

FINANCIAL MANAGEMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: PROPOSED AMENDMENTS TO THE FIRE SERVICES BYLAW

RECOMMENDATION:

1. THAT Council authorize the City Solicitor to bring forward an amendment to the Fire Services Bylaw 2004 to amend the re-inspection fee to \$500 per re-inspection, as outlined in the report.

REPORT

The Financial Management Committee, at its meeting held on 2021 May 19, received and adopted the attached report seeking Council approval for amendments to the Fire Services Bylaw regarding re-inspection fees.

Respectfully submitted,

Mayor M. Hurley
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to:	Acting City Manager Fire Chief Director Corporate Services Director Engineering Director Finance Director Planning & Building Director Public Safety & Community Services City Solicitor
------------	---

TO: CHAIR AND MEMBERS
FINANCIAL MANAGEMENT COMMITTEE

DATE: 2021 May 19

FROM: CHRIS BOWCOCK
FIRE CHIEF

SUBJECT: PROPOSED AMENDMENTS TO THE FIRE SERVICES BYLAW

PURPOSE: To obtain Council approval for amendments to the Fire Services Bylaw regarding re-inspection fees.

RECOMMENDATION:

1. **THAT** Financial Management Committee recommend Council authorize the City Solicitor to bring forward an amendment to the *Fire Services Bylaw, 2004* to amend the re-inspection fee to \$500 per re-inspection, as outlined in this report.

REPORT**1.0 INTRODUCTION**

In the execution of its responsibilities to ensure the safety citizens and buildings within the City, the Burnaby Fire Department (BFD) conducts numerous fire prevention and life safety based inspections. These inspections include routine inspections, business license inspections, sprinkler permit inspections, tenant improvement inspections, and new construction inspections.

As the city continues to grow with new construction and re-development projects, a large regulatory workload is required of the BFD's Fire Prevention Division. In order to meet the inspection needs across this growing demand, the BFD is seeking support for an updated fee schedule to be applied to re-inspection services arising from non-compliance to building code, fire code and city bylaws.

2.0 POLICY SECTION

This report aligns with the following goals and sub-goals of the Corporate Strategic Plan: The request of the Burnaby Fire Department to gain bylaw change approval aligns with the following goals and sub-goals of the *Corporate Strategic Plan*:

- **A Safe Community**

- Emergency Preparedness – Enhance plans, procedures and services so that we are better prepared to respond to emergencies and are able to maintain City services
- **A Dynamic Community**
 - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging
- **A Healthy Community**
 - Healthy Life – Encourage opportunities for healthy living and well being

3.0 BACKGROUND

Under the current *Burnaby Fire Services Bylaw*, the BFD provides an initial inspection and then the first re-inspection without additional fees. It is the clear expectation that each owner is responsible to continually maintain their buildings in compliance with the applicable building codes, fires codes and Fire bylaws. The BFD has identified a continuing and significant trend in non-compliance between inspection, and the improper utilization of a no charge re-inspection as a no penalty form of extending non-compliance.

Of great concern to the BFD are these key issues:

- **Correcting Non-Compliance**

Compliance to fire and safety requirements needs to be ensured by city expectations at all periods of building operation, and not just at as a result of an inspection. Non-compliance by owners based on a bylaw that does not provide the ability to apply fees for initial non-compliance does not adequately support the expectation our citizens have for the safety of the buildings within our communities.

- **Escalating Re-Inspections**

Escalating re-inspection requirements create a dramatic increases in workloads that will otherwise create a need to significantly increase tax-base funding for additional Fire Prevention positions.

With the use of our current bylaw, the BFD is utilizing an inordinate and increasing amount of our fire and safety inspection resources undertaking re-inspections to facilitate code compliance. The deployment of resources within this model impacts the BFD's ability to provide initial and routine inspections to other tax payer properties.

With the application of fees for re-inspection as proposed, the BFD would be better positioned to provide more timely initial inspections across the entire city user base. The proposed amendment would fund the operating costs of re-inspections from those owners in non-compliance.

In the absence of additional staff within the Fire Prevention Division, re-inspections would need to be provided by existing divisional staff working hours above their base work week. Protecting or allocating our existing work hours within the Fire Prevention Division is important to ensure the Inspectors have the best opportunity to perform routine inspections at each inspectable property on a designed frequency.

It is important to note this proposed amendment would not necessitate a re-inspection fee based solely on a found non-compliance. In the instances where the non-compliance is minor in nature and the deficiency can be corrected and then reported by responsible party to the BFD without a re-inspection, no fee would be applied. For more serious infractions where it is important that a Department Inspector confirm the correction, a re-inspection fee would be applied based on the work requirement necessitated.

4.0 PROPOSED BYLAW AMENDMENT

Existing Bylaw	Proposed Bylaw Amendment
<p>FEES & CHARGES 52.</p> <p>(3) Where following an inspection of a building or premises by the Department the owner is ordered to rectify one or more contraventions of this Bylaw, the B.C. Fire Code or the Fire Services Act, and upon a re-inspection it is determined that the contravention or contraventions have not been rectified, the owner shall pay the re-inspection fee specified therefore in Schedule "A". (Bylaw No. 13174)</p>	<p>FEES AND CHARGES 52.</p> <p>(3) Where following an inspection of a building or premises by the Department the owner is ordered to rectify one or more contraventions of this Bylaw, the B.C. Fire Code or the Fire Services Act, the owner shall pay a re-inspection fee specified therefore in Schedule "A". (Bylaw No. 13174)</p>

Existing Bylaw	Proposed Bylaw Amendment										
<p>SCHEDULE "A" FEES (Bylaw #13488 AND #13696) 52(3)</p> <p>Re-inspection after annual first inspection (per re-inspection)</p> <table data-bbox="183 1617 805 1743"> <tr> <td>(a) first re-inspection</td> <td>No Fee</td> </tr> <tr> <td>(b) Second re-inspection</td> <td>\$100</td> </tr> <tr> <td>(c) third and fourth re- inspections</td> <td>\$300</td> </tr> <tr> <td>(d) 5th and subsequent re- inspections</td> <td>\$500</td> </tr> </table>	(a) first re-inspection	No Fee	(b) Second re-inspection	\$100	(c) third and fourth re- inspections	\$300	(d) 5th and subsequent re- inspections	\$500	<p>SCHEDULE "A" FEES (Bylaw #13488 AND #13696) 52(3)</p> <p>Re-inspection after first inspection (per re-inspection)</p> <table data-bbox="805 1617 1422 1680"> <tr> <td>(a) 1st re-inspection and each subsequent re-inspection</td> <td>\$500</td> </tr> </table>	(a) 1st re-inspection and each subsequent re-inspection	\$500
(a) first re-inspection	No Fee										
(b) Second re-inspection	\$100										
(c) third and fourth re- inspections	\$300										
(d) 5th and subsequent re- inspections	\$500										
(a) 1st re-inspection and each subsequent re-inspection	\$500										

The proposed bylaw amendment to implement a \$500.00 re-inspection fee is described by the following work components.

To: Financial Management Committee
 From: Chief Bowcock – Burnaby Fire Department
 Re: Re-Inspection Fee – Bylaw Amendment
 2021 May 19..... Page 4

Typical Re-Inspection Time Commitment	
5 hours	<ul style="list-style-type: none"> • Appointment Management & Scheduling • Pre-Inspection Files Review • Pre-Inspection Phone Consultation • Travel to Appointment/Inspection Site • Conducting the Field Re-Inspection • Reporting & Post Inspection Administration
Cost of a Typical Re-Inspection Time Commitment	
\$500.00 (5 hours at \$100.00 per hour)	Fire Prevention Captain – Schedule Overtime = \$93.76 Hourly Rate

5.0 RECOMMENDATION

It is recommended that the Financial Management Committee recommend Council authorize the City Solicitor to bring forward an amendment to the Fire Services Bylaw, 2004 to change the re-inspection fee to \$500 per re-inspection, as outlined in this report.

Chris Bowcock
 Chief – Burnaby Fire Department

Copied to: Acting City Manager
 Director Public Safety & Community Services
 Director Finance
 Director Engineering
 Director Planning & Building
 City Solicitor