

PROTECTION

Chapter 736 FIRE CODE - NATIONAL

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**Article 1
INTERPRETATION**

736.1.1 Citation - Fire Prevention By-law
This Chapter may be cited as the “Fire Prevention By-law.”

736.1.2 Authority having jurisdiction - defined
“Authority having jurisdiction” shall have the same meaning as an “Inspector” as defined herein.

736.1.3 Dwelling Unit - defined

“Dwelling Unit” means a room or a suite occupied or designed to be occupied by one or more persons as an independent and separate housekeeping establishment and usually containing cooking, eating, living, sleeping and sanitary facilities.

736.1.4 Inspector - defined

“Inspector” means the duly appointed Chief or the Deputy Chief of the Kitchener Fire Department or Fire Prevention Officer for the City.

736.1.5 National Building Code - defined

In this Chapter, the National Building Code of Canada, as referred to in the National Fire Code, shall mean the Ontario *Building Code Act, 1992*, as amended and revised from time to time, and Ontario Regulations made thereunder, as amended and revised from time to time, which Act and Regulations are known as the Ontario Building Code.

736.1.6 Order - defined

“Order” means an authoritative direction from an Inspector requiring compliance with the provisions of this Chapter. By-law 87-215, 14 September, 1987.

736.1.7 Ontario Fire Code - defined

“Ontario Fire Code” means Ontario Regulation 67/87 as it may be amended or revised from time to time. By-law 91-193, 13 May, 1991.

Article 2 APPLICATION

736.2.1 Code - adoption - declared part of this Chapter

The National Fire Code of Canada, 1985, as revised from time to time, hereinafter called the “National Fire Code”, subject to such additions or deletions as may be hereinafter set out, is hereby adopted and declared to be a part of this Chapter.

736.2.2 Buildings - existing - applicable to

In addition to other matters set out in the National Fire Code, this Chapter applies to buildings that are in existence on the date upon which this Chapter comes into effect.

736.2.3 Compliance - required

The owner, occupant or lessee of any building shall ensure that it be made to comply with the provisions of this Chapter.

736.2.4 Highest standard - to take precedence

Where the provisions and regulations contained in this Chapter are at variance with any applicable Provincial Statute or Regulation, the more stringent regulation or standard will take precedence.

**Article 3
INSPECTION****736.3.1 Inspection - right of entry - buildings - premises**

An Inspector, for the purpose of carrying out an inspection to ascertain compliance with any of the provisions of this Chapter may, upon complaint or, when the Inspector considers it necessary so to do, without such complaint, inspect all buildings and premises within the Inspector's jurisdiction, and for such purpose may at all reasonable hours enter into and upon the said buildings and premises, taking a Constable or other Police Officer or such other person as the Inspector considers proper and necessary under the circumstances.

736.3.2 Inspector - obstruction of - prohibited

Every person who obstructs, hinders or otherwise disturbs an Inspector in the execution of his/her duties under this Section, or who knowingly provides false information to an Inspector, is guilty of an offence and, on conviction, is liable to a penalty as hereinafter set forth.

**Article 4
ORDERS****736.4.1 Non-compliance - fire hazard**

Where an Inspector finds that a provision of this Chapter has been contravened, or has not been complied with, or has been complied with improperly or only in part, or that a condition or conditions exist in or upon a building or property to which this Chapter applies which, in the Inspector's opinion, constitute a fire hazard to life or property or both, the Inspector may make an Order to ensure full and proper compliance with this Chapter and, in particular, but without limiting the generality of the foregoing, may:

- (a) make to the owner, occupant or lessee of the building or property such recommendation as the Inspector deems necessary to correct the contravention or to ensure compliance with this Chapter, or to remove the hazards referred to in this Chapter, or
- (b) make such other Order or Orders as the Inspector deems necessary with respect to any of the matters referred to in this Chapter.

736.4.2 Fire Marshals Act - applicable

The provisions of the *Fire Marshals Act*, as amended or revised from time to time, respecting the contents and service of the Order, and the appeal procedure therefrom, apply *mutatis mutandis* to an Order issued under this Chapter.

736.4.3 Balcony - grill - barbecue - prohibited

Notwithstanding the provisions of the Ontario Fire Code, no person shall light, ignite or start, or permit to be lighted, ignited or started, a fire in a grill or barbecue for the purpose of cooking food on a balcony of any building containing two (2) or more dwelling units.

736.4.4 Extinguisher - battery powered industrial truck

Each battery-powered industrial truck shall be equipped with a 5BC or higher rated portable extinguisher conforming to the standards requirements of Part 6 of the Ontario Fire Code.

736.4.5 Extinguisher - standpipe hose cabinet

In addition to the requirements set out in the Ontario Fire Code, each standpipe hose cabinet shall have installed therein a 2A 10BC or higher rated fire extinguisher conforming to the standards requirements of the Ontario Fire Code.

736.4.6 Number - affixed to building

Every owner of a building along any highway in the City shall obtain from the City a number assigned by the City for that building and affix same to the building in such a manner as to be easily legible at all times from the highway. By-law 87-215, 14 September, 1987.

Article 5 ENFORCEMENT

736.5.1 Fine - for contravention

Every person who contravenes any provision of this Chapter, or fails to comply with any Order issued under this Chapter, is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 91-193, 13 May, 1991.

736.5.2 Fine - no relief from compliance

The imposition or payment of a fine for failure to comply with an Order does not relieve the person convicted from the continuing obligation of complying with that Order.

Article 6
SEVERABILITY

736.6.1 Severability

It is hereby declared that each and every of the foregoing provisions of this Chapter is severable and that, if any provision of this Chapter should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

Article 7
EFFECTIVE DATE

736.7.1 Final passage - upon

This Chapter shall come into force and take effect as of the day of final passage of the enabling by-law. By-law 87-215, 14 September, 1987.