

Town of Yarmouth
FIRE INSPECTION POLICY

Effective: April 16th, 2015 Amended: May 8th, 2025
TOY 3



1.0 Citation

This policy may be cited as the Fire Inspection Policy of the Town of Yarmouth.

2.0 Interpretation

In this policy:

- a. "Act" means the Fire Safety Act of Nova Scotia.
- b. "Regulations" means the Fire Safety Regulations made under the "Act";
- c. "Code" means the National Fire Code of Canada as adopted from time to time in accordance with the "Act";
- d. ~~"Initial Inspection" means the very first Fire and Life Safety Inspection carried out on a specific occupancy by the "Town";~~
- e. "Inspection" means a Fire and Life Safety Inspection as identified in the "Act" and "Regulations". An "Inspection" is the primary inspection of a regularly scheduled fire and life safety inspection;
- f. "Inspector" means the Municipal Fire Inspector(s) for the "Town" as appointed under the "Act" and this Policy;
- g. "Re-inspection" means a follow-up inspection which is carried out to determine if deficiencies identified during an "Inspection" have been corrected.
- h. "Town" means the Town of Yarmouth.
- i. "Assembly Occupancy" means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.
- j. "Residential Occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured for the purpose of receiving care or treatment and are not involuntarily detained.
- k. "Business and Personal Services Occupancy" means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.
- l. "Mercantile Occupancy" means the occupancy or use of a building or part thereof for the displaying or selling of retail goods, wares, or merchandise.
- m. "Industrial Occupancy" means the occupancy or use of a building or part thereof for the assembling, fabricating, manufacturing, processing, repairing, or storing of goods and materials.

2.1 Unless otherwise defined in this policy, terminology that is defined in the "Act", "Regulations", and "Code" shall have the same meaning when used in this policy.

3.0 Municipal Fire Inspector – Appointment & Responsibilities

In accordance with the Act and Regulations, upon the appointment of an inspector, a letter of appointment shall be forwarded from the Town to the Office of The Fire Marshal of Nova Scotia.

- 3.1** The inspector shall carry out responsibilities as set out in the Act, Regulations and this Policy. In the event of a discrepancy between this Policy and the Act or Regulations, the Act and Regulations shall always supersede.

4.0 System of Inspections – Scope of Fire Inspections

A System of Inspections shall be carried out on all Assembly, Residential (including apartment buildings with 4 or more units, Business and Personal Service, Mercantile, and Industrial Occupancies within the Town as required under the Act, Regulations, and this Policy.

- 4.1** Bedrooms in dwellings which are let individually are deemed to be separate units.
- 4.2** The frequency of inspections shall be carried out as outlined in “Appendix A.” The assumptions used to determine the time frame for these inspections are outlined in “Appendix C.”
- 4.3** Occupancies may be inspected more frequently than identified in “Appendix A” if deemed necessary by the Inspector to reduce the risk of fire or loss of life.
- 4.4** The assumptions used to determine the frequency of inspections outlined in “Appendix A” shall be reviewed every five (5) years by the fire inspection staff. If significant changes occur in the data for a particular occupancy group, the frequency of inspections shall be revised accordingly.

5.0 Additional Inspections – Inspection by Complaint or Request

Inspections may be carried out on any occupancy, if deemed necessary by the inspector upon the receipt of a complaint as outlined in the Town of Yarmouth’s Complaint Policy. Complaints received on any occupancy not identified in “Appendix C” shall be dealt with in accordance with the Act and in coordination with the Nova Scotia Office of the Fire Marshal.

- 5.1** At the request of the owner, Inspections may be carried out outside the System of Inspections identified in Section 4, if deemed necessary by the inspector. If the requested inspection occurs within 6 months of the next regularly scheduled inspection, it will be carried out as part of the System of Inspections at no extra cost. If the request occurs before the 6-month period preceding the next regularly scheduled inspection, the owner may be charged a fee as outlined in “Appendix B.” If the request is for an occupancy not identified in “Appendix C”, there will be no fee charged for the initial inspection. Subsequent requests for inspections on these occupancies shall be liable for a fee as outlined in “Appendix B.”

6.0 Form of Inspection – Method of Reporting

Except as provided in Section 6.3, within ten (10) business days of the completion of an inspection, the inspector will forward a written or email report including covering letter to the owner(s)/occupant(s) requesting they correct deficiencies by a specific time. The Inspector may accept verbal, written, or electronic responses which shall be documented by the Inspector in their file. A report is unnecessary where an Order is issued.

6.1 Re-inspections shall take place as ~~“action by dates” come due~~ as set forth in the fire inspection report. When all identified deficiencies have been corrected, a certificate of compliance may be issued to the owner by request.

6.2 If, after any re-inspection, there are still outstanding deficiencies, the inspector may issue the owner(s)/occupant(s), an Order as provided for under the Act.

6.3 If, during the course of any inspection, the inspector identifies any violation(s) that he/she feels may present a serious or imminent life safety hazard or a recurring deficiency, they may act upon such as provided for by the Act and Regulations. This may include the immediate issuance of an Order in lieu of a report as outline in Section 6.0.

6.4 The owner of the land or premises regarding which an Order for compliance has been issued will contact the Inspector to arrange an inspection within 5 working days prior to the time limit of the Order or when the work has been completed, whichever comes first. A reasonable extension of an Order may be granted upon written request from the owner(s)/occupant(s) if such request is warranted.

6.5 Throughout the course of the inspection process, the inspector shall maintain a written record of all related events and information which shall be attached to the file copy of the initial report.

7.0 Legal Action to Enforce an Order

If an Order has not been complied within the requisite period of time, the Inspector may consult with the CAO or designate regarding possible referral of the matter to the Town Solicitor for legal advice and/or action.

7.1 The Inspector may also seek the CAO's or designate approval to refer other fire inspection matters to the Town Solicitor for legal advice and/or action.

APPENDIX "A"

(Frequency of Inspections)

1.0 As a minimum, the following occupancies are to be inspected within the timeframe indicated for each:

- a. Assembly occupancies (Group A) every three (3) years.
- b. Residential occupancies (Group C, with 4 or more units every three (3) years.
- c. Business and Personal Service occupancies (Group D) every three (3) years.
- d. Mercantile occupancies (Group E) every three (3) years.
- e. Low Hazard Industrial occupancies (Group F3) every three (3) years.
Medium Hazard Industrial occupancies (Group F2) every three (3) years.
High Hazard Industrial occupancies (Group F1) every three (3) years.

APPENDIX "B"

(Schedule of Fees)

- 1.0** Due to the minimal numbers of requests for inspections outside the requirements of Appendix A, there is currently no fee charged for requested inspections as outlined in Section 5.1.

APPENDIX "C"

(Basis to determine Frequency of Inspections)

- 1.0** To determine a proposed inspection frequency for each occupancy type, the following data was considered:
- a. Specific requirements legislated under the Fire Safety Act and Regulations;
 - b. Information gathered from other NS municipalities regarding their particular systems of inspection.
- 2.0** Below is the proposed inspection frequency for each type of occupancy and the considerations for each. This analysis is based on today's data, and it should be noted that Section 4.4 requires a five-year review.
- a. Assembly occupancies (Group A) every three (3) years.
 - i. This occupancy group has a specific minimum inspection frequency regulated by the Province that being at least once every three years. As the majority of our Assembly occupancies have had fairly regular inspections of the past number of years and considering the age, use and construction type of most of these buildings, we do not feel that more frequent inspections are necessary. This is generally the case in other municipalities. It should be noted that the Policy would permit a more frequent inspection of a specific assembly occupancy if conditions warranted.
 - b. Residential occupancies (Group C with 4 or more units every three (3) years.
 - i. During the analysis of these occupancies to determine inspection frequencies, it was readily determined that this group presented the most difficult challenges. In Yarmouth, many of these buildings are small older structures. A good number of them include former single-family dwellings converted to multiple units. As well, our fire history indicates that over the years, the majority of structure fires and deaths have occurred in residential buildings. As many of the smaller residential occupancies have never been inspected, it was felt that based on these considerations, a minimum of one inspection every three years would provide a minimum level of service at this time.
 - c. Business and Personal Service occupancies (Group D) every three (3) years.
 - i. The majority of our Business and Personal Service occupancies (Group D) occupancies do not present a greater than average risk. The frequency of fire related incidents, the types of construction and the fire loading of the most of these buildings do not warrant more frequent inspections. It was felt that unless an initial inspection brought forth conditions which would require a more regular follow-up, further inspections could reasonably be done every three years. Of course, if the initial inspection was to indicate any ongoing issues that were of concern, the occupancy may be placed on a more frequent inspection schedule until such time as the inspector was satisfied that an acceptable level of fire safety could be maintained. Due to the nature of home-based businesses in that they

are located within single dwelling units and are more of an extension of the dwelling itself, it was not felt that these occupancies warranted a regular inspection unless special circumstances prevailed. If a special condition existed, the Inspector would have the option to inspect as permitted by the Act.

- d. Mercantile occupancies (Group E) every three (3) years.
 - i. Mercantile occupancies represent a varying degree of fire hazard. The main factor to consider is generally the contents of the building. Obviously, the greater the volume of combustible or flammable material, the greater the risk will be. In newer buildings, this increased risk is often offset somewhat by the requirements of the Building Code in the form such aspects as noncombustible construction, fire separations and sprinkler systems. In older buildings, this is not the case and the contents are generally the key issue. Therefore, if the initial inspection was to indicate any ongoing issues that were of concern, the occupancy may be placed on a more frequent inspection schedule until such time as the inspector was satisfied that an acceptable level of fire safety could be maintained.
- e. Low, Medium and High Hazard Industrial occupancies (Group F3, F2 and F1) every three (3) years.
 - i. Industrial occupancies (Group F) are similar to Mercantile in that there are varying degrees of use and risk. Fortunately, our Codes have separated this particular group into three separate divisions with specific definitions. Based on these divisions, our fire history, building construction and the various types of these industrial occupancies in our municipality, it was felt that a three-year inspection frequency would work best. Taking into account these factors, the proposed frequencies for our other occupancies as well as systems being used in other municipalities, the timeline indicated should provide a reasonable level of inspection to reduce the risk of fire or loss of life.

Clerk's Annotation for Official Policy Book

Date of Adoption: April 16th, 2015.

Date of Approval of Amended Policy: June 15th, 2023

Date of approval of Amended Policy: May 8th, 2025

I certify that this 'Fire Inspection Policy' was adopted by Council as indicated above.

Town Clerk:

Date: