

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER F - 100**

**RESPECTING FIRE PREVENTION**

**BE IT ENACTED by the Council of Halifax Regional Municipality as follows**

**Short Title**

0.0 This by-law shall be known as By-Law Number F-100, and may be cited as the "Fire Prevention By-law".

**0.1 Adoption of Fire Code**

The National Fire Code of Canada, 1995, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, being also described as NRCC No.38727, is hereby adopted with the exception the following definitions:

AUTHORITY HAVING JURISDICTION  
DWELLING UNIT  
RESIDENTIAL OCCUPANCY (Group C)

and in substitution therefor or in addition thereto are enacted the following provisions.

**0.2 Numbering System**

(1) This by-law has been prepared following the same decimal numbering system as used in the National Fire Code.

(2) The first number indicates the Part of the By-law; the second, the Section in the Part; the third, the Subsection and the fourth, the Article in the Subsection. An Article may be further broken down into Sentences (indicated by numbers in brackets), and the Sentence further divided into Clauses and Subclauses. They are illustrated as follows:

3	Part
3.5	Section
3.5.2.	Subsection
3.5.2.1.	Article
3.5.2.1.(2)	Sentence
3.5.2.1.(2)(a)	Clause
3.5.2.1.(2)(a)(I)	Subclause

**0.3 Appendix**

Appendix "B" forms part of this By-law.

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## **ADDITIONS/AMENDMENTS TO PART I - GENERAL**

### **SECTION 1.1. GENERAL**

1.1.1.1.(2) The owner or occupant shall submit plans and specifications to the Fire Commissioner for the approval of:

- (a) the installation or alteration of tanks, piping or equipment used for the storage, handling or use of flammable or combustible liquids or vapours, including special process equipment and industrial ovens;
- (b) the storage, handling or use of hazardous material;
- (c) the installation or alteration of hazardous vapour or dust exhaust systems and dust collection equipment;
- (d) the installation, alteration or repair of fire protection systems, including fire alarm systems, standpipe and hose systems, fixed fire extinguishing systems or emergency power systems; and
- (e) the installation or alteration of spray finishing operations, dip tank operations, welding and cutting operations and any other construction, system or equipment required by this Code.

1.1.1.1.(3) Where plans and specifications are required to be submitted by Sentence 1.1.1.1.(2), all installations, alterations or repairs, as designed therein, shall be permitted only after the plans and specifications have been approved in writing by the Fire Commissioner.

1.1.1.1.(4) Where plans and specifications are required to be submitted by Sentence 1.1.1.1.(2), all installations, alterations or repairs, as designated therein, shall be completed in accordance with the plans and approval requirements.

1.1.2.3.(2) Notwithstanding Sentence 1.1.2.3.(1) of the National Fire Code, an alternative set out in Appendix B shall be an alternative for the purposes of this section.

### **SECTION 1.2. DEFINITIONS**

#### 1.2.1.2. Defined Terms

**“Approved”** means acceptable to the authority having jurisdiction who shall consider whether the installation, procedure, equipment or material complies with the National Fire Protection Association

Codes or other nationally recognized consumer product or fire standard and in the absence of such standard, evidence that the installation, procedure, equipment or material affords a comparable level of safety;

**“Authority Having Jurisdiction”** means the Fire Commissioner of the Halifax Regional Municipality or designate;

**“Dwelling Unit”** means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities within the unit;

**“Fire Commissioner”** means the Commissioner of the Fire and Emergency Services Department of the Halifax Regional Municipality or his designate;

**“Inspector”** means the Fire Inspector as designated by the Commissioner of Fire & Emergency Services;

**“National Building Code”** means the National Building Code adopted by the Building Regulations;

**“National Fire Code”** means the 7th edition of the National Fire Code of Canada, 1995, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada being also described as NRCC NO. 38727;

**“Owner”** includes

- (a) a mortgagee in possession,
- (b) the person managing or receiving the rent of the land or premises, whether on his own account or as an agent or trustee,
- (c) a person assessed for the building on the assessment roll of the Halifax Regional Municipality.

**“Roofing Kettle”** includes a container with a capacity of at least 15 gallons used for preheating tar, asphalt, pitch or similar substance for weatherproofing;

## **ADDITIONS\AMENDMENTS TO PART 2 - BUILDING AND OCCUPANT FIRE SAFETY**

### **SECTION 2.1 GENERAL**

2.1.3.1.(3) A fire alarm system installed in accordance with a previously acceptable standard may be deemed adequate provided it is properly maintained in accordance with section 6.3 of the National Fire Code. For the purpose of this section a smoke alarm system shall not be considered a fire alarm system.

#### **2.1.3.4. Detection Systems**

2.1.3.4.(1) For the purpose of this section, where a building contains both sleeping rooms and dwelling units, each room shall be considered a separate dwelling unit.

### **SECTION 2.2 FIRE SEPARATIONS**

2.2.1.1.(4) All common laundry rooms in residential occupancies shall meet the requirements of Section 3.3.1.21 of the National Building Code.

### **SECTION 2.5 FIRE DEPARTMENT ACCESS TO BUILDINGS**

### **SECTION 2.6 SERVICE EQUIPMENT**

2.6.2.1.(2) No person shall install an incinerator without first obtaining the written permission of the Halifax Regional Municipality.

### **SECTION 2.7 SAFETY TO LIFE**

2.7.1.6.(2) Roofs and fire escape balconies shall be maintained free of any material or objects which may interfere with egress or fire department operations.

### **SECTION 2.8 EMERGENCY PLANNING**

2.8.2.6.(2) In every building to which this section applies the owner shall give a copy of:

- (a) the approved Fire Safety Plan to all tenants when they take occupancy,
- (b) the approved Fire Safety Plan to the Fire Commissioner, and
- (c) the fire safety plan and other duties for supervisory staff to all supervisory staff,

## **SECTION 2.12 COVERED MALLS**

2.12.1.4.(2) No display unit, exhibit or other item shall be installed so as to interfere with access to or visibility of building exits.

2.12.1.4.(3) In covered malls or mercantile establishments during regular business hours, displays in public corridors shall be either:

- (a) separated from store fronts, corridor walls and exits by at least 2.28m (7.5 feet) on either side, or
- (b) be located to provide 4.57m (15 feet) of clear aisle space.

## **ADDITIONS TO PART 4 - FLAMMABLE AND COMBUSTION LIQUIDS**

### **SECTION 4.1 GENERAL**

#### **4.1.5.10. Roofing Kettles**

4.1.5.10(1) Fired roofing kettles shall not be operated on roofs of buildings unless permission is granted by the Fire Commissioner.

(2) All piping installed for conveying hot liquids under pressure from the ground to the roof of a building shall be installed in a workmanlike manner and shall not be lighter than standard weight pipe (Schedule 40).

(3) There shall be at least one 20 BC portable fire extinguisher within 30 feet horizontal travel distance of every roofing kettle at all times while the unit is in operation.

## **ADDITIONS/AMENDMENTS TO PART 6 - FIRE PROTECTION EQUIPMENT**

### **SECTION 6.3 FIRE ALARM AND VOICE COMMUNICATION SYSTEMS**

6.3.1.1(2) Except for persons authorized by the Fire Commissioner, no fire alarm system shall be

silenced or reset without authorization from the Fire Commissioner.

6.3.1.3.(2) The Fire Commissioner and building occupants shall be notified by the owner when a fire alarm system is:

- (a) out of service or malfunctions,
- (b) altered, repaired or additions are made, or
- (c) placed back in service.

6.3.1.3.(3) The owner shall keep a record of all fire alarm system tests and file a copy of such record filed with the authority having jurisdiction within 30 days of the date on which the test was completed.

#### **SECTION 6.4 STANDPIPE AND HOSE SYSTEMS**

6.4.1.8(2) When a standpipe is to be out of service, prior notice shall be given by the owner to the Fire Commissioner and a sign shall be posted on each fire department connection indicating that the standpipe is out of service.

6.4.1.8(3) A record shall be kept by the owner of all standpipe and hose systems tests and a copy thereof shall be filed by the owner with the Fire Commissioner within 30 days of the date on which the test was completed.

#### **SECTION 6.5 AUTOMATIC SPRINKLER SYSTEMS**

6.5.3.3. (2) The Fire Commissioner and building occupants shall be notified by the owner when a sprinkler system is:

- (a) out of service or malfunctions,
- (b) altered, repaired or additions are made, or
- (c) placed back in service.

6.5.3.3.(3) The owner shall keep a record of all sprinkler tests and a copy thereof filed with the authority having jurisdiction within 30 days of the day on which the test was completed.

## **PART 8 - ENFORCEMENT**

### **SECTION 8.1 GENERAL**

#### **SUBSECTION 8.1.1. INSPECTION OF PREMISES**

8.1.1.1.(1) The inspector may:

- (a) for the purpose of carrying out an inspection, at any reasonable time or times, have free access and right of entry to any building or part of a building , whether completed or under construction or to any property;
- (b) cause an order in writing to be delivered to the owner or occupier of any property directing him to correct any condition where, in the opinion of the inspector, that conditions constitutes a violation of this by-law;
- (c) direct that tests of materials, devices, construction methods or structural assemblies be made or that sufficient evidence of proof be submitted, at the expense of the owner where such evidence of proof is necessary to determine whether the material, device, or construction meets the requirements of this by-law.
- (d) recommend to the Building Inspector the cancellation of any occupancy permit where, in his opinion, the results of the tests referred to in Clause (c) indicate the presence of a hazard, or
- (e) eliminate or remove any unsafe condition to life or property.

#### **SUBSECTION 8.1.2. RIGHT OF ASSISTANCE**

8.1.2.1.(1) The owner, occupier or lessee of a building or property or part thereof shall, upon request, give an inspector carrying out an inspection under this by-law such assistance reasonably required in carrying out the inspection.

(2) Every person required by Sentence (1) to give information or assistance to an inspector and who:

- (a) does not give the information or assistance which he is required to give, or

(b) knowingly states anything false in any information delivered or furnished to the inspector and every person who obstructs or interferes with an inspector who is carrying out an inspection under this Code, is in contravention of this by-law.

### **SUBSECTION 8.1.3. ORDERS**

#### **DIRECTION OR ORDER**

8.1.3.1. An order made under this by-law shall be in writing and may be directed to the owner, occupier or lessee of the building or property, or other person having control of the building or property, in respect of which the order is made.

#### **COMPLIANCE WITH BY-LAW**

8.1.3.2. Every person receiving an order pursuant to Article 8.1.3.1. shall comply with the order.

#### **SERVICE OF ORDER**

8.1.3.3.(1) An order may be served by:

- (a) delivering or causing it to be delivered to the person to whom it is directed, or
- (b) posting a copy in a conspicuous location on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of the order.

### **SUBSECTION 8.1.4. PENALTIES**

8.1.4.1.(1) Every person who fails to comply with this by-law or who fails to carry out an order made under this by-law is guilty of an offense and is liable on summary conviction to a fine of not less than One Hundred Dollars (\$100) and not more than \$5,000.00 or, in default of payment of the fine, imprisonment for a term not exceeding six months.

(2) The owner of a building shall incur the pecuniary penalties provided for any violation of this by-law.

(3) A person alleged to have violated this by-law given notice of the alleged violation may pay

a penalty in the amount of \$100.00 to the HALIFAX REGIONAL MUNICIPALITY; provided that, said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed, and where the said notice so provides, payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

(4) In addition to any fine or imprisonment imposed pursuant to subsection 8.1.4.1.(1), the Court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of this by-law or any damages associated with such contravention.

## **PART 9 - REPEAL**

9.1.1. City of Halifax Ordinance #168 respecting Fire Prevention and City of Halifax Ordinance #164 respecting Incinerators as well as the City of Dartmouth By-Laws F-200 respecting Fire Prevention, S-900 respecting Smoke Detectors and I-100 respecting Incinerators as approved by the Minister of Municipal Affairs, as amended, are hereby repealed.

Done and passed by Council this 17th day of December, A.D. 1996.

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Mayor

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Municipal Clerk

## APPENDIX B

This Appendix is intended to provide an acceptable degree of life safety as permitted by Subsection 1.1.2. for existing buildings by alternative compliance methods but are not intended to be the only alternatives for providing an acceptable degree of life safety.

B-2.2.1.1. (1) In an existing building required by the National Building Code to have rated fire separations, unrated fire separations may be considered acceptable provided the building is equipped with a complete sprinkler system and the integrity of the separation is maintained.

B-2.2.1.1. (3) In existing buildings, rooms, corridors, shafts and other spaces required by the National Building Code to have rated fire separations, where it is aesthetically unacceptable or financially or physically impractical to install a rated separation,

- (a) an unrated separation may be permitted provided the building is equipped with a complete automatic sprinkler system;
- (b) no separation may be required between a staircase and an adjoining space, provided the building is equipped with a smoke tight staircase serving all levels and a complete automatic sprinkler system.

B-2.2.2.1.(1) Doors in a fire separation which conforms to Article 2.2.2.1.(2) may be considered as being satisfactory where it is

- (a) a solid core 1-3/4" wood door with an equivalent fire rated door frame, or
- (b) a panel or hollow core door lined on the room side with 5/8" thick plywood or 5/8" dry wall, properly secured by means of screws with an equivalent fire rated door frame. Fire retardant paint must be applied to the edges of the door and frame.

B-2.3.1.1.(1) Where the interior finish of a building does not have the required flame spread rating and where it is impractical to replace the existing interior finish, such interior finish may be treated with an approved fire retardant coating, or covered with an approved interior finish or the building may be equipped with a complete automatic sprinkler system.

B-2.6.1.9.(1) Where existing commercial cooking equipment and its exhaust system is protected by an approved fire extinguishing system which is maintained in accordance with Part 6 of the Code, such a fire

extinguishing system may be deemed adequate.

Notice of Motion:	November 5, 1996
First Reading:	November 19, 1996
“Notice of Intent” Publication:	November 30, 1996
Second Reading:	December 17, 1996
Third Reading:	December 17, 1996
Approval of Minister of Housing & Municipal Affairs:	N/A
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Amendment No 1 (C-300)

Section 2.5.1.1 - Repealed

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Effective Date:	February 9, 2002

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Amendment # 2 (M-100)

Deletion to Article 1.2.1.2 - Residential Occupancy (Group C) and Rooming House (Lodging House)  
Deletion to Article 2.1.3.4 Section 1, 2 and 3

Notice of Motion:	November 26, 2002
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“Notice of Intent” Publication:	December 21, 2002
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Amendment # 3 (V-100)

Addition to Section 8.1.4.1

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Effective Date:  
Amendment # 4 (V-101)

July 8, 2003  
July 12, 2003

Amending Section 8.1.4.1 (1)

Notice of Motion:  
First Reading:  
“Notice of Public Hearing” Publication:  
Second Reading:  
Approval of Service Nova Scotia and Municipal Relations:  
Effective Date:

August 19, 2003  
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