

AMENDMENT TO FIRE OPERATIONS AND FEES BYLAW 55M2014

EXECUTIVE SUMMARY

An amendment to The City of Calgary Fire Operations and Fees Bylaw is necessary to authorize the Fire Chief to regulate blasting activities within the municipality. The Calgary Fire Department (CFD) is seeking the authority to issue permits and provide the necessary risk management and safety oversight to those who need to detonate explosives for construction or demolition purposes or in quarries. The amending bylaw provides for the CFD to regulate these activities given that there is currently no regulatory body overseeing these high-risk activities within city limits. The proposed bylaw will regulate blasting activity by restricting it to permit holders only, and will manage the conditions of the blasting activity for public safety and property protection.

ADMINISTRATION RECOMMENDATION(S)

That the Standing Policy Committee on Community and Protective Services recommends that Council give three readings to the proposed bylaw to amend Bylaw 55M2014, City of Calgary Fire Operations and Fees Bylaw (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

On 2014 October 06, Council approved Bylaw 55M2014, City of Calgary Fire Operations and Fees Bylaw (Attachment 2). This bylaw combined three existing bylaws into a single governing document. The three bylaws that were replaced by Bylaw 55M2014 were:

- Bylaw 37M84, The Calgary Fire Department Bylaw
- Bylaw 40M2003, The Fire Fees Bylaw
- Bylaw 48M2003, The Commercial Burning Bylaw

Bylaw 55M2014 came into effect 2015 January 01 and provides the CFD with its authorities, governance and operating framework.

On 2015 May 25, City Council adopted an amendment to Bylaw 55M2014 to give authority to the General Manager of Community Services (then Community Services & Protective Services) to appoint the Fire Chief, bringing the hiring process into alignment with the process for hiring directors and equivalent positions across The City. Previously, the bylaw stipulated that City Council hold the authority for appointing the Fire Chief.

On 2016 February 8, City Council approved the amended Bylaw 55M2014 to replace the words "General Manager, Community Services and Protective Services" with "General Manager, Community Services" to align with the new name and structure of the Community Services department, formerly Community Services and Protective Services.

BACKGROUND

The Fire Operations and Fees Bylaw is in place to protect the safety, health and welfare of people and property. It gives the CFD the mandate to provide emergency and rescue services and sets out CFD's authority at incident scenes, as well as enables the Fire Chief to issue permits to regulate activities to help ensure the safety of Calgarians, among other provisions.

The CFD issues permits in order to regulate activities that could be potentially harmful to citizens' safety or property. Permits are issued for such activities as setting fireworks,

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pyrotechnics and special effects, as well as bulk fuel tank systems, pursuant to Alberta Fire Code 2014. However, detonating explosives for construction or demolition purposes or in quarries is an activity that currently is not subject to regulation, though transportation and storage of explosives is governed by the Explosives Regulatory Division of Canada (ERD) and training, certification and workplace safety requirements for companies performing blasting activities are governed by Alberta Occupational Health and Safety. As a result, public safety has been put at risk, stakeholders in areas affected by blasting have not been engaged, and safety plans have not been in place. Currently, the level of due diligence with regard to blasting activities varies widely, and some construction projects have used explosives without notifying the community or The City. These activities are high-risk and often cause alarm for local residents.

The proposed amendment to the Fire Operations and Fees Bylaw would allow a consistent permitting process for blasting activities to ensure appropriate due diligence regarding public safety, risk management, and stakeholder engagement prior to explosives being detonated within the Calgary city limits.

Amending the bylaw to include blasting activities will give CFD governance over the permitting process for blasting to ensure that proper safety measures are taken.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The CFD is committed to serving the community through excellence in fire prevention, education, protection and safety. Included in this mission are certain non-emergency tasks that proactively protect public safety. The use of explosives is a high-risk, potentially dangerous activity that needs to be performed with a high level of care and attention.

The CFD is already engaged in many cases when blasting is performed, though there is no current regulatory requirement or enforcement powers to ensure CFD's recommendations are followed, or can be enforced. This often means that blasting activities take place without a permit, which can put public safety at risk.

In the past, the CFD has provided blasting permits on a case-by-case basis to certain projects which have requested permission (an average of two or three annually), ensuring the project fulfills a set of conditions before blasting can commence. The proposed bylaw would authorize the Fire Chief to impose the following terms and conditions on a blasting permit. Note that additional specific conditions might be imposed upon a particular blasting operation depending on the nature of that operation.

- permission for the blasting from the owner, lessee, or agent of the property, as well as any properties outside of the blasting area that might be affected by fallout or debris,
- proof of insurance in the amount of \$5 million liability for all blasting operations, with The City of Calgary listed as an insured party,
- providing copies of valid Explosives Permits from Alberta Occupational Health & Safety, a valid Driver's Licence, Transportation of Dangerous Goods (TDG) and WHMIS certificates for the permit holder,

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- providing a Day Use or Magazine License for Overnight Storage from the Explosives Regulatory Division (ERD) of Natural Resources Canada,
- providing an Engineer's Report (Code of Practice) to confirm all residual damage concerns have been considered and addressed,
- A product list including manufacturer, type, size and quantity of product being used in the blasting, and
- A detailed Fire Safety plan, including how the company is prepared to deal with an emergency and a commitment to contact the CFD's non-emergency line before commencing blasting activities,
- Contact be made with the Calgary 9-1-1 non-emergency line prior to blasting activity to notify emergency services of the activity

This report recommends that CFD oversee the permitting process for blasting activities within The City of Calgary. These steps will help to ensure that public safety is proactively protected when blasting activities take place.

Stakeholder Engagement, Research and Communication

CFD works with the following stakeholders as appropriate when blasting permits are requested, and will continue to do so if this bylaw is approved by Council. Engagement will include meeting with affected parties to understand risks, implications and safety measures that need to be taken by any of these groups before blasting is permitted.

- Explosives Regulatory Division of Natural Resources Canada
- Calgary Transit
- ATCO
- Utilities & Environmental Protection
- Occupational Health & Safety
- Inspection and Permit Services
- Other City business units depending on the nature and impacts of the activity

Strategic Alignment

2020 Sustainability Direction in the focus area of *Community Well-being*: Safety and Resiliency: Calgary, its communities and neighbourhoods are safe, resilient and supportive.

Council Priorities:

- *A City of Inspiring Neighbourhoods*:
N1: Keep communities safe by meeting and maintaining standards for crime prevention, fire response and enforcement.
N3: Enhance The City's capacity and resiliency to prepare for and respond to pandemics, natural disasters and emergency situations.
N11: Promote public safety through education, prevention and partnerships.
- *A Well-Run City*: Continue to transform the organization to be more citizen-focused in its approach and delivery of service.

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Community Services 2015-18 Business Plan:

- Community Services contributes to safe, vibrant neighbourhoods by providing a well-run Fire Department and 9-1-1 call centre, strengthening community standards, revitalizing community associations and by managing investment in community facilities, public spaces and heritage assets.

Social, Environmental, Economic (External)

This bylaw amendment will enhance public safety by ensuring consistent safety and communication protocols are followed when blasting activities take place in Calgary.

Financial Capacity

Current and Future Operating Budget:

The proposed bylaw amendment has no effect on current or future Operating Budgets. Blasting permits were included in the Fire Department's fee schedule approved in Action Plan 2015-2018 in 2014 November.

Current and Future Capital Budget:

The proposed bylaw amendment has no effect on current or future Capital Budgets.

Risk Assessment

Without adoption of the amending bylaw, there is a risk that blasting could occur without regulatory oversight or stakeholders being notified. Blasting activities have many associated risks, including disruption of utility and transit services, damage to structural integrity of nearby buildings, broken windows, injury to persons, and lost work time due to service interruptions.

These risks can pose a danger to the public and disrupt business continuity. A permit process would help to ensure that all stakeholders are engaged prior to the issuance of a permit, taking into consideration all risks and mitigation plans have been developed.

REASON(S) FOR RECOMMENDATION(S):

Approval of the amending bylaw will provide a consistent risk management and oversight process to blasting activities in Calgary to ensure public safety is maintained.

ATTACHMENT(S)

1. Proposed Text for a Bylaw to Amend Bylaw 55M2014
2. 55M2014, City of Calgary Fire Operations and Fees Bylaw