

TOWN OF MOUNT-ROYAL
CONSOLIDTION OF BY-LAW NO. 1335
CONCERNING FIRE PREVENTION

(amended by By-laws Nos. 1335-1, 1335-2, 1335-3, 1335-4, 1335-5 and 1385)

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CONSOLIDATION OF BY-LAW NO. 1335
CONCERNING FIRE PREVENTION, AS AMENDED
BY BY-LAWS NOS. 1335-1, 1335-2 , 1335-3 AND 1385

DIVISION 1
PURPOSE, INTERPRETATION AND
ADMINISTRATIVE PROVISIONS

By-law name and coming into effect 1. This By-law is entitled the “By-law Concerning Fire Prevention” and is numbered 1335-4 (referred to herein as the “By-law”). The By-law shall come into effect according to law.

Territory covered 2. The By-law shall apply throughout the territory of the Town.

Interpretation 3. In this By-law, the masculine form is used to designate both genders unless the context indicates otherwise.

In this By-law, the singular form includes the plural form unless the context indicates otherwise.

Definitions 4. In this By-law, the words for which a definition is provided shall have the following specified meanings unless the context otherwise requires:

“Authority having jurisdiction”: the Director of the Fire Prevention Department or his authorized representative.

“Business establishment”: a building or a portion of a building that is used for business transactions or for professional or personal services.

“Dwelling unit”: a unit of housing occupied or intended for occupation by one or more persons living together as a single family, with access either from outside the building or through a vestibule but without having to pass through all or part of another dwelling unit, generally equipped with sanitary facilities and facilities for preparing meals, eating and sleeping.

“Lot reference level”: a plane defined by three points, whose location in plan are the mid-points of three lines paralleling the perimeter of the lot at a distance of one (1) metre outside the perimeter of the lot, starting and ending at the points where the perimeter of the lot is no longer parallel to the line.

The elevation of each point is the average level of the higher of the natural (unfilled) ground or the filled ground, measured

at intervals of 6 metres (19.7 feet) along the line on which it is the central point.

The three points to be computed are that of the street side (or street sides in the case of a corner or transverse lot) and, after these, the longest of the remaining sides.

“Occupant”: the owner, lessee or any other person who occupies or resides continuously or intermittently in a building or a dwelling unit.

“Permit”: a permit or certificate issued by virtue of Town By-law No. 1316, entitled “By-law Concerning Permits and Certificates”.

“Owner”: the natural person, artificial person or company that holds or owns the property in question.

“Inspection Department”: Town of Mount Royal Technical Services (urban planning and inspection).

“Fire Prevention Department”: Town of Mount Royal Fire Prevention Department.

“Town”: Town of Mount Royal.

DIVISION II APPLICATION

Codes and standards

5. (1) The *National Building Code*, dated 1995, and its supplement, as issued by the National Building Code Associate Committee of the National Research Council of Canada, form an integral part of this By-law as if cited in full (“CNB 1995”).

(2) The *National Fire Code of Canada*, dated 1995, and its supplement, as issued by the National Research Council of Canada, form an integral part of this By-law as if cited in full (“CNPI 1995”).

(3) The *National Fire Codes and Standards*, as issued in 2000 by the National Fire Protection Association (NFPA), form an integral part of this Regulation as if cited in full. (By-law No. 1335-5)

(4) The *Installation Code for Solid-Fuel Burning Appliances and Equipment* (“CAN/CSA-B365-M91”), as issued by the Canadian Standards Association, forms an

integral part of this By-law as if cited in full.

(5) The *Standard for 650° Factory-Built Chimneys* (“CAN/ULC-S629”) forms an integral part of this By-law as if cited in full.

(6) The *Installation Code for Oil Burning Equipment* (“CAN/CSA-B139-M91”), as issued by the Canadian Standards Association, forms an integral part of this By-law as if cited in full.

(7) The *Standard for Smoke Alarms* (“CAN/ULC-S531-M87”) forms an integral part of this By-law as if cited in full.

(8) The *Natural Gas Installation Code* (“CAN/CGA-B149.1-M91”), issued by the Canadian Standards Association, forms an integral part of this By-law as if cited in full.

(9) The *Propane Installation Code* (“CAN/CGA-B149.2-M91”), issued by the Canadian Standards Association, forms an integral part of this By-law as if cited in full.

6. The Codes indicated in section 5 Apply to the Town subject to any amendments stipulated in this By-law.

DIVISION III SCOPE AND POWERS OF THE AUTHORITY HAVING JURISDICTION

By-law administration

7. The authority having jurisdiction shall be responsible for ensuring the administration of this By-law.

The authority having jurisdiction shall examine, approve or refuse any construction or occupation project in the light of conformity to fire prevention standards.

8. The authority having jurisdiction and the public servants of the Fire Prevention Department and the Inspection Department shall be authorized to inspect and examine, within the scope of their duties, building interiors and exteriors in order to ensure compliance with this By-law or to adopt any fire prevention measure deemed necessary for public safety, for the building occupants or for Fire Prevention Department representatives.

9. No person shall hamper, prevent or hinder an inspection carried out pursuant to this By-law by the authority having jurisdiction or by any public servant or employee.

10. If is brought to the attention of the authority having jurisdiction that it is not reasonably possible to apply the fire protection provisions of this By-law with respect to the installations and occupation of a building, the authority having jurisdiction may accept replacement measures if he is of the opinion:

(1) that the existing fire protection measures provide a sufficient level of fire safety; or

(2) that means have been taken to ensure a sufficient level of fire safety.

Civil liability

11. This By-law shall not be construed to hold the Town or its personnel liable for any damage to persons or property by reason of inspection or re-inspection authorized herein, or for failure to inspect or re-inspect, or for a permit issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

**DIVISION IV
FIRE PREVENTION MEASURES**

STORAGE

12. No person shall keep or place in a building explosive substances, wood chips, waste or any other objects, items or merchandise that could cause a fire in such a way that they constitute a fire hazard. Where the authority having jurisdiction is of the opinion that explosive substances, wood chips, waste or any other objects, items or merchandise that could cause a fire are kept or placed in such a way that they constitute a fire hazard, he may oblige the owner, lessee, occupant, guard or overseer of the premises to keep and dispose of them in such a way that they cannot, in his opinion, cause a fire or, failing this, to remove them.

13. Any person who fails to conform to an order issued by the authority having jurisdiction contravenes this By-law. Where a person fails to conform to an order issued by the authority having jurisdiction by virtue of this By-law, the authority having jurisdiction may remove any substances, wood chips, waste or any other objects, items or merchandise at the contravener's expense.

14. Vacant lots shall be kept free of scrub, dead vegetation and combustible materials. On building sites, construction debris shall be removed each day or be placed each day in metal containers.

15. No person shall store wooden objects, accelerants, combustible materials or rubbish in a garage able to contain more than two (2) motor vehicles.

ACCESS TO EXITS

16. Each room in a building shall contain a continuous evacuation route allowing persons who are anywhere in the building to reach a separate building, a public way or an uncovered exterior location that is not exposed to fire from the building.

17. These continuous evacuation routes and all exits shall be maintained in good order and be kept free of any obstacles that could hinder, prevent or endanger ready and safe access to a separate building, a public way or an uncovered exterior location that is not exposed to fire from the building.

18. Building occupants shall maintain all balconies, exterior passageways and exterior stairway stairs and risers free of snow, ice and any other substance, object or debris that could hinder, prevent or endanger ready and safe access to a separate building, a public way or an uncovered exterior location that is not exposed to fire from the building.

19. With the exception of the main entrance to a room or building, all exits shall be indicated by an illuminated SORTIE or EXIT sign placed above or next to the exit. Only illuminated signs for which the illumination is provided by an electrical circuit and that display red letters on a contrasting background or contrasting letters on a red background shall be authorized.

OCCUPANT LOAD

20. In a room or a portion of a room located in an assembly occupancy establishment where the seats are fixed, the surface of the aisles required for the fixed seats shall not be used to increase the allowed maximum number of persons.

21. The sign required under CNB 1995 indicating the number of persons allowed in a floor area shall be located in a conspicuous location close to the main entrances to the floor space.

22. The required sign shall be provided by the Inspection Department and the maximum number of persons who may assemble in a room shall at no time exceed the maximum number indicated on the sign.

SMOKE ALARMS

23. Smoke alarms shall:

(1) be installed by the owner in any building comprising one or more dwelling units and be maintained in good working order by any occupant;

(2) conform to the *Standard for Smoke Alarms* (“CAN/ULC-S531-M87”);

(3) be installed by the owner at every storey of a building or of each dwelling unit including the basement or the cellar, except for crawl spaces not used for other purposes. If the floor area of a storey exceeds 130 square metres, an additional smoke alarm must be installed for each additional 130-square-metre area or part thereof;

(4) be installed in that part of the storey reserved for sleeping but not in the sleeping room(s);

(5) be installed on the ceiling except in cases where the ceiling construction prohibits such installation. In such cases the smoke alarms may be placed on walls at least fifteen centimetres (15 cm) but no more than thirty centimetres (30 cm) from the ceiling;

(6) have a permanent connection to an electrical circuit and not have a disconnect switch between the smoke detector and the overcurrent device. This subparagraph does not apply to buildings constructed before November 15, 1999, or for which a building permit was issued prior to that date. Smoke detectors installed in such buildings may be battery operated;

(7) in any building or dwelling unit equipped with more than one smoke alarm, be wired in such a manner that

the activation of a single smoke alarm automatically triggers the other alarms to sound as well. This subparagraph does not apply to buildings constructed before November 15, 1999, or for which a building permit was issued prior to that date. Smoke detectors installed in such buildings may be battery operated.

24. In buildings where, by virtue of another law or by-law, a central alarm system is required, smoke alarms shall not be integrated with the central fire alarm system of the building, in order to avoid unwanted alarms.

25. The authority having jurisdiction may prescribe that a smoke alarm equipped with a sensory device necessary for the safety of persons with certain handicaps be installed in a dwelling unit or a building.

CONFORMITY

26. (1) Any building or portion of a building constructed after November 15, 1999, and for which a building permit was issued after this date shall conform to this By-law.

(2) If a building that existed as at November 15, 1999, is transformed, improved or renovated and the cost of this work is equal to or exceeds one-third (1/3) of the value of the building shown on the assessment roll, the time periods for required conformity shall not apply and the owner shall bring the building into conformity with the requirements of this By-law during the execution of said work.

SOLID FUEL BURNING APPLIANCES AND FLUE PIPES

27. The installation of solid fuel burning stoves, ranges and space heaters shall conform to the *Installation Code for Solid-Fuel Burning Appliances and Equipment* (“AN/CSA-B365-M87”).

28. Factory-built chimneys serving solid fuel burning appliances and their installation shall conform to the *Standard for 650° Factory-Built Chimneys* (“CAN/ULC-S629”).

GAS INSTALLATIONS

29. All propane gas installations and reloading centres for vehicles that distribute propane gas shall be installed and operated in conformity with the *Propane Installation Code*

(“CAN/CGA-B149.2-M91”).

30. All natural gas installations and reloading centres for vehicles that distribute natural gas shall be installed and operated in conformity with the *Natural Gas Installation Code* (“CAN/CGA-B149.1-M91”).

OUTDOOR FIRES AND PYROTECHNIC DEVICES

31. With the exception of fires in fireplaces, grills and barbecues, outdoor fires are prohibited unless they are authorized by the authority having jurisdiction.

The application for authorization shall indicate:

(1) the name, address and occupation of the applicant and of all responsible persons on the site;

(2) the date, time and place of the proposed use, as well as a description of the outdoor fire.

32. The application for authorization shall be submitted in writing to the authority having jurisdiction at least fifteen (15) days prior to the proposed use. The authority having jurisdiction shall reply in writing to the applicant at least forty-eight (48) hours before the event.

No person shall burn dead leaves or rubbish.

Display

33. (1) Pyrotechnic devices displayed for sale or other purposes shall be kept:

(a) in a display unit that is kept locked when not in use or in a display unit that is normally not accessible to customers;

(b) away from sunlight and other sources of high heat and, in particular, not be displayed in a window.

(2) Conforming signs shall indicate that smoking is prohibited close to the display unit where the pyrotechnic devices are kept.

Authorization

34. No person shall use pyrotechnic devices without the prior authorization of the authority having jurisdiction.

35. The application for authorization shall be submitted in writing to the authority having jurisdiction at least fifteen

(15) days prior to the proposed use. The authority having jurisdiction shall reply in writing to the applicant at least forty-eight (48) hours before the event.

36. The application for authorization shall indicate:

(1) the name, address and occupation of the applicant and of all responsible persons on the site;

(2) the date, time and place of the proposed use, as well as a description of the fireworks site;

(3) a description and the number of the pyrotechnic devices to be used.

Site

37. The site chosen for the use of the pyrotechnic devices shall be unobstructed and measure at least thirty metres (30 m) by 30 metres (30 m).

Use

38. Any person who uses a pyrotechnic device shall conform to the following requirements:

(1) A source of water in sufficient quantity, such as a watering hose, shall be kept close to the site in order to extinguish the start of any fire;

(2) Spectators shall be kept at least twenty metres (20 m) away from the pyrotechnic devices;

(3) The pyrotechnic devices shall not be used if winds could cause pyrotechnic material to fall on adjacent properties;

(4) No person shall throw a pyrotechnic device or put such device in his pocket;

(5) With the exception of sparklers, no person shall hold a pyrotechnic device in his hand when such device is lit;

(6) No person shall try to relight a pyrotechnic device that has failed to fire;

(7) Pyrotechnic devices that have already been used or that have failed to fire shall be submersed in a bucket of water.

39. Failure to comply with the requirements of this Division with respect to storing, transporting, handling or using pyrotechnic devices constitutes a nuisance, which the authority having jurisdiction may put to an end by taking all necessary measures, at the contravener's expense, including the seizure of said pyrotechnic devices.

40. Any person who owns or holds pyrotechnic devices shall so notify the authority having jurisdiction without delay.

COOKING DEVICES

41. The use of portable cooking devices fuelled by solid fuel or gas from a cylinder is prohibited inside buildings, on balconies of multiple unit residential buildings and on roof decks.

42. Outside buildings, portable cooking devices may not be used within less than sixty centimetres (60 cm) of a door or window.

43. In the case of a charcoal-fuelled cooking device, the device must, when used, be placed on a non-combustible material and conform to the manufacturer's instructions with respect to distance from combustible materials.

44. Cooking devices and combustion devices are prohibited in tents to which the public is admitted.

MISCELLANEOUS PROVISIONS

45. Motorized vehicles shall not be permitted to cross over any Fire Prevention Department hose and no person shall cut or puncture a Fire Prevention Department hose.

46. No person shall install or store propane gas cylinders of any category or capacity on balconies of multiple unit residential buildings or on roof decks.

47. No person shall by his actions needlessly trigger a fire protection system.

48. No part of a fire protection system shall be used other than for its intended purpose.

49. No person shall render all or part of a fire protection system ineffective or inoperative, other than in the course of a drill or maintenance.

50. Cylinders of individual capacity up to 2.5 kg of propane located within a retail outlet may be displayed in only one area, which shall be limited to a total capacity of not more than 135 kg of propane.

51. Butane fuel cylinders of more than 150 g each are prohibited from display in retail outlets and business establishments.

52. No person shall obstruct or hinder access to any fire hydrant, paint or change the appearance of any fire hydrant or obstruct the view of any fire hydrant.

53. No person shall dump, throw or deposit snow or any other material within a 120-cm radius of any fire hydrant.

54. Shopping centres of more than twenty (20) stores shall be provided with a lane of at least six (6) metres in width around the perimeter of the buildings and adjacent to the curb, with a clearance height of at least five (5) metres and that is accessible at all times to Fire Prevention Department vehicles and pedestrians. This lane shall be clear of all obstacles and vehicles at all times. The owner of a shopping centre shall post and maintain in full view of passers-by signs authorized by the authority having jurisdiction, indicating the obstacle-free lane.

Chimney sweeps

55. Any occupant of a dwelling unit or building served by a chimney shall maintain the chimney in good, safe condition, have the chimney swept at least once every two years and, upon request, provide a certificate of conformity issued by an authority having jurisdiction in this area attesting to the conformity of the chimney.

DIVISION V PENALTIES

56. Any person who contravenes any provision of this By-law shall be liable to a fine of no less than one hundred and fifty dollars (\$150) where the infraction is related to a building containing one or more dwelling units or its outbuildings, and no less than three hundred dollars (\$300) where the infraction is related to any other building, but not

exceeding:

(1) one thousand dollars (\$1,000) in the case of a first infraction if the contravener is a physical person or two thousand dollars (\$2,000) if the contravener is an artificial person, a business or an association;

(2) in the event of a repeat infraction, two thousand dollars (\$2,000) if the contravener is a physical person or four thousand dollars (\$4,000) if the contravener is an artificial person, a business or an association.

If the infraction is continuous, this continuity constitutes a distinct infraction each day.”

57. This By-law shall come into effect according to law.

Marie Turenne, o.m.a.
Town Clerk