

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2021-05

**“A BY-LAW WITH RESPECT TO THE INSTALLATION AND MAINTENANCE OF A
FIRE SAFETY PLAN BOX”**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality has the authority to enact by-laws for the safety of persons and the protection of persons and property;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality has the capacity, rights and powers and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;

AND WHEREAS clause 7.1(1)(a) of the Fire Protection and Prevention Act, 1997 permits the council of a municipality to pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the Fire Code established under Part IV of the Fire Protection and Prevention Act, 1997 sets out the requirements for the preparation, approval and implementation of fire safety plans;

AND WHEREAS under the Fire Code, fire safety plans are to be kept in a location approved by the Chief Fire Official;

AND WHEREAS subsection 7.1(4) of the Fire Protection and Prevention Act, 1997 provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section 7.1 are being complied with;

AND WHEREAS subsection 6(3) of the Fire Protection and Prevention Act, 1997 provides that a Fire Chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services;

AND WHEREAS Part XIV of the Municipal Act, 2001, S.O.2001, c. 25 (Enforcement) applies with necessary modifications to by-laws passed by the council of a municipality under any other general or special Act except as otherwise provided in that Act;

AND WHEREAS it is in the opinion of the Council for the Corporation of the Township of Edwardsburgh Cardinal that the health and safety of persons and property within Edwardsburgh Cardinal would be enhanced by the mandatory installation of fire safety plan boxes;

AND WHEREAS Section 425 of the Municipal Act, establishes that any person who contravenes any by-law of the municipality is guilty of an offence.

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

INTERPRETATION

1 Definitions:

1.1 Unless the context otherwise requires, the following terms have the meaning indicated:

(a) “Approved” means approved by the Chief Fire Official;

- (b) "Fire Protection Equipment" means the equipment and systems that provide fire safety in a building which includes, but not limited to, fire alarm systems, automatic sprinkler systems and other special suppression systems;
- (c) "Service room" means a room in a building used to contain equipment associated with building services;
- (d) "Building access keys" include keys or electronic device that provides access to secured parts of a building which includes service rooms and an elevator;
- (e) "Chief Fire Official" means the assistant to the Fire Marshall who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief;
- (f) "Fire Chief" means the Fire Chief appointed by the Council of the municipality under the Fire Protection and Prevention Act, 1997 for the Fire Department of the municipality and includes, in the absence of the Fire Chief, a Deputy Fire Chief;
- (g) "Fire Department" means the Fire Department of the Township of Edwardsburgh Cardinal and includes its officers and members;
- (h) "Fire safety plan box" means a cabinet or box that is locked with a padlock for the storage of the items identified in section 2 of this by-law;
- (i) "Fire safety plan" means a fire safety plan as described in Section 2.8 of the Ontario Fire Code;
- (j) "Owner" means a person or corporation who has control over the premises.

1.2 In this by-law, a reference to an Act, regulation, or by-law is to that Act, regulation or by-law, as it is amended or re-enacted from time to time.

REGULATIONS

2. Fire Safety Plan Box:

- 2.1 If an approved fire safety plan is required at a property, the owner shall install and maintain a fire safety plan box at the premises;
- 2.2 Not more than one fire safety plan box shall be installed at each premises;
- 2.3 Every fire safety plan box shall, at all times, contain a complete copy of the approved fire safety plan.

3. Location:

- 3.1 Every fire safety plan box required under this by-law shall be:
 - (a) Surface mounted within three meters of the principal entrance of the premises at a height between 1.5 meters to 1.8 meters above the floor; and
 - (b) Securely mounted to an interior wall of the premises or if adequately protected from the elements, on an exterior wall;

(c) Remain securely locked with a padlock provided by the Fire Department.

3.2 Despite section 3.1, the fire safety plan box may be installed in an alternative location with the approval of the Chief Fire Official;

3.3 The fire safety plan box shall be locked at all times.

4. Building Access Keys:

4.1 If keys are required to access areas of a building that contain fire protection equipment, a set of keys shall be made available to fire department personnel;

4.2 If keys are required to access service rooms, a set of keys shall be made available to fire department personnel;

4.3 If the building contains an elevator, the owner shall make keys available to fire department personnel, upon request;

4.4 Keys referenced in sections 4.1, 4.2 and 4.3 can be made available to the fire department by:

(a) Being secured in the fire safety plan box or;

(b) Being made available by an onsite representative.

4.5 Keys referred to in Section 4.1, 4.2 and 4.3 shall be:

(a) Clearly marked and identifiable; and

(b) Current to the building;

4.6 In the event a building access key has become damaged or obsolete, the owner shall ensure that current building access keys are made available to the fire department in accordance with Section 4.4 of this by-law;

4.7 No person shall access a fire safety plan box without the approval of the Chief Fire Official.

ADMINISTRATION

5.1 The Fire Chief shall be responsible for the administration of this by-law;

5.2 Members of the Fire Department and Municipal By-Law Division are appointed as officers for the purpose of entering upon the premises to which this by-law applies at any reasonable time to inspect the premises to determine whether this by-law is being complied with.

ENFORCEMENT, OFFENCE AND PENALTY

6.1 No person shall hinder, obstruct or interfere with a person duly appointed to enforce this by-law in the exercise of his or her powers and duties.

6.2 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

6.3 A person who is convicted of an offence under this bylaw is liable for each day or part of a day that the offence continues, where the

minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and a total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, SO 2001, c. 25, as amended.

- 6.4 Upon registering a conviction for a contravention of any provision of this bylaw, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, SO 2001, c. 25, as amended.

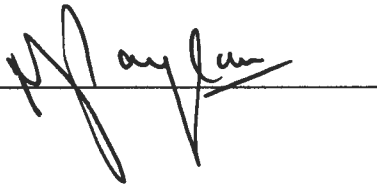
GENERAL

- 8.1 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.
- 8.2 Nothing in this by-law relieves a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or license.

Read a first and second time in open Council this 22 day of February, 2021.

Read a third and final time, passed, signed and sealed in open Council this 22 day of February, 2021

Mayor



Clerk

