

CONSOLIDATION OF BY-LAW NO. 1426 CONCERNING FIRE SAFETY

Updated to March 7, 2018

(Modified by by-law No. 1426-1)

Chapter 1 Interpretation and application

1. In this by-law, the following words mean:

“Authority having jurisdiction”: the director of the *Service de sécurité incendie de Montréal* or any employee authorized to act on his behalf.

“Code”: Chapter VIII – Building, of the Quebec Safety Code (CQLR, chapter B-1.1, r. 3), as well as its amendments up to the date of adoption of this by-law, including appendixes and documents referred to therein, and including the National Fire Code of Canada 2010 (amended)(NRCC 53303) (hereinafter called the “NFC”) (as amended by article 370 of the Code which adopts it by reference) as well as its amendments up to the date of adoption of this by-law, its appendixes and documents referred to therein.

“Exempted building”: building exempted from the application of the Code in accordance with articles 340 and 341 of section II of the Code;

“Care or detention occupancy (group B)”: (*Repealed*)

Any other word or expression defined in the Code carries, for the purposes of this by-law, the same meaning as in the Code.

(2018) 1426-1, s. 1

2. Subject to the amendments under this by-law and those listed in schedule 1, the Code in schedule 2 to this by-law constitutes an integral part of this by-law, except for sections II, III, VI, VII, VIII, IX and articles 353 to 358 of section IV of the Code.

Despite the preceding paragraph, articles 361 to 365 of section IV of the Code do not apply to an exempted building.

Facilities, installations and new and existing buildings, as well as building construction, demolition and renovation sites, and the surroundings of such facilities, installations, buildings and sites, must conform to the requirements under this by-law.

For the purposes of this by-law, the first paragraph of article 370 of section V of the Code integrated in this by-law is amended to read as follows:

“370. The fire protection standards are those established by the National Fire Code of Canada 2010 (NRCC 53303) and the Code national de prévention des incendies - Canada 2010 (CNRC 53303F), hereinafter referred to as the NFC, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, and apply to facilities, installations and new and existing buildings, as well as building construction, demolition and renovation sites, and the surroundings of such facilities, installations, buildings and sites, with amendments, where applicable, as indicated in Appendix 1 or integrated to the Code published by the National Research Council of Canada, as well as by all subsequent amendments that may be published by that organization.”.

For the purposes of this by-law, article 1.1.1.1. of part 1 of division A of the NFC, integrated in this by-law, is amended to read as follows:

“(1) The NFC applies to facilities, installations, and new and existing buildings, and to building construction, demolition and renovation sites, as well as to the surroundings of such facilities, installations, buildings and construction sites.”

(2018) 1426-1, s. 2

3. For the purposes of this by-law, a reference to a standard or requirement in effect at the time of construction or alteration of a building constitutes a reference to:

- (1) the municipal standard applicable according to the year of construction or alteration, for exempted buildings, or
- (2) the standard applicable according to the year of construction or alteration of the building as indicated in the second and third clauses of article 344 of the Code, for all other buildings.

(2018) 1426-1, s. 3

4. The amendments made to the Code, including those to the NFC, after the coming into force of this by-law, become part of the Code without a by-law having to be adopted in order to enact the application of each amendment. Such an amendment comes into force on city territory on the date determined by city council resolution. Public notice must be given of the adoption of such resolution according to the governing law.

(2018) 1426-1, s. 4

5. The application of this by-law does not release any person from the obligation to abide by any other applicable law or by-law.

6. The director of the Service de sécurité incendie de Montréal or any employee authorized to act on his behalf is authorized to apply this by-law, issue a statement of offence under the Quebec Code of Penal Procedure and institute proceedings on behalf of the city.

7. Prior approval by the authority having jurisdiction is required before :

- (1) carrying any activity which may pose a hazard not foreseen in the design of a building or facility, as mentioned in Sentence 2.1.2.2.1) of Division B of the Code;
- (2) using alternative solutions as provided in Paragraph 1.2.1.1.1)b) of Division A of the Code.

The authority having jurisdiction grants permission where it is shown that the necessary safety measures are provided against risks to public safety and the built heritage. It may include any conditions necessary to achieve the level of performance required in Paragraph 1.2.1.1.1) b) of Division A of the Code. Approval is conditional to the compliance with those conditions.

The approval obtained under this article does not release any person from the obligation to abide by any other applicable law or by-law.

Chapter 2

Penal provisions

8. Unless otherwise provided for in this by-law, the owner of an immovable or their authorized agent is responsible for ensuring conformity to this by-law. Furthermore, the occupant or their authorized agent is also responsible for ensuring conformity to the provisions of this by-law.

Any person who contravenes this by-law is guilty of an offence and is liable:

- (1) in the case of an individual:
 - a) for a first offence, to a fine of \$500 to \$1,000;
 - b) for a subsequent offence, to a fine of \$1,000 to \$2,000;
- (2) in the case of a corporation:
 - a) for a first offence, to a fine of \$1,000 to \$2,000;
 - b) for a subsequent offence, to a fine of \$2,000 to \$4,000.

(2018) 1426-1, s. 7

Chapter 3

Various provisions

9. The By-law concerning fire prevention No. 1335 is repealed.
10. This by-law shall come into effect according to law.



By-law No 1426

SCHEDULE 1

**Amendments to the Quebec Safety Code, Chapter VIII – Building, and National Fire Code of
Canada 2010 (amended)**

(2018) 1426-1, s. 5

For the purposes of this by-law, division B of the NFC, which is amended and adopted by reference, is amended in accordance with the following table:

CODE Articles	AMENDMENTS
Division B, Part 2	
2.1.3.3. of Division B of the Code	Article 2.1.3.3. does not apply.
2.4.3.1. of Division B of the Code	Article 2.4.3.1. does not apply.
2.4.3.3. of Division B of the Code	<p>Article 2.4.3.3. is replaced by the following article:</p> <p>2.4.3.3. Candles and devices having open flames</p> <p>Candles and devices having open flames shall be securely supported in noncombustible holders and shall be located or protected so as to prevent accidental contact of the flame with combustible materials.”</p>
2.4.5.1. of Division B of the Code	Article 2.4.5.1. does not apply.
2.4.10.1. of Division B of the Code	<p>Article 2.4.10.1 is replaced by the following article:</p> <p>2.4.10.1. Ethyl alcohol fuel burning appliance</p> <p>(1) Any ethyl alcohol fuel burning appliance that can contain more than 250 ml must:</p> <ul style="list-style-type: none"> c) conform to ULC/ORD-C627.1 standard “Unvented Ethyl Alcohol Fuel Burning Decorative Appliances”; d) bear the certification tag; e) be installed and used: <ul style="list-style-type: none"> (i) in accordance with the manufacturer’s recommendations; (ii) in such a manner that the flames of the appliance do not accidentally come in contact with combustible materials. <p>(2) Except in dwelling units, a portable extinguisher having a minimum rating of 5B must be located near every ethyl alcohol fuel burning decorative appliance.</p>
2.4.12.2. of Division B of the Code	<p>Article 2.4.12.2. is amended by adding, after sentence (1), the following sentence:</p> <p>(2) When a wood- or charcoal-fuelled portable cooking device is used, it shall be set on a noncombustible material.</p>
Section 2.4 of Division B of the Code	<p>Section 2.4 of the Code is amended by adding, after article 2.4.13.2., the following article:</p> <p>2.4.14. Heat-generating appliances</p> <p>During public gatherings, heat-generating appliances such as portable cooking appliances, and others, shall be installed and used in such a way as to avoid risks of injury.</p>
2.5.1.4. of Division B of the Code	Article 2.5.1.4. does not apply.
2.6.1.9. of Division B of the Code	<p>Article 2.6.1.9 is replaced by the following article:</p> <p>2.6.1.9. Cooking equipment</p> <p>(1) Except for suites in a residential building, exhaust and fire protection systems shall be planned and installed in conformance with NFPA 96 “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations”.</p>

	<p>(2) Except as required in Sentences (3) to (5), the use, inspection and maintenance of cooking equipment exhaust and fire protection systems shall be in conformance with NFPA 96 “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations”.</p> <p>(3) Hoods, grease removal devices, fans, ducts, and other appurtenances shall be cleaned at frequent intervals to prevent surfaces from becoming heavily contaminated with grease or other residues (see Appendix A).</p> <p>(4) No solvents or flammable products may be used for the cleaning of exhaust systems.</p> <p>(5) As part of the fire safety plan, instructions for manually operating the fire protection systems shall be posted prominently in the kitchens.</p> <p>(6) Certified cooking equipment shall be installed and maintained in conformance with its certification.</p> <p>(7) Uncertified cooking equipment shall be installed and maintained so as not to create a fire hazard.</p> <p>(8) The requirements in Sentences (2) to (7) also apply to food trucks intended exclusively for street food when they are equipped with installations referred to in this article.</p>
2.7.1.4. of Division B of the Code	<p>Sentence (3) of article 2.7.1.4. is replaced by the following sentences:</p> <p>(3) The posted sign required under sentence (1) shall be made using the placard supplied by the authority having jurisdiction.</p> <p>(4) The maximum permitted occupant load shall not exceed that established by the authority having jurisdiction so as to avoid compromising public safety where the layout of a site creates a potentially hazardous condition;</p> <p>(5) Any person who allows, invites, permits or tolerates more occupants in a space than the maximum permissible occupant load, is guilty of an offence.</p> <p>(6) In the case of an incompatibility between this article and Article 2.7.1.3., the more restrictive maximum permissible occupant load applies.</p>
2.7.3. of Division B of the Code	<p>The title of subsection 2.7.3. is replaced by the following:</p> <p>2.7.3. Lighting, emergency lighting and exit signs</p>
2.8.2.1. of Division B of the Code	<p>Article 2.8.2.1. is replaced by the following article:</p> <p>2.8.2.1. Measures</p> <p>(1) In buildings or areas described in Article 2.8.1.1., a fire safety plan conforming to this Section shall be prepared and shall include:</p> <p>(a) the emergency procedures to be used in case of fire, including:</p> <ul style="list-style-type: none"> (i) sounding the fire alarm (see Appendix A); (ii) notifying the fire department; (iii) instructing occupants on procedures to be followed when the fire alarm sounds; (iv) evacuating occupants, including special provisions for persons requiring assistance (see Appendix A); (v) confining, controlling and extinguishing the fire;

	<ul style="list-style-type: none"> (b) the appointment and preparation of designated supervisory staff to carry out fire safety duties; (c) the training of supervisory staff and other occupants in their responsibilities for fire safety; (d) documents, including diagrams, showing the type, location and operation of all the building fire emergency systems; (e) the holding of fire drills; (f) the control of fire hazards in the building; (g) the inspection and maintenance of building facilities provided for the safety of occupants. <p>(See Appendix A.)</p> <p>(2) In the buildings described in Subsection 3.2.6. of the NBC and in buildings having an area greater than 10,000 m² or having a capacity greater than 500 occupants per floor, the drawings required under Clause (1) (d) shall:</p> <ul style="list-style-type: none"> (a) show a format of at most 279 mm in height by 432 mm in width; (b) include the date of creation and that of their update; (c) include: <ul style="list-style-type: none"> (i) the floor plan; (ii) the stock plan for the storeys; (iii) the plan for every storey that is not identical to the stock plan; (iv) the sectional plan of elevators with the identification of every sleeve, of the storeys serviced by the elevators, and of elevators destined for firefighter use; (v) the sectional plan for stairwells with the identification of each one, including access to the roof and the identification of doors to regain access to floor areas; (vi) the sectional plan of standpipes, including faucets, valves, as well as the indication of the pressure available on every floor. <p>(see amended Appendix A below)</p> <p>(3) The fire safety plan must be reviewed at intervals of at most 12 months in order to ensure that it accounts for changes made to the use of the building and other characteristics.</p> <p>(4) The fire safety plan must be update as needed and following every fire drill.</p>
2.8.2.2. of Division B of the Code	<p>Article 2.8.2.2. is amended by adding, after clause (1), the following words:</p> <p>(see amended Appendix A below)</p>
2.8.2.3. of Division B of the Code	<p>Article 2.8.2.3. is amended by adding, after sentence (1), the following sentences:</p> <ul style="list-style-type: none"> (2) Whenever more than 300 people are assembled in a building within the scope of Group A, Division 1 assembly occupancies, instructions to occupants on the means of egress shall be provided prior to the beginning of every event or activity. (1) In assembly occupancies operating with reduced lighting, the normal lighting of the means of egress shall be restored upon sounding of the fire alarm. (2) In assembly occupancies operating with sound levels likely to exceed 87 dBA, sources of sound amplification shall be interrupted when the fire alarm sounds.

2.8.2.7. of Division B of the Code	<p>Sentence (1) of article 2.8.2.7. is replaced by the following sentence:</p> <p>2.8.2.7. Signs</p> <p>(1) At least one copy of the fire emergency procedures shall be prominently posted, for the occupants of each floor area, and shall be provided with a plan accounting for the actual geographic or physical orientation of the building and showing the location of exits, safety facilities and telephone numbers to reach the fire department. (see amended Appendix A below)</p>
2.9.3.3. of Division B of the Code	<p>Article 2.9.3.3. is replaced by the following article:</p> <p>2.9.3.3. Tents occupied by the public</p> <p>(1) Smoking, open flame devices and candles shall not be permitted in a tent or air-supported structure occupied by the public.</p>
2.9.3.7. of Division B of the Code.	<p>Article 2.9.3.7. is replaced by the following article:</p> <p>2.9.3.7. Cooking equipment and heat-generating or lighting appliances</p> <p>(1) The use of cooking equipment or a combustion appliance is prohibited in a tent or air-supported structure that is accessible to the public.</p> <p>(2) Cooking appliances with more than 2 baskets used to fry food that are used inside a tent or air-supported structure not open to the public shall be protected by a special fire suppression system in accordance with Article 2.1.3.5.</p> <p>(3) Cooking equipment and combustion devices used in a tent or air-supported structure not open to the public must be located at a distance of at least 600 mm from any combustible element.</p> <p>(4) Bulbs and projectors for any lighting apparatus for a tent or air-supported structure shall be placed at least 600 mm from any combustible substance.</p> <p>(5) Tents, awnings and temporary shelters containing a cooking appliance or any other particular hazard and used for public assemblies shall be set up at a distance of at least 3 m from one another and from any building.</p>
2.9.3.8. of Division B of the Code	<p>Article 2.9.3.8. is replaced by the following article:</p> <p>2.9.3.8. Interior enclosures</p> <p>(1) In a tent or air-supported structure, the enclosure used to divide the space shall not be installed less than 1 m from the ceiling. (See Appendix A)</p>

SCHEDULE 2

**Quebec Safety Code, Chapter VIII – Building, and National Fire Code of Canada 2010 (amended),
published by National Research Council Canada.**

(2018) 1426-1, s. 6