



# INFORMATION REPORT

<b>TO:</b> Chair and Members Emergency & Community Services Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> March 19, 2012	
<b>SUBJECT/REPORT NO:</b> Correspondence from Central Huron regarding Use of Farm Buildings (HES12006/PED12050) (City Wide) (Outstanding Business List Item)	
<b>SUBMITTED BY:</b> Robert (Rob) Simonds Fire Chief Hamilton Emergency Services  Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Frank Biancucci (905) 546-2424 ext. 7762 John Spolnik (905) 546-2424 ext. 2574
<b>SIGNATURE:</b>      	

**Council Direction:**

Council, at its meeting held November 16, 2011, referred the Resolution from the Municipality of Central Huron regarding the use of farm buildings to appropriate staff for a Report back to the Emergency & Community Services Committee.

**Information:**

The position taken by the Municipality of Central Huron to object to the guidance provided by the Office of the Fire Marshal to inspect Farm buildings being used for assembly purposes is not supported by Hamilton Emergency Services – Fire and the City of Hamilton Building Services Division.

**SUBJECT: Correspondence from Central Huron regarding use of Farm Buildings  
(HES12006/PED12050) (City Wide)**

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The intent of the guidance addresses buildings initially constructed for farming use (storing motorized equipment, storage of flammable and combustible liquids, fertilizers, various combustible materials in large quantities such as hay/straw, etc.) that are converted to retail/assembly type occupancies potentially without the benefit of proper fire separation, early warning and detection, emergency lighting, sufficient exits, etc., in accordance with the Ontario Fire Code and/or the Ontario Building Code as applicable. Addressing this or any type of occupancy conversion is not only applicable under relevant legislation of the Ontario Fire Code and/or the Ontario Building Code but it ensures a minimum level of life safety for the occupants of these facilities.

From an Ontario Building Code perspective, the Building Code Act Section 8.(1) stipulates that no person shall construct or demolish a building unless a permit has been issued. Further, Section 10.(1) requires that even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, unless a permit has been issued by the chief building official.

These requirements are in place to ensure that the performance level of a building after the change of major occupancy is not less than the performance level prior to the change of major occupancy.

The recent guidance offered by the Office of the Fire Marshal is consistent with the guidance provided in the Fire Marshal's Communiqué – No. 2002 – 23, hereto attached as Appendix "A", on the use of farm buildings for other than farming purposes.

Attachment

Fire Marshal's

# COMMUNIQUÉ

du commissaire des incendies

October 23, 2002



2002-23

## **FIRE SAFETY FOR AMUSEMENT ACTIVITIES ON FARMS AND OTHER SITES**

*(External Distribution)*

A recent fire involving an outdoor maze constructed of hay bales has raised concerns about the adequacy of fire safety precautions for outdoor amusement activities on farms and other sites. The particular incident involved a maze constructed from stacked 1.2 by 1.8 metre hay bales that were allegedly set alight intentionally by a 13-year-old boy. Although the dozens of people inside the maze escaped without injury, the consequences could have been much worse. A variety of similar outdoor amusement activities are popular across the province through the fall harvest season and upcoming Halloween period. Examples include corn mazes, fun houses, and haunted houses.

The Office of the Fire Marshal (OFM) is advising operators of these amusement sites and the municipal fire departments to carefully evaluate amusement activities that could pose a significant fire risk to the public and to ensure that appropriate measures are implemented to mitigate the risk. Factors for consideration and issues to be addressed should include the following:

1. Control of all potential ignition sources such as smoking materials, candles and other open flames, temporary wiring, improper or insecure lighting components, etc.;
2. Availability of fire suppression equipment such as fire extinguishers, water hose, etc.;
3. Provision of emergency egress points that have appropriate width and height, are sufficient to handle the maximum anticipated occupant load and are clearly identified with signage to facilitate evacuation;
4. Limitations on maximum travel distance to an emergency egress point. The travel distance to reach an identified emergency egress point in a maze,

- tunnel or other enclosed or otherwise confusing configuration should not exceed 15 m (50 ft);
5. Controls on the maximum occupant load which should be clearly posted in a conspicuous location;
  6. Procedures that ensure young children are accompanied by an adult;
  7. Development and implementation of a fire safety plan where applicable, or ensuring that appropriate emergency evacuation procedures are adopted and implemented;
  8. Designation of supervisory staff or emergency response personnel with identified duties for fire safety; and
  9. Posting of the fire department emergency telephone number and the location of the nearest telephone.

Fire departments are advised to identify farms and other sites in their jurisdictions that are open to the public for outdoor and other amusement activities and to carry out inspections to ensure the adequacy of fire safety precautions. If owners and operators have not had a fire safety inspection by their fire department, they should request one immediately. Operators should be informed of the need to implement adequate measures as quickly as possible. Where the operator does not take the necessary action on a voluntary basis, discretionary authority under sections 15 and 21 of the *Fire Protection and Prevention Act, 1997* should be utilized to address fire safety for the public. This may involve taking immediate measures under section 15 or, where there is an unacceptable risk, with the approval of the Fire Marshal, closure of the land or premises under section 21.

It should be noted that the Ontario Fire Code can be used to control many hazardous activities in and around buildings (including buildings located on farms and not used strictly for farming purposes). Barns converted into haunted houses or indoor mazes, or being used for the sale of produce, gift items, and other commercial products are examples of buildings that would be subject to meeting the applicable provisions of the Fire Code. For example, do the circumstances create a hazard that was not allowed for in the original design of the building (Article 2.1.2.2.)? Where applicable, are drapes, curtains, textiles, films and other materials treated to reduce flammability (Articles 2.3.2.1., 2.3.2.2.)? Is there a significant quantity of combustible materials that constitute a fire hazard (Article 2.4.1.1.)? Where a specific situation poses a risk to the public and is not directly addressed by the provisions contained in the Fire Code, the discretionary authority contained in sections 15 and 21 of the *Fire Protection and Prevention Act, 1997* can be utilized to effect remedial work.

Fire departments are also advised to utilize public education tools and community media contacts to alert operators and the public to potential fire hazards associated with both indoor and outdoor amusement activities. The public should be provided with local contact information and encouraged to report fire safety concerns to the municipal fire department.

Inquiries and additional relevant information regarding this subject (e.g., previous fire incidents in related occupancies) should be directed to the Fire Safety Standards Section of the OFM at (416) 325-3100.

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