

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 30-2014

A by-law to protect Emergency Service Personnel responding to concerns on sites with Renewable or Alternate Energy Systems in place

Recitals:

The popularity of Renewable Energy Systems and Alternate Energy Systems has the potential to introduce safety concerns for emergency response personnel. Risks are reduced or eliminated when a proper information exchange occurs.

It is in the best interest of property Owners to enable emergency responders to safely and adequately address any circumstance of emergency that may occur on their properties.

Council considers it prudent and responsible to do everything in its power to protect emergency response personnel from risk of harm.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

1. DEFINITIONS & INTERPRETATION

1.1 Definitions: The terms defined in this Section 1 are used in this By-law with their initial letters capitalized. When printed in this manner, the word is intended to be interpreted accordingly. Where a word appears in regular case, its ordinarily understood meaning in the English language is intended.

- 1.1.1 An "Alternate Energy System" is a system which automatically provides an energy source (such as that from an electrical generator) to a building or property at times when the main power system is inactive for any reason, which energy source produces, directly or indirectly, 110 volts or more of alternating energy.
- 1.1.2 "By-law" means this By-law, as amended from time to time, including its recitals and schedules.
- 1.1.3 "Fire Chief" means the person appointed by The Corporation of the Municipality of Neebing as its fire chief. The Fire Chief may delegate another member of Neebing Emergency Services to undertake his or her duties under this By-law at any time or from time to time.
- 1.1.4 "Fire Pre Plan" means the plan prepared under Section 2.4 or 3.1 of this By-law.
- 1.1.5 "Owner" means a person with legal title to property.

- 1.1.6 A “Renewable Energy System” is a system that produces electricity or thermal energy from solar, wind, water or bio-energy (including bio-gas, landfill gasses, and bio-mass) which energy source produces, directly or indirectly, 110 volts or more of alternating energy. The term includes, among other systems: a Solar Heating System, a Solar Photovoltaic System, and a Windmill.
- 1.1.7 A “Site Plan” is a drawing of a property indicating the location of significant structures, developed in accordance with Section 2.3 or 3.1 of this By-law.
- 1.1.8 A “Solar Heating System” is a system composed of solar collectors and other components which converts solar energy into thermal energy.
- 1.1.9 A “Solar Photovoltaic System” is a system composed of solar collectors and other components which converts solar energy into electrical energy.
- 1.1.10 A “Windmill” is a system that converts energy from the wind into electrical energy.

1.2 Responsibility for Actions: When this By-law requires someone to do something, the requirement may be met by directly undertaking the action or by causing someone else to undertake the action. When this By-law prohibits someone to do something, the prohibition applies to direct action and also to causing, permitting or allowing another person to undertake the prohibited action. Nothing in this Section 1.2 derogates from the Owner’s ultimate responsibility as set out in Section 2.1.

1.3 “Includes”: The terms “include”, “includes”, and “including” must be interpreted in a manner that does not in any way limit the words or phrases that precede or follow them.

1.4 Text Organization: The headings and section numbers in this By-law are not to be considered interpretive tools. They are placed solely for ease of reference.

1.5 Severability: If any word, phrase, sentence or section of this By-law is ruled by a court or tribunal of competent jurisdiction to be invalid or unenforceable, that ruling does not apply to the balance of the By-law, which will remain in full force and effect.

2. PERMITS AND INSTALLATION

2.1 Owner’s Responsibility: It is a property Owner’s responsibility to ensure that all permits required from any and all applicable regulatory authorities are in place prior to installing any Renewable Energy System or Alternate Energy System. If the property is occupied by a person other than the Owner, this section continues to apply.

2.2 Consultation with Fire Chief: Every Owner of land on which a Renewable Energy System or an Alternate Energy System will be installed shall contact the Fire Chief. The Fire Chief, or his or her designate, shall attend at the site of the installation and review the installation plans with the Owner. The Fire Chief shall register the property as a Renewable Energy System or an Alternate Energy System site, as applicable.

The Owner shall provide to the Fire Chief detailed information relating to any of the following matters applicable to the type of Renewable Energy System or Alternate Energy System being considered:

- (a) the location of all elements of the Renewable Energy System or Alternate Energy System;
- (b) the location(s) where batteries will be stored;
- (c) the location(s) of buried cables;
- (d) the location(s) of safety shut-offs;
- (e) relevant applicable set-backs; and
- (f) the load-bearing capacity of any buildings or structures that support the Renewable Energy System or the Alternate Energy System.

The Municipality has developed a Pre Plan Guideline for the information of Owners and residents.

2.3 Site Plan: The Owner will work with the Fire Chief to develop a Site Plan which identifies the locations of relevant elements as set out in Section 2.1, together with other relevant information, including the location of the sign referenced in Section 2.6 of this By-law.

2.4 Fire Pre Plan: The Owner will work with the Fire Chief to develop a Fire Pre Plan for the site that addresses, to the Fire Chief's satisfaction, any safety risk that may be encountered by emergency personnel arriving at the site in an emergency situation. The Site Plan will be critical to the development of the Fire Pre Plan. In addition, all information relevant to safety must be provided to enable the Fire Chief to assess whether or not Neening Emergency Services has the information, equipment and/or expertise to safely respond to an emergency call to the site, or whether Section 5.1 of this By-law will be invoked.

2.5 Approval Documentation: The Owner shall, once the Renewable Energy System or Alternate Energy System is completely installed, provide the Fire Chief with any required final inspection report from Ontario Electrical Inspection Authority, or other authority with jurisdiction.

2.6 Sign: All property Owners of land on which Renewable Energy Systems or Alternate Energy Systems are erected will be provided with a reflective sign (in a form similar to that depicted in the Schedule to this By-law) which is to be placed in a location at the site acceptable to the Fire Chief. In addition, the Fire Chief may require that a decal advising of the existence of the system be prominently placed at entrances to buildings and/or structures.

2.7 Keep Plans Up to Date: The Owner shall keep the Fire Chief informed of any and all material changes to the Renewable Energy System or Alternate Energy System that impact items located on the Site Plan and may impact the Fire Pre Plan.

2.8 Limits to Service Provision: In those cases where the Pre Plan identifies possible or probable limitations on the ability to provide full emergency fire services, the Fire Chief shall so advise the Owner, in writing. The Owner will work with the Fire Chief to identify alternate service provision to mitigate any fire threat while preserving the life safety of emergency responders.

2.9 Dangerous Circumstances: A crew responding to an emergency call relies upon the Site Plan and the Fire Pre Plan. If they realize during the course of an emergency response, that unauthorized or uncommunicated changes have been made to a Renewable Energy System or Alternate Energy System that impact either or both of the Site Plan and the Fire Pre Plan in a manner that can place them at risk, they have the right to limit the provision of service. This right is based upon the unknown risk factors that crews may encounter during the emergency response.

3. PRE-EXISTING SYSTEMS

3.1 Safety First; no “Grandfathering”: Property Owners who installed Renewable Energy Systems or Alternate Energy Systems prior to the passing of this By-law shall contact the Fire Chief to arrange for a site visit to create a Site Plan and an Fire Pre Plan. The Fire Chief shall register the property as a Renewable Energy System site or an Alternate Energy System Site, as applicable.

3.2 Relevant Requirements: Sections 2.5, 2.6 and 2.7 apply equally to Owners of Renewable Energy Systems and Alternate Energy Systems installed prior to the passage of this By-law.

3.3 Right to Limit Service: The Fire Chief is within his or her rights to limit the response to an emergency if the crew responding encounters a Renewable Energy System or an Alternate Energy System that is not registered with the Neebing Emergency Services under this By-law. This right is based upon the unknown risk factors that crews may encounter by responding.

4. ENFORCEMENT

4.1 Offences:

- 4.1.1 Fail to Have Site Plan: It is an offence for any person to fail to develop a Site Plan for a Renewable Energy System or an Alternate Energy System where he or she is required to do so by this By-law.
- 4.1.2 Fail to Have Fire Pre Plan: It is an offence for any person to fail to develop a Fire Pre Plan for a Renewable Energy System or an Alternate Energy System where he or she is required to do so by this By-law.
- 4.1.3 Fail to Post Sign: It is an offence for any person to fail to post the sign required by Section 2.6 where he or she is required to do so by this By-law
- 4.1.4 Fail to Keep Information Current: It is an offence for any person to fail to provide the Fire Chief with information relevant to changes in his or her Renewable Energy System or an Alternate Energy System that impact the Site Plan or the Fire Pre Plan.
- 4.1.5 Fail to Provide Alternate Service: It is an offence for any person to fail to provide alternate fire suppression services for a property to which the Neebing Emergency Services cannot respond under Section 5.1 of this By-law.
- 4.1.6 Interference with Enforcement Activity: It is an offence for any person to interfere with a member of the Neebing Emergency Service or a duly appointed municipal law enforcement officer who is undertaking work relating to the enforcement of this By-law.

4.2 Penalties: A person who is convicted of an offence under this By-law is liable to the penalties prescribed in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended from time to time.

4.3 Authorization to Enter Property: The Fire Chief, the Chief Building Official, and any person authorized by either of those individuals or by the Council to enforce the provisions of this By-law have the authority to enter on property for the purposes of inspection and enforcement. This authorization does not extend to the interior of residential premises unless the occupant, having been informed of the identities of those seeking to enter, and having been informed of the purpose for which they wish to enter, consents.

5. GENERAL PROVISIONS

5.1 Owner's Obligations: Where the Fire Chief has determined that the Neebing Emergency Service cannot safely provide full response emergency service to any particular property, the Owner of the property is required to satisfy the Fire Chief that it has made alternate service arrangements, through a private contractor or otherwise.

5.2 This By-law is Paramount: The provisions of this By-law apply despite any pre-existing by-law of the Municipality that may contradict its terms.

5.3 Limitation of Liability: The Corporation of the Municipality of Neebing shall not be held liable for any actions that may result from fires where the responding department is unable to provide fire protection or fire suppression due to lack of information provided about the Renewal Energy System or an Alternate Energy System installed, or due to lack of specialized equipment that may be necessary due to the nature of the Renewable Energy System or an Alternate Energy System on site.

ENACTED AND PASSED IN COUNCIL this 19th day of November, 2014, as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

Mayor

Deputy Clerk

By-law read a first and second time on the 19th day of November, 2014.

By-law read a third time and passed on the 19th day of November, 2014.

Schedule One: General Form of Notification Sign

