



Town of Whitby Policy

Policy Title:	Construction Site Fire Protection Policy
Policy Number:	MS 360
Reference:	Council Resolution #500-17
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Approval:	Council
Point of Contact:	Fire Chief

Policy Statement

The Corporation of the Town of Whitby is committed to fire, public, and employee safety. The presence of structures under construction in an area undergoing new development creates unique fire risks that can be mitigated through proper fire safety protocols. The provisions contained in this Policy establish key protective measures to limit the spread and intensity of fires in new construction, while ensuring that water supplies are available to assist Whitby Fire and Emergency Services in containing a fire.

Purpose

The purpose of this Policy is to require certain fire protection measures be included as a condition of every development approval, and of every Development Agreement, subject to the discretion of the Fire Chief.

This Policy will establish the requirement for Firebreak Lots where it is deemed necessary on a construction site. A Firebreak Lot creates a physical space between areas that are being constructed, in order to prevent or delay the spread of fire on a construction site and to limit the potential intensity of a fire. This is a concern in areas undergoing residential development where the construction of wood-frame buildings is most prevalent, and where fire sources (e.g., propane torches, lightning strikes) can easily come into contact with dry timber and other exposed and highly flammable materials. This is also a primary concern where such new construction is taking place on infill sites adjacent to occupied residential structures.

This Policy also establishes the requirement, prior to the commencement of construction, for fully installed, charged, and operational watermains and fire hydrants in areas undergoing development, so as to ensure that Whitby Fire and Emergency Services has access to sufficient water resources to fight a fire. In addition, all

roadways within areas undergoing development must be able to support Whitby Fire and Emergency Services' vehicles prior to the commencement of construction.

Scope

This Policy applies to the construction of all new development within the Town of Whitby, and applies to all conditions of approval (and agreements) for new subdivisions, condominiums, and site plans being processed by the Corporation.

This Policy is not a substitute for the provincial Fire Code, or other municipal, provincial, or federal by-laws, codes, regulations, or statutes governing fire safety and building construction. All such provisions and regulations should be adhered to at all times by those working on or around construction sites, as applicable.

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1 Definitions

- 1.1 Builder/Developer** means an individual, person, or corporation engaged in the development of property and construction of buildings on a property, and includes the owner of such property.
- 1.2 Corporation** means The Corporation of the Town of Whitby.
- 1.3 Development Agreement** means an agreement that is required to secure the development obligations of a Builder/Developer for a property, and includes a subdivision agreement, condominium agreement, and a site plan agreement.
- 1.4 Firebreak Lot(s)** means a lot, block, unit, or other parcel of land on a subdivision, condominium, or site plan on which construction restrictions are placed for fire safety purposes, in order to ensure that there is a physical space between areas that are being constructed.
- 1.5 Fire Chief** means the individual so designated by Council of the Corporation as the “Fire Chief”, being responsible for Whitby Fire and Emergency Services on behalf of the Corporation, and includes his or her designate.

2 Responsibilities

- 2.1 Council to:**
- Prior to the approval of any draft plan of subdivision, condominium plan, or site plan, ensure that the appropriate fire safety measures have been considered in accordance with this Policy and (where required) adopted as a condition of approval if so recommended by the Fire Chief.
- 2.2 Fire Chief to:**
- Confirm requirements for, and locations of, Firebreak Lots in a development plan as part of the development application review process and Development Agreement creation.
- 2.3 Whitby Fire and Emergency Services staff to:**
- Conduct the necessary inspections and ensure that the Builder/Developer is: (a) adhering to the conditions of Council's development approval pursuant to this Policy; and (b) adhering to the provisions contained in a Development Agreement pursuant to this Policy.
- 2.4 Planning and Development Services staff to:**
- In consultation with the Legal Services Division, ensure that the appropriate terms and conditions which have been required by the Fire Chief and approved by Council are part of every executed Development Agreement.

2.5 Building Services Division staff to:

- Support Whitby Fire and Emergency Services staff regarding the enforcement of any development conditions or Development Agreement provisions that are required pursuant to this Policy.

2.6 Builders/Developers to:

- Ensure that they understand and comply with the provisions of this Policy which are part of a Development Agreement.

3 Requirements for Firebreak Lots

3.1 For every development application that requires subdivision, condominium, or site plan approval, the Fire Chief shall review the application to determine if Firebreak Lots are necessary in order to maintain a reasonable level of fire safety at the overall construction site.

3.2 Should the Fire Chief determine that Firebreak Lots are required, then the Planning and Development Department shall include a condition of approval that such Firebreak Lots be provided as part of the Development Agreement. Working with the Builder/Developer, the Fire Chief shall confirm which lots shall be designated as Firebreak Lots in the Development Agreement.

3.3 Notwithstanding the issuance of any building permit for the designated Firebreak Lots, the Development Agreement shall ensure that:

- No construction shall commence on a Firebreak Lot (other than the construction of the foundation) without the written consent of the Fire Chief.
- Prior to the commencement of construction on a Firebreak Lot, the exterior finish, roofing, and windows on the unit abutting each side lot line of the Firebreak Lot are completed to the satisfaction of the Fire Chief.
- Securities in such reasonable amount, as determined by the Fire Chief, shall be paid in order to secure the Builder/Developer's obligations regarding the Firebreak Lots.
- Should a building be constructed on a Firebreak Lot in contravention of the Development Agreement, then the Fire Chief may take such steps as necessary in order to remedy the violation, including drawing on such securities and restoring the lot to a condition that complies with the Firebreak Lot provisions of the Development Agreement.

3.4 The Fire Chief may specify in any Development Agreement such other reasonable requirements for the Firebreak Lots as he or she believes are appropriate for the development.

4 Requirements for Other Fire Safety Measures on Construction Sites

- 4.1** Notwithstanding the issuance of any building permit, it shall be a condition of every Development Agreement that prior to the commencement of the construction of any buildings on the lots/blocks/units in a subdivision plan, condominium plan, or site plan:
- All watermains and hydrants must be fully installed, charged, and operational to the satisfaction of the Fire Chief.
 - All roads or fire access routes are completed to a minimum base coat that is able to support emergency vehicles and fire trucks within the construction site.
 - Securities in such reasonable amount, as determined by the Fire Chief, shall be paid in order to secure the Builder/Developer's obligations regarding the provision of watermains, hydrants, and road/fire access routes.
- 4.2** The Fire Chief may specify in any Development Agreement such other reasonable requirements for fire safety measures on a construction site as he or she believes are appropriate for the development.

5 General Provisions

- 5.1** This Policy shall take effect upon approval by Council for the Corporation, and shall apply to every subdivision, condominium, or site plan development application that has not yet received approval as of the date that this Policy comes into force.
- 5.2** As of the date this Policy comes into force, where a subdivision, condominium, or site plan development: (a) has already received approval; (b) is already subject to an executed Development Agreement between the Corporation and the Builder/Developer; and (c) has not yet completed the construction of buildings for the development, then the Builder/Developer shall work with the Fire Chief to examine ways to mitigate any reasonable fire risks that are identified as part of any building or fire inspections of the construction site.
- 5.3** As of the date this Policy comes into force, where a subdivision, condominium, or site plan development: (a) has already received approval as of the date that this Policy comes into force; (b) is not yet subject to a Development Agreement between the Corporation and the Builder/Developer, and such discussions about the Development Agreement are ongoing; and (c) has not yet completed the construction of buildings for the development, then the Builder/Developer shall work with the Fire Chief to examine ways to mitigate any reasonable fire risks for the construction site, and such mitigation provisions shall be part of the final Development Agreement.

This Policy is hereby approved by Council Resolution #500-17 on this 30th day of October, 2017.