes.

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- 11.5 Where a person convicted under Sections 11.1 or 11.2 fails to comply with an order issued under Sections 11.3 or 11.4, the City may take whatever reasonable actions or work it deems necessary to bring the property into compliance with this Bylaw and adopted Codes.

- 11.6 The City, with the assistance of the City Solicitors, shall cause the cost of any such action or work carried out pursuant to Section 11.5 to be charged to the property as a municipal lien or to be recorded in a suit of law against the property owner, provided that in any case where such procedure is desirable and any delay thereby caused will not be dangerous to the safety of the people of the City.

PART XII: REPEAL

- 12. 12.1 All Rules, Orders and Bylaws of the City of Charlottetown inconsistent with or repugnant hereto, shall and the same are hereby repealed.

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Appendix A

The following sections of NFPA 1 The “Uniform Fire Code™” (2003 Edition) have been excluded from the adopted Codes of this Bylaw:

NFPA 31, Standard for the Installation of Oil-Burning Equipment, 2001 edition;

NFPA 70, National Electrical Code®, 2002 edition;

NFPA 5000™, Building Construction and Safety Code™, 2003 edition.

Appendix B

The following documents have been included as a part of the adoption of this Bylaw and are considered to be enforceable by the “Authority Having Jurisdiction” and shall apply to all applicable property and conditions within the City of Charlottetown:

NFPA 50A, Standard for Gaseous Hydrogen Systems at Consumer Sites, 1999 edition;

NFPA 53, Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres, 1999 edition.

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| Amendment Summary | Previous Wording | Amendment Detail | 1st Reading | 2nd Reading | 3rd Reading |
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| New Bylaw | <i>nothing</i> | To introduce a new "Fire Prevention Bylaw" for the City of Charlottetown effective April 19, 1999 to adapt a City-wide fire-code and standards to protect life and property from fire hazards | 12-Apr-99 | 12-Apr-99 | 19-Apr-99 |
| To adopt the National Fire Code of Canada 2005 edition and address the issue of sprinklers in places of public assembly and education | <p>2. Words defined in this Bylaw and definitions contained in the Codes adopted by this Bylaw shall be the acceptable definitions.</p> <p>2.1 "Authority Having Jurisdiction" means the Fire Service Manager, Fire Inspector, Fire Prevention Officer or any other person appointed by Council to act pursuant to the provisions of this Bylaw.</p> <p>2.2 "Board of Appeal" means the Board of Appeal established pursuant to Section 7 of this Bylaw.</p> <p>2.3 "City" refers to the City of Charlottetown as established under Section 3 of the <u>Charlottetown Area Municipalities Act</u>, R.S.P.E.I., 1988, Cap. C-4.1.</p> <p>2.4 "Codes" means the National Fire Code, Life Safety Code and Fire Prevention Code as hereinafter defined.</p> <p>2.5 "Council" means the Council of the City.</p> <p>2.6 "Fire Hazard" includes any situation, process, material or condition which on the basis of applicable fire safety data and in the judgement of the Authority Having Jurisdiction may cause a fire or explosion or provide a fuel supply for a fire or explosion or may slow or hinder the escape of persons from a property in the event of a fire, explosion or other emergency situation.</p> <p>2.7 "Fire Department" means the City of Charlottetown Fire Department.</p> <p>2.8 "Fire Inspector" means the person designated by the Chief Administrative Officer of the City as being responsible for fire inspections and fire investigations and enforcement of this Bylaw.</p> <p>2.9 "Fire Prevention Code" means the NFPA 1 Fire Prevention Code 1997 Edition, issued by the National Fire Protection Association, and any amendments thereto, but does not include Section 1-7 (Board of Appeals).</p> <p>2.10 "Fire Prevention Officer" means the person designated by the Chief</p> | <p>Amended as follows:</p> <p>2. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural number includes the singular. Where terms are not defined in this bylaw, they are defined using their ordinarily accepted meanings within the context in which they are used.</p> <p>2.1 "Alarm Motoring Company" means a company which when a fire alarm is activated a signal or message is transmitted to a location where personnel are in attendance at all times and their function is to notify the Fire Department of the alarm system being activated.</p> <p>2.2 "Authority Having Jurisdiction" means the Fire Chief, Deputy Chief, Fire Inspector, Fire Prevention Officer or their designate who is to carry out the duties assigned by the Chief Administrative Officer pursuant to the provisions of this Bylaw.</p> <p>2.3 "City" refers to the City of Charlottetown as established under Section 3 of the Charlottetown Area Municipalities Act, R.S.P.E.I., 1988, Cap. C-4.1.</p> <p>2.4 "Code" means the National Fire Code of Canada.</p> <p>2.5 "Council" means the Council of the City of Charlottetown.</p> <p>2.6 "Deputy Chief" means an officer of the Fire Department who is an assistant to the Fire Chief.</p> <p>2.7 "Fire Chief" means the manager and Chief Officer of the City of Charlottetown Fire Department responsible for the administrative and operational functioning of the Department.</p> <p>2.8 "Fire Hazard" includes any situation, process, material or condition which on the basis of applicable fire safety data and in the judgment of the Authority Having Jurisdiction may cause a fire or explosion or provide a fuel supply for a fire or explosion or may slow or hinder the escape of persons from a property in the event of a fire, explosion or other emergency</p> | 10-Feb-09 | 10-Feb-09 | 09-Mar-09 |

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| <p>Administrative Officer of the City to be responsible for carrying out fire prevention education as well as enforcement of this Bylaw.</p> <p>2.11 <u>"Fire Service Manager"</u> means the person designated by the Chief Administrative Office of the City to be responsible for the administrative and operational functioning of the City of Charlottetown Fire Department.</p> <p>2.12 <u>"Hazard Compliance Order"</u> means an order requiring the owner or occupant of a hazardous property to bring the property into conformance with this Bylaw and adopted Codes, within the time period set out in the order.</p> <p>2.13 <u>"Hazardous Property"</u> means any property that, in the judgment of the Authority Having Jurisdiction, is not in compliance with the provisions of this Bylaw and adopted Codes and which may endanger life or property.</p> <p>2.14 <u>"Life Safety Code"</u> means the 1997 Edition of the Life Safety Code of the National Fire Protection Association and any amendments thereto.</p> <p>2.15 <u>"National Fire Codes"</u> means the 1997 Edition of the National Fire Codes of the National Fire Protection Association and any amendments thereto.</p> <p>2.16 <u>"Occupant"</u> means any person who lives in, has use of, or control of a property.</p> <p>2.17 <u>"Owner"</u> includes:</p> <p>(a) a landowner as listed in the Assessment Role compiled by the Provincial Department of Finance under the <u>Real Property Assessment Act</u>, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto, which printed Assessment Role is issued to the City at the beginning of each year (with printed updates throughout the year), a tenant, lessee or other person in possession or occupancy of a property.</p> <p>(b) an executor, administrator, trustee, agent or other person managing a property for the registered landowner; and,</p> <p>(c) in any prosecution of a contravention of this Bylaw, the owner of a property may be proved prima facie by a certificate purporting to be</p> | <p>situation.</p> <p>2.9 <u>"Fire Inspector"</u> means an officer of the Department responsible for the enforcement of this Bylaw.</p> <p>2.10 <u>"Fire Prevention Officer"</u> means an officer of the Department responsible for carrying out fire prevention education as well as enforcement of this Bylaw.</p> <p>2.11 <u>"Hazard Compliance Order"</u> means an order requiring the owner or occupant of a hazardous property to bring the property into conformance with this Bylaw and adopted Codes, within the time period set out in the order.</p> <p>2.12 <u>"Hazardous Property"</u> means any property that, in the judgment of the Authority Having Jurisdiction, is not in compliance with the provisions of this Bylaw and adopted Codes and which may endanger life or property.</p> <p>2.13 <u>"National Fire Code of Canada"</u> means the 2005 Edition of the National Fire Code of Canada.</p> <p>2.14 <u>"Occupant"</u> means any person who lives in, has use of, or control of a property.</p> <p>2.15 <u>"Owner"</u> includes:</p> <p>(a) a landowner, as listed in the Assessment Role compiled by the Provincial Department of Finance under the Real Property Assessment Act, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto, which printed Assessment Roll is issued to the City at the beginning of each year (with printed updates throughout the year), a tenant, lessee or other person in possession or occupancy of a property.</p> <p>(b) an executor, administrator, trustee, agent or other person managing a property for the registered landowner; and,</p> <p>(c) in any prosecution of a contravention of this Bylaw, the owner of a property may be proved prima facie by a certificate purporting to be signed by the Chief Administrative Officer, and it shall not be necessary to prove the authenticity of such signature and where the name in the certificate is the same as that of the person charged with an offence, it is prima facie evidence that he is the person named in the certificate.</p> <p>2.16 <u>"Property"</u> includes all or any part of lands, buildings, structures, premises, motor vehicles or marine vessels.</p> | |
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| | <p>signed by the Chief Administrative Officer, and it shall not be necessary to prove the authenticity of such signature and where the name in the certificate is the same as that of the person charged with an offence, it is prima facie evidence that he is the person named in the certificate.</p> <p>2.18 "<u>Property</u>" includes all or any part of lands, buildings, structures, premises, motor vehicles or marine vessels.</p> <p>2.19 "<u>Removal Order</u>" means an order requiring the removal of the occupants from a property which, in the opinion of the Authority Having Jurisdiction, is a hazardous property.</p> <p>2.20 "<u>Residential Property</u>" means any property in which sleeping accommodations are provided for normal residential purposes and includes any property designed or used to provide sleeping accommodations, including but not limited to single family dwellings, duplexes, hotels, motels, inns, dormitories, apartment buildings, board and care facilities, lodging and rooming houses, tourist homes, bed and breakfast operations or marine vessels.</p> | <p>2.17 "<u>Removal Order</u>" means an order requiring the removal of the occupants from a property which, in the opinion of the Authority Having Jurisdiction, is a hazardous property.</p> <p>2.18 "<u>Residential Property</u>" means any property in which sleeping accommodations are provided for normal residential purposes and includes any property designed or used to provide sleeping accommodations, including but not limited to single family dwellings, duplexes, hotels, motels, inns, dormitories, apartment buildings, board and care facilities, lodging and rooming houses, tourist homes, bed and breakfast operations or marine vessels.</p> | | | |
| | <p><i>Nothing</i></p> | <p>New Section added and subsequent section renumbered:</p> <p>3.3 This Bylaw shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building, structure or property for any damages to persons or property caused by defects, nor shall the AHJ or the City of Charlottetown be held as assuming any such liability by reason of the inspections authorized by this Bylaw or any permits or certificates issued under this Bylaw.</p> | | | |
| | <p>4.1 This Bylaw shall be administered by the Fire Service Manager.</p> | <p>Amended as follows:</p> <p>4.1 The Fire Chief shall administer this Bylaw.</p> <p>4.2 This Bylaw shall be enforced by the Authority Having Jurisdiction (AHJ).</p> <p>4.3 The AHJ shall determine whether the provisions of this Bylaw and adopted Codes and Standards are met.</p> <p>4.4 Any requirements that are essential for the safety of building occupants and are not specifically provided for by this Bylaw and adopted Codes shall</p> | | | |

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| | | <p>be determined by the AHJ.</p> <p>4.5 The AHJ is authorized to render interpretations of this Bylaw and adopted Codes and Standards and to enforce the rules and supplemental regulations therein so as to carry out the application and intent of their provisions.</p> <p>4.6 The provisions of this Bylaw and the National Fire Code of Canada shall be permitted to be modified by the AHJ for buildings or structures identified and classified as historic buildings or structures where it is evident that a reasonable degree of safety is provided.</p> <p>4.7 Any suit brought against a person who has served as the AHJ for the City of Charlottetown because of such act or omission performed in the enforcement of any provision of this Bylaw or any other Bylaw or official duties, shall be defended by the City of Charlottetown until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of Charlottetown.</p> | | | |
| | <p>PART V: ADOPTION OF CODES</p> <p>5.1 The following Codes are adopted as the standard to which all property in the City must conform:</p> <p>(a) Fire Prevention Code, except Part 1-7 (<u>Board of Appeal</u>);</p> <p>(b) Life Safety Code; and the</p> <p>(c) National Fire Codes.</p> <p>5.2 The provisions of this Bylaw shall apply to all property within the City except where it is found that a more stringent Provincial or Federal statute is applicable, in which case the more stringent provision shall apply.</p> | <p>Amended as follows:</p> <p><u>PART V: ADOPTION OF CODES</u></p> <p>5.1 The following Codes are adopted as the standard to which all property in the City shall conform:</p> <p>(a) National Fire Code of Canada (2005 Edition) and</p> <p>(b) Uniform Fire Code™, of the National Fire Protection Association.</p> <p>5.2 The provisions of this Bylaw and the adopted Codes shall apply to all property within the City except where it is found by the appropriate authority that a more stringent Provincial or Federal statute is applicable, in which case the more stringent provision shall apply.</p> | | | |
| | <p>6.5 An extension of time to bring a property into compliance may be granted by the Authority Having Jurisdiction if application for such extension is made in writing prior to the expiration of the time for compliance contained in the said Hazard Compliance Order, and it is shown by the property owner that the extension of time, in addition to the original time granted, is necessary to achieve</p> | <p>Amended as follows:</p> <p>6.5 An extension of time to bring a property into compliance may be granted by the Authority Having Jurisdiction if application for such extension is made in writing prior to the expiration of the time for compliance contained in the said Hazard Compliance Order, and it is shown by the property owner that the extension of time, in addition to the original time granted, is necessary to achieve compliance with the</p> | | | |

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| | <p>compliance with the Hazard Compliance Order. The Authority Having Jurisdiction may allow an extension of up to ninety (90) additional days for a property to be brought into compliance pursuant to a Hazard Compliance Order.</p> | <p>Hazard Compliance Order. The Authority Having Jurisdiction may allow an extension of up to a maximum of ninety (90) additional days for a property to be brought into compliance pursuant to a Hazard Compliance Order.</p> | | | |
| | <p>6.9 In the event the Authority Having Jurisdiction is refused or not permitted to enter or carry out an inspection pursuant to this Bylaw and adopted Codes, the Authority Having Jurisdiction may apply to a Justice of the Peace or Provincial Court Judge for an order authorizing entry to and inspection of the property in question.</p> | <p>Section 6.9 removed and subsequent sections renumbered.</p> | | | |
| | <p>6.14 Any person who: (a)who impedes, attempts to impede, hinders or obstructs the Authority Having Jurisdiction in the execution of his/her duties under this Bylaw; or (b) who contravenes a provision of this Bylaw and adopted Codes; or (c) who fails to comply with a Hazard Compliance Order or a Removal Order issued pursuant to the provisions of this Bylaw, is guilty of an offence and is subject to enforcement and penalties pursuant to Section 11.2 or 11.3.</p> | <p>Renumbered as 6.13 and amended as follows: 6.13 Any person who: (a) impedes, attempts to impede, hinders or obstructs the Authority Having Jurisdiction in the execution of his/her duties under this Bylaw; or (b) contravenes a provision of this Bylaw and adopted Codes; or (c) fails to comply with a Hazard Compliance Order or a Removal Order issued pursuant to the provisions of this Bylaw, is guilty of an offence and is subject to enforcement and penalties pursuant to Part XI of this Bylaw.</p> | | | |
| | <p>PART VII: BOARD OF APPEAL 7.1When the Authority Having Jurisdiction issues a Hazard Compliance Order, an aggrieved person may appeal the issuance of the Hazard Compliance Order pursuant to the provisions contained in this Bylaw on the following grounds: (a)new material, facts or evidence not available at the time of the initial Hazard Compliance Order has come to light; (b)a material change or circumstances has occurred since the initial Hazard Compliance Order; or (c)there is a clear doubt as to the correctness of the Hazard Compliance Order in the first instance.</p> | <p>Amended as follows: PART VII: APPEAL PROCESS 7.1 When the Authority Having Jurisdiction issues a Hazard Compliance Order, the person to whom the Order has been issued may make a request for appeal and apply to use equivalencies, alternatives or other modifications as outlined below: 7.1.1 <u>Equivalencies, Alternatives, and Modifications</u> (a) <u>Equivalencies.</u> Nothing in the Bylaw or adopted Codes is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Bylaw or adopted Codes,</p> | | | |

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| <p>7.2 An aggrieved person may also seek an extension of time for complying with the Hazard Compliance Order from the Board of Appeal, pursuant to the provisions of this Bylaw.</p> <p>7.3 The Board of Appeal may review, change, alter, or vary the Hazard Compliance Order issued by the Authority Having Jurisdiction, only when:</p> <p>(a) new material, facts or evidence not available at the time of the initial Hazard Compliance Order has come to light;</p> <p>(b) material change or circumstances has occurred since the initial Hazard Compliance Order; or</p> <p>(c) there is a clear doubt as to the correctness of the Hazard Compliance Order in the first instance.</p> <p>7.4 An appeal from an appellant shall be submitted to the Fire Service Manager in writing within ten (10) calendar days of receipt of the Hazard Compliance Order and the appeal shall outline the relief sought and the remedy proposed.</p> <p>7.5 Where the Appeal seeks an extension of time to comply with a Hazard Compliance Order the Board of Appeal may grant an additional extension of time for compliance with a Hazard Compliance Order, which in no event will exceed ninety (90) calendar days beyond the time for compliance contained in the original Hazard Compliance Order or such extension of time granted by the Authority Having Jurisdiction pursuant to Section 6.5 of this Bylaw.</p> <p>7.6 The Board of Appeal hereby established shall consist of six (6) persons who shall be recommended by the Fire Committee and appointed by Council by reason of education, experience, and knowledge, and are deemed to be competent to sit in judgment on matters concerning this Bylaw and adopted Codes. The members of the initial Board shall be appointed for the following terms: two (2) persons for one year terms; two (2) persons for two year terms; and, two (2) persons for</p> | <p>provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.</p> <p>(b) Alternatives. The specific requirements of the Bylaw or adopted Codes shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in the Bylaw or adopted Codes.</p> <p>(c) Modifications. The AHJ is authorized to modify any of the provisions of this Bylaw or adopted Codes upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the Bylaw or adopted Codes, provided that the intent of the Bylaw or adopted Codes shall be complied with, public safety secured, and substantial justice done.</p> <p>(d) Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required justifying the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.</p> <p>7.1.2 Buildings with equivalency, alternative or modification approved by the AHJ shall be considered as conforming to this Bylaw.</p> <p>7.2 The Authority Having Jurisdiction may review, change, alter, or vary the Hazard Compliance Order issued when:</p> <p>(a) There is a request to use equivalencies, alternatives or other modifications to meet the intent of the Hazard Compliance Order, or</p> <p>(b) There is a request for an extension of time for complying with the Hazard Compliance Order.</p> <p>7.3 An appeal from a petitioner shall be submitted to the Authority Having Jurisdiction in writing within ten (10) calendar days of receipt of the Hazard Compliance Order and the appeal</p> | |
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| <p>three year terms. Thereafter members shall be appointed for a term of three years. Members shall be eligible for reappointment to the Board of Appeal following a one-year leave from the Board.</p> <p>7.7 Council shall designate one member of the Board of Appeal to be Chairperson and one member to be Vice-chairperson.</p> <p>7.8 The Chairperson shall within five (5) working days of receipt of a notice of an appeal establish a panel of three (3) members, to hear and decide the appeal and more than one panel may be established and may proceed with separate appeals at the same time. The Chairperson shall designate a person on each panel to act as chairperson of the panel.</p> <p>7.9 Within five (5) days of a panel for the hearing of an appeal being established the chair of the panel shall set a date for the hearing of the appeal, and shall give at least five (5) calendar days notice of the hearing, but in no case shall the panel fail to hear an appeal later than thirty (30) calendar days of the filing of notice of the appeal by the Appellant.</p> <p>7.10 The decision of the majority of the members of the panel, is the decision of the panel. The Chairperson of the panel shall not vote, unless necessary to reach a majority decision.</p> <p>7.11 Board of Appeal members shall not be officers, agents, or employees of the City.</p> <p>7.12 Board of Appeal members shall be appointed and serve in accordance with the terms and conditions provided from time to time by Council.</p> <p>7.13 The Board of Appeal shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the Authority Having Jurisdiction, with a copy to the appellant.</p> <p>7.14 No member of the Board of Appeal shall sit in judgment on any case in which the member has any pecuniary interest in or is affected by any matter before the Board of</p> | <p>shall outline the relief sought and the remedy proposed.</p> <p>7.4 Where the petitioner seeks an extension of time to comply with a Hazard Compliance Order, the Authority Having Jurisdiction may grant a limited but reasonable time, commensurate with the magnitude of expenditure, disruption of services, and degree of hazard.</p> | | | |
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| | <p>Appeal and he or she shall declare the interest therein, abstain from serving on a panel established to deal with the matter and shall not participate or be present at a hearing of an appeal or decision making process of an appeal in which such conflict of interest is declared.</p> | | | | |
| | <p>8.1 Each fire protection system required by this Bylaw or adopted Codes shall be installed in accordance with the requirements of the National Fire Codes.</p> | <p>Amended as follows: 8.1 Each fire protection system required by this Bylaw shall be installed in accordance with the requirements of the National Fire Code of Canada and the adopted standards of the National Fire Protection Association.</p> | | | |
| | <p>8.2 Each fire protection system required by this Bylaw or an adopted Codes shall be maintained in accordance with the requirements of the National Fire Codes.</p> | <p>Amended as follows: 8.2 Each fire protection system required by this Bylaw shall be maintained in accordance with the requirements of the National Fire Code of Canada and the adopted standards of the National Fire Protection Association.</p> | | | |
| | <p>8.4 Any person performing an inspection, or conducting testing or maintenance of a fire protection system shall notify the Fire Department before any work is carried out on the system. The Fire Department shall also be notified immediately when the fire protection system or a portion thereof is taken out of service for any period of time or found to be inoperable.</p> | <p>Amended as follows: 8.4 Any person performing an inspection, or conducting testing or maintenance of a fire protection system shall notify the building's occupants and Fire Department before any work is carried out on the system.</p> | | | |
| | <p>8.6 The City may recover any expense incurred by the Fire Department to a maximum of \$1000.00 per occurrence, from any person who fails to notify the Fire Department as outline in Section 9.4 or Section 9.5 and that failure results in a response of the Fire Department.</p> | <p>Amended as follows: 8.6 The City may recover any expense incurred by the Fire Department from any person who fails to notify the Fire Department as outlined in Section 8.4 or Section 8.5 and that failure results in a response of the Fire Department.</p> | | | |
| | <p><i>Nothing</i></p> | <p>New section added and subsequent sections renumbered: 8.10 Fire Alarm Motoring Companies who provided motoring service to property owners in the City of Charlottetown shall obtain the following information from the property owner</p> | | | |

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| | | <p>prior to providing service to their clients; (a) Property owner's name, address and phone number(s); (b) After-hours phone number(s); (c) Person responsible for the system name and phone number(s).- The fire Alarm Motoring Company shall update this information on an annual basis or as needed.</p> | | | |
| | <p>8.10 Whenever the Fire Department receives an alarm sounded by a fire protection system, the owner or person responsible for the system shall be notified by the Fire Department. The owner or responsible person shall take whatever action is necessary to repair and restore to good working order the fire protection system.</p> | <p>Renumbered as 8.11 and amended as follows: 8.11 Whenever a fire Alarm Motoring Company receives an alarm sounded by a fire protection system, the owner or person responsible for the system shall be notified by the fire Alarm Motoring Company. The owner or responsible person shall take whatever action is necessary to repair and restore to good working order the fire protection system.</p> | | | |
| | <p>8.11 Where an owner or personal responsible for a property protected by a fire protection system is notified pursuant to Section. 8.10 of this Bylaw and fails to restore to good working order the fire protection system and that failure results in an additional alarm and response of the Fire Department, the City may recover any expenses incurred by the Fire Department to a maximum of \$1,000.00 per occurrence.</p> | <p>Renumbered as 8.12 and amended as follows: 8.12 Where an owner or person responsible for a property protected by a fire protection system is notified pursuant to Section. 8.11 of this Bylaw and the owner or person fails to restore to good working order the fire protection system and that failure results in an additional alarm(s) and response of the Fire Department, the City may recover any expenses incurred by the Fire Department to a maximum of \$2,000 per occurrence.</p> | | | |
| | <p><u>9. Assembly Property</u> 9.1 An approved automatic sprinkler system shall be installed in every new assembly property as defined in the Fire Prevention Code or any new addition to an assembly property. (a)containing one story and a property area greater than 20,000 sq. ft. (1,858.0 m2); or (b)containing two stories and a property area greater than 15,000 sq. ft. (1,393.5 m2); or (c)containing three stories and a property area greater than 10,000 sq. ft (929.0 m2); or (d)containing four or more stories; <u>Factories and Industrial Properties</u> 9.2 An automatic sprinkler system shall be installed in every new industrial property as</p> | <p>Amended as follows: <u>Assembly Property</u> 9.1 An approved automatic sprinkler system shall be installed in all new and existing buildings containing assembly occupancies serving alcohol beverages and providing entertainment such as but not limited to bars, taverns, pubs, nightclubs and other drinking establishments with a design occupant load of 100 or more persons: (a) Throughout the storey containing the assembly occupancy; (b) Throughout all storeys below the storey containing the assembly occupancy; (c) In the case of an assembly occupancy located below the level of exit discharge, throughout all</p> | | | |

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| <p>defined in the Fire Prevention Code or any new addition to an industrial property:</p> <p>(a) containing one story and a property area greater than 20,000 sq. ft (1,858.0 m²); or</p> <p>(b) containing two or more stories and a property area greater than 15,000 sq. ft. (1,393.5 m²); or</p> <p>(c) containing three or more stories.</p> <p>9.3 Notwithstanding subsections 9.2 (a) (b) and (c) the Authority Having Jurisdiction may require the installation of an approved automatic sprinkler system in any factories and industrial property where in his/her opinion there is potential for a Fire Hazard by reason of an occupancy which involves combustible, flammable, hazardous or explosive materials.</p> <p><u>Institutional and Health Care Properties</u></p> <p>9.4 An approved automatic sprinkler system shall be installed</p> <p>(a) in all institutional and health care properties as defined in the Fire Prevention Code; or</p> <p>(b) in a property that is converted to or used as an institutional or health care property as defined in the Fire Prevention Code.</p> <p>9.5 Where only a portion or portions of a property is used as an institutional or health care property, an approved automatic sprinkler system shall be installed in the area occupied by the institutional or health care facility and all areas below.</p> <p><u>Mercantile Properties</u></p> <p>9.6 An approved automatic sprinkler system shall be installed in every new mercantile property as defined in the Fire Prevention Code or new addition to a mercantile property:</p> <p>(a) containing one story and a property area greater than 20,000 sq. ft. (1,858.0 m²); or</p> <p>(b) containing two stories and a property area greater than 15,000 sq. ft. (1,393.5 m²); or</p> <p>(a) containing three stories and a property area greater than 10,000 sq. ft (929.0 m²); or</p> <p>(b) containing four or more stories.</p> <p><u>Office Properties</u></p> <p>9.7 An approved automatic sprinkler system shall be installed in every new office property</p> | <p>storeys intervening between that storey and the level of exit discharge, including the level of exit discharge</p> <p>The requirements of Section 9.1 shall not apply to the following:</p> <p>(a) Assembly occupancies used primarily for religious worship;</p> <p>(b) Assembly occupancies used for food and non-alcohol beverage services;</p> <p>(c) Gymnasiums, skating rinks, and swimming pools used for sport activities;</p> <p>(d) Non-profit organization halls, associations, fraternity or community halls, military mess or legion halls with an occupant load of less than 300 persons. Provided that an adequate number of competent and trained attendants or ushers are on duty at all times when the assembly occupancy is occupied, a ratio of one (1) attendant/usher for every 100 occupants.</p> <p><u>Educational Properties</u></p> <p>9.2 An approved automatic sprinkler system shall be installed in:</p> <p>(a) All new and existing buildings containing an educational facility; or</p> <p>(b) In a property that is converted to or used as an educational facility.</p> <p>9.2.1 Educational Facilities include academies or schools used for educational purposes from kindergarten through to the twelfth grade by six or more persons for four or more hours per day or more than 12 hours per week.</p> <p>9.3 Where only a portion or portions of a property is used as an educational facility, an approved automatic sprinkler system shall be installed in the area occupied by the educational facility and all areas below.</p> <p>Each automatic sprinkler system required by another section of this Code shall be in accordance with one of the following:</p> <p>(a) NFPA 13, Standard for the Installation of Sprinkler Systems;</p> <p>(b) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Storeys in Height.</p> <p>(c) NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family</p> | | | |
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| | <p>as defined in the Fire Prevention Code or new addition to an office property.</p> <p>(a)containing one story and a property area greater than 30,000 sq. ft. (2,788.0 m2); or</p> <p>(b)containing two stories and a property area greater than 20,000 sq. ft (1,858.0 m2); or</p> <p>(c)containing three stories and a property area greater than 10,000 sq.ft. (929.0 m2); or</p> <p>(d)containing four or more stories.</p> <p><u>Residential Properties</u></p> <p>9.8 An approved automatic sprinkler system shall be installed in every new residential property as defined in the Fire Prevention Code or new an addition to a residential property.</p> <p>(a)containing one story and a property area greater than 20,000 sq. ft. (1,858.0 m2); or</p> <p>(b)containing two stories and a property area greater than 10,000 sq. ft. (929.0 m2); or</p> <p>(c)containing three stories and a property area greater than 5,000. Sq. ft. (464.5 m2); or</p> <p>(d)containing four or more stories.</p> <p><u>Basements & Windowless Buildings</u></p> <p>9.9 An approved automatic sprinkler system shall be installed in all basements and windowless buildings exceeding 5000 sq. ft. (464.5 m2) in any property used for the handling or storage of any materials the Authority Having Jurisdiction deems to be highly combustible, flammable, hazardous or explosive.</p> | <p>Dwellings and Manufactured Homes</p> <p><u>Institutional and Health Care Properties</u></p> <p>9.4 An approved automatic sprinkler system shall be installed in all new and existing buildings containing health care facilities or portion thereof used on a 24-hour basis for the medical, psychiatric, obstetrical, or surgical care of four or more inpatients.</p> <p>9.5 Where only a portion or portions of a property is used as an institutional or health care property, an approved automatic sprinkler system shall be installed in the area occupied by the institutional or health care facility and all areas below.</p> <p><u>Basements and Windowless Buildings</u></p> <p>9.6 An approved automatic sprinkler system shall be installed in all basements and windowless buildings exceeding 5,000 sq. ft. (464.5 m²) in any property used for the handling or storage of any materials the Authority Having Jurisdiction deems to be highly combustible, flammable, hazardous or explosive.</p> | | | |
| | <p><u>PART X GENERAL FIRE SAFETY REGULATIONS</u></p> <p><u>Spread of Fire</u></p> <p>10.1 Any person who permits any fire to spread or operates any device which may start or spread a fire so as to endanger life or property, is guilty of an offence.</p> <p><u>Notifying the Fire Department</u></p> <p>10.2 Any person, who discovers a fire, or evidence of there having been a fire, even though it has apparently been extinguished, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department shall be guilty of an offence.</p> | <p>Amended as follows:</p> <p><u>PART X: GENERAL FIRE SAFETY REGULATIONS</u></p> <p><u>Fundamental Requirements</u></p> <p>10.1 Multiple Safeguards. The design of every building or structure intended for human occupancy shall be such that reliance for safety to life does not depend solely on any single safeguard. An additional safeguard(s) shall be provided for life safety in case any single safeguard is ineffective due to inappropriate human actions or system failure.</p> <p>10.2 Appropriateness of Safeguards. Every building or structure shall be provided with means of egress and other safeguards of the</p> | | | |

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| <p><u>Reporting Hazardous Condition</u> 10.3 Any person who discovers evidence of, or is apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department is guilty of an offence.</p> <p><u>Maintaining a Fire Hazard</u> 10.4 Any person, who knowingly maintains a Fire Hazard, is guilty of an offence.</p> <p><u>Carelessness with Fire</u> 10.5 Any person who deliberately, or through carelessness or negligence, sets fire to or causes the burning of any material, in such manner as to endanger the safety of any person or property, is guilty of an offence.</p> <p><u>Lighting and Heating Producing Equipment</u> 10.6 Any person who: (a) fails to maintain proper clearances between heating and lighting equipment and ordinary combustibles in accordance with the provisions of the National Fire Code; (b) locates portable heating or lighting so it can be easily over turned; (c) fails to repair or replace a defective heating appliance or components thereof, is guilty of an offence</p> <p><u>Portable Heaters</u> 10.7 The Authority Having Jurisdiction may prohibit the use of portable heaters in any situation in which such use or operation would, in the opinion of the Authority Having Jurisdiction present a danger to life or property.</p> <p><u>Disposal of Combustible Waste</u> 10.8 Any person owning or having control of any property, who allows any combustible waste material to accumulate in any area or in any manner so as to create a Fire Hazard, is guilty of an offence.</p> <p>10.9 All structures in which the handling, storage, or baling of combustible waste materials exists shall be equipped with an automatic fire sprinkler system installed in accordance with the provisions of the Fire</p> | <p>kinds, numbers, locations, and capacities appropriate to the individual building or structure, with due regard to the following:</p> <p>(a) Character of the occupancy (b) Capabilities of the occupants (c) Number of persons exposed (d) Fire protection available (e) Height and type of construction of the building or structure (f) Other factors necessary to provide occupants with a reasonable degree of safety.</p> <p><u>Means of Egress</u> 10.3(1) Number of Means of Egress. Two (2) means of egress, as a minimum, shall be provided in every building or structure, section, and area where size, occupancy, and arrangement endanger occupants attempting to use a single means of egress that is blocked by fire or smoke. The two means of egress shall be arranged to minimize the possibility that both might be rendered impassable by the same emergency condition.</p> <p>(2) Unobstructed Egress. In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed. No lock or fastening shall be permitted that prevents free escape from the inside of any building other than in health care occupancies and detention and correctional occupancies where staff are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.</p> <p>(3) Awareness of Egress System. Every exit shall be clearly visible, or the route to reach every exit shall be conspicuously indicated. Each means of egress, in its entirety, shall be arranged or marked so that the way to a place of safety is indicated in a clear manner.</p> <p>(4) Lighting of egress routes. Where artificial illumination is needed in a building or structure, egress routes shall be included in the lighting design.</p> <p>(5) Occupant Notification. In every building or</p> | | | |
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| <p>Prevention Code.</p> <p><u>Fire Escapes</u> 10.10 All fire escapes shall be constructed in conformance with the regulations as set down in the Life Safety Code, and</p> <p><u>Storage on Roofs and Balconies</u> 10.11 Any person who places or maintains upon any roof, balcony, or fire escape any materials or objects which may interfere with egress from the property or Fire Department operations is guilty of an offence.</p> <p><u>Responsibility to Prevent Overcrowding</u> 10.12 The owner of a place of public assembly, who allows the number of persons to enter the place of public assembly in excess of the occupant load as posted in conformance with the requirement of the provisions of the Fire Prevention Code is guilty of an offence.</p> <p><u>Exterior Means of Egress</u> 10.13 The owner of a property who fails to : (a)immediately repair an exterior means of egress, including passageways, or fire escapes stairs damaged in any way; or (b)maintain an exterior means of egress, including passageways, exit stairs or fire escape, free of snow and ice accumulations; or (c)ensure that an exit door or any means of egress is kept unlocked, not blocked, barred or otherwise obstructed, is guilty of an offence.</p> <p><u>Exit Signs</u> 10.14 The owner or occupant of a property who fails to properly maintain: (a)every required exit sign so it is located, illuminated and readily visible at all times the property is occupied; or (b)every required emergency lighting system, is guilty of an offence.</p> <p><u>Fire Door Assembly</u> 10.15 Any owner, occupant or person who: (a)causes any fire door assembly equipped with a closure to be obstructed so as to prevent the closure to function as designed; or (b)locks, blocks, obstructs or wedges open any fire door assembly, so as to prevent the</p> | <p>structure of such size, arrangement, or occupancy that a fire itself might not provide adequate occupant warning, fire alarm facilities shall be provided where necessary to warn occupants of the existence of fire.</p> <p><u>Spread of Fire</u> 10.4 Any person who permits any fire to spread or operates any device which may start or spread a fire so as to endanger life or property, is guilty of an offence.</p> <p><u>Notifying the Fire Department</u> 10.5 Any person, who discovers a fire, or evidence of there having been a fire even though it has apparently been extinguished, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department shall be guilty of an offence.</p> <p>Fire Department Access Roads 10.6 Fire department access roads shall be provided in accordance with the National Building Code of Canada for every facility, building, or portion of a building hereafter constructed or relocated. 10.7 More than one Fire Department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that may limit Fire Department access or operations.</p> <p><u>Reporting Hazardous Condition</u> 10.8 Any person who discovers evidence of, or is apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department. Any person who fails to notify the Fire Department is guilty of an offence.</p> <p><u>Maintaining a Fire Hazard</u> 10.9 Any person, who knowingly maintains a Fire Hazard, is guilty of an offence.</p> <p><u>Carelessness with Fire</u> 10.10 Any person who deliberately, or through carelessness or negligence, sets fire to or causes the burning of any material, in such manner as to endanger the safety of any person or property, is guilty of an offence.</p> <p><u>Lighting and Heating Producing Equipment</u></p> | | | |
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| <p>fire door assembly to function as designed; is guilty of an offence.</p> <p><u>Smoke Alarms & Smoke Detectors</u></p> <p>10.16 The owner of a residential property who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is installed in an approved manner, connected to an electrical or battery power supply and maintained in good operating condition at all times in, is guilty of an offence.</p> <p>10.17 Every occupant of a living unit who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is connected to an electrical or battery power supply and maintained in good operating condition at all times is guilty of an offence.</p> <p>10.18 Any person who at any time removes or disconnects a smoke alarm or smoke detector from its electrical or battery power supply for other than repairs or maintenance, or tampers with in any way a smoke alarm or smoke detector installed in accordance with the Life Safety Code, is guilty of an offence.</p> | <p>10.11 Any person who:</p> <p>(a) fails to maintain a minimum clearance of one (1) metre between heating and lighting equipment and ordinary combustible material;</p> <p>(b) locates portable heating or lighting so it can be easily overturned or upset;</p> <p>(c) fails to repair or replace a defective heating appliance or components thereof;</p> <p>is guilty of an offence.</p> <p><u>Portable Heaters</u></p> <p>10.12 The Authority Having Jurisdiction may prohibit the use of portable heaters in any situation in which such use or operation would, in the opinion of the Authority Having Jurisdiction, present a danger to life or property.</p> <p><u>Commercial Cooking Equipment</u></p> <p>10.13(1) Cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, tents, shall comply with NFPA 96, “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations”.</p> <p>(2) The use of mobile or temporary concessions, such as trucks, buses, trailers, pavilions or tents operating commercial cook equipment using deep fat fryers or upright or high broilers and salamander broilers in buildings or other enclosures is prohibited.</p> <p>(3) The use of cooking equipment such as deep fat fryers or upright or high broilers and salamander broilers in the outdoor is prohibited.</p> <p><u>Disposal of Combustible Waste</u></p> <p>10.14 Any person owning or having control of any property who allows any combustible waste material to accumulate in any area or in any manner so as to create a Fire Hazard is guilty of an offence.</p> <p>10.15 All structures in which the handling, storage, or baling of combustible waste materials exists shall be equipped with an automatic fire sprinkler system installed in accordance with the provisions of NFPA 13.</p> <p><u>Fire Escapes</u></p> <p>10.16 All fire escapes shall be constructed in conformance with the regulations as set down in the National Building Code of Canada.</p> <p><u>Storage on Roofs and Balconies</u></p> | |
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| | | <p>10.17 Any person who places or maintains upon any roof, balcony, or fire escape any materials or objects which may interfere with egress from the property or Fire Department operations is guilty of an offence. <u>Responsibility to Prevent Overcrowding</u> 10.18 The owner or operator of a place of public assembly, who allows the number of persons to enter the place of public assembly in excess of the occupant load as posted in conformance with the requirement of the provisions of the Fire Prevention Act is guilty of an offence. <u>Exterior Means of Egress</u> 10.19 The owner of a property who fails to: (a) immediately repair an exterior means of egress including passageways or fire escape stairs damaged in any way; or (b) maintain an exterior means of egress including passageways, exit stairs or fire escapes free of snow and ice accumulations; or (c) ensure that an exit door or any means of egress is kept unlocked, not blocked, barred or otherwise obstructed; is guilty of an offence. <u>Exit Signs</u> 10.20 The owner or occupant of a property who fails to properly maintain: (a) every required exit sign so it is located, illuminated and readily visible at all times the property is occupied; or (b) every required emergency lighting system; is guilty of an offence. <u>Fire Door Assembly</u> 10.21 Any owner, occupant or person who: (a) causes any fire door assembly equipped with a closure to be obstructed so as to prevent the closure to function as designed; or (b) removes locks, blocks, obstructs or wedges open any fire door assembly, so as to prevent the fire door assembly to function as designed; is guilty of an offence. <u>Smoke Alarms and Smoke Detectors</u> 10.22 The owner of a residential property who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is installed in an approved manner, connected to an electrical or battery power supply and maintained in good</p> | | | |
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| | | <p>operating condition at all times is guilty of an offence.</p> <p>10.23 Every occupant of a living unit who fails to ensure that each smoke alarm or smoke detector required by the Life Safety Code is connected to an electrical or battery power supply and maintained in good operating condition at all times is guilty of an offence.</p> <p>10.24 Any person who at any time removes or disconnects a smoke alarm or smoke detector from its electrical or battery power supply for other than repairs or maintenance, or tampers with in any way a smoke alarm or smoke detector installed in accordance with the Life Safety Code is guilty of an offence.</p> | | | |
| | <p>11.1 Any person who contravenes a provision of this Bylaw, other than a Hazard Compliance Order issued pursuant to Section 6 of this Bylaw, shall be guilty of an offence and liable on summary conviction to a fine in an amount not less than \$100 and not more than \$1000 for each offence.</p> | <p>Amended as follows:</p> <p>11.1 Any person who contravenes a provision of this Bylaw, other than a Hazard Compliance Order issued pursuant to Section 6 of this Bylaw, shall be guilty of an offence and liable on summary conviction to a fine in an amount not less than \$100 and not more than \$2,000 for each offence.</p> | | | |
| | <p><i>Nothing</i></p> | <p>New appendices added:</p> <p style="text-align: center;">Appendix A</p> <p>The following sections of NFPA 1 The “Uniform Fire Code™” (2003 Edition) have been excluded from the adopted Codes of this Bylaw:</p> <p>NFPA 31, Standard for the Installation of Oil-Burning Equipment, 2001 edition;</p> <p>NFPA 70, National Electrical Code®, 2002 edition.</p> <p>NFPA 5000™, Building Construction and Safety Code™, 2003 edition.</p> <p style="text-align: center;">Appendix B</p> <p>The following documents have been included as a part of the adoption of this Bylaw and are considered to be enforceable by the “<u>Authority Having Jurisdiction</u>” and shall apply to all applicable property and conditions within the City of Charlottetown:</p> <p>NFPA 50A, Standard for Gaseous Hydrogen Systems at Consumer Sites, 1999 edition;</p> <p>NFPA 53, Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres, 1999 edition.</p> | <p><i>End of</i></p> | <p><i>March 09-09</i></p> | <p><i>amendments</i></p> |

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