

This is an official version.

Copyright © 2009: Queen's Printer,
St. John's, Newfoundland and Labrador, Canada

[Important Information](#)

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Public Statutes](#)

[Main Site](#)

[How current is this statute?](#)

[Responsible Department](#)

SNL2008 CHAPTER F-11.01

FIRE PROTECTION SERVICES ACT

Amended:

CHAPTER F-11.01

AN ACT RESPECTING FIRE PROTECTION SERVICES IN THE PROVINCE

(Assented to December 18, 2008)

Analysis

[1. Short title](#)

[2. Definitions](#)

PART I

ADMINISTRATION

[3. Fire commissioner](#)

Appendix D Fire Protection Services Act

[4. Duties and responsibilities of the fire commissioner](#)

[5. Emergency response and co-ordination](#)

[6. Local assistants](#)

[7. Duties of local assistants](#)

PART II

ADOPTION AND ENFORCEMENT OF CODES AND STANDARDS

[8. Adoption and enforcement of fire protection codes or standards](#)

[9. Exemption](#)

PART III

POWERS OF ENTRY

[10. Immediate threat to life](#)

[11. Entry for investigation](#)

[12. Entry on adjacent lands](#)

[13. Assistance](#)

[14. Inspections](#)

[15. Warrant authorizing entry](#)

[16. Identification](#)

Appendix D Fire Protection Services Act

PART IV

ORDERS OF THE FIRE COMMISSIONER

17. Order following inspection

18. Order regarding supply of electricity

19. Form of orders

20. Scope of order

21. Order for closure of structure or property

22. Order setting capacity and closure for over-capacity

23. Form of order

24. Other orders

25. Ministerial review of order

26. Appeal to court

27. Order shall remain in force

PART V

GENERAL

28. Report required

29. Other reports

Appendix D Fire Protection Services Act

[30. Firefighting training](#)

[31. Offences](#)

[32. Action barred](#)

[33. Regulations](#)

[34. Regulations re: adoption by reference](#)

[35. St. John's Regional Fire Department](#)

[36. Fees and forms](#)

[37. RSNL1990 cC-15 Amdt.](#)

[38. RSNL1990 cC-17 Amdt.](#)

[39. RSNL1990 cI-9 Amdt.](#)

[40. SNL1999 cM-24 Amdt.](#)

[41. RSNL1990 cP-15 Amdt.](#)

[42. NLR 78/99 Amdt.](#)

[43. SNL1991 c34 Rep.](#)

[44. Commencement](#)

Appendix D Fire Protection Services Act

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Fire Protection Services Act* .

[2008 cF-11.01 s1](#)

[Back to Top](#)

Definitions

2. In this Act
 - (a) "agency" means Fire and Emergency Services-Newfoundland and Labrador as established under section 3 of the *Emergency Services Act* to maintain a fire and emergency management system in the province;
 - (b) " CEO " means the chief executive officer appointed by the Lieutenant-Governor in Council to administer the agency;
 - (c) "council" includes the council of a municipality, a regional council, a local service district committee, a regional emergency management committee and an Inuit Community Council created under the Labrador Inuit Land Claims Agreement as defined in the *Labrador Inuit Land Claims Agreement Act* ;
 - (d) "emergency" means a real or anticipated event or an unforeseen combination of circumstances which necessitates the immediate action or prompt co-ordination of action as declared or renewed by the Lieutenant-Governor in Council, the minister, a regional emergency management committee or a council;
 - (e) "fire" includes an explosion, hazardous emissions and other incidents for which fire protection services are required;
 - (f) "fire alarm and detection system" means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals and includes
 - (i) control or annunciator panels,
 - (ii) smoke, heat and other detection devices,
 - (iii) notification alarm devices, and
 - (iv) devices which interface with the control system;
 - (g) "fire and life safety features" means a device, equipment, system, condition, arrangement, level of protection or fire-resistive construction, and includes

Appendix D Fire Protection Services Act

- (i) automatic sprinklers,
 - (ii) fixed and special fire suppression systems,
 - (iii) fire alarm systems, and
 - (iv) standpipes and portable and wheeled fire extinguishers;
- (h) "fire commissioner" means the fire commissioner appointed for the administration of fire protection services in the province;
- (i) "fire protection" includes fire suppression, fire prevention, fire safety, HAZMAT response, fire safety education, communication, training of persons involved in the provision of fire protection services, inspection, rescue and emergency services and the delivery of all those services;
- (j) "fire safety" includes safety from the risk that a fire, if started, would endanger the health and safety of a person or property or the quality of the natural environment for a use that can be made of it;
- (k) "HAZMAT response" means an emergency response to a chemical, biological, radiological, nuclear or explosive event;
- (l) "hazardous emission" includes a hazardous smoke, gas or vapour or other contaminant;
- (m) "industry" includes a mine, a mill, a shipyard, a refinery and an airport;
- (n) "local assistant" means
- (i) a fire chief or other person in a fire department appointed under section 6 , or
 - (ii) a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police;
- (o) "municipality" means a municipality under the *Municipalities Act, 1999* , the City of St. John's, the City of Mount Pearl and the City of Corner Brook, and for the purpose of this Act includes a local service district and an Inuit community referred to in section 8.2 of the *Labrador Inuit Land Claims Agreement Act* ;
- (p) "property" means all real property and all personal property whether moveable or immoveable, and includes a vessel where that vessel is tied up to a wharf; and
- (q) "structure" means a man-made object intended to be permanent or semi-permanent or temporary in nature and includes, but is not limited to, buildings, houses, cottages, cabins, wharves, docks, boathouses, slipways, trailers and mobile homes.

[2008 cF-11.01 s2](#)

PART I ADMINISTRATION

Appendix D Fire Protection Services Act

[Back to Top](#)

Fire commissioner

3. (1) There shall be appointed a person known as the fire commissioner for the administration of fire protection services in the province.

(2) The fire commissioner shall carry out the duties assigned to him or her under this Act and shall act under the direction of the CEO .

(3) The fire commissioner may appoint qualified persons to act as local assistants to the fire commissioner and those persons shall act for the term and have the responsibilities assigned to them in their appointment.

(4) The CEO may appoint or employ those officers, inspectors, clerks, employees, or other persons necessary for the administration of this Act.

[2008 cF-11.01 s3](#)

[Back to Top](#)

Duties and responsibilities of the fire commissioner

4. (1) The fire commissioner shall investigate the cause, origin, extent and circumstances of fires in the province.

(2) The fire commissioner may require that plans and specifications for the construction, alteration or repair of a structure be submitted to him or her to determine whether proper provision has been made in the plans and specifications

(a) to prevent fire or the spread of fire;

(b) to provide for fire escapes and other exit facilities in the event of fire or the alarm of fire; and

(c) to provide for adequate fire alarm, fire detection, fire suppression and fire and life safety features.

(3) The fire commissioner shall, under the direction of the CEO,

(a) record every fire reported to him or her and include the information which may be required by the CEO;

(b) review plans and specifications for construction, alteration or repair of structures to determine if appropriate fire protection requirements and fire and life safety features are in place;

Appendix D Fire Protection Services Act

(c) where appropriate fire protection requirements and fire and life safety features have been found to be lacking following an inspection under subsection (4), direct those alterations or additions which may be necessary to safeguard persons or property;

(d) advise the minister, municipalities and industry with respect to establishing fire departments and the requirements for organizing and equipping those fire departments, for training firefighting personnel and evaluating their firefighting capabilities and those other fire protection requirements which may be necessary;

(e) disseminate information and advice respecting fire prevention, fire protection and fire safety that the minister considers advisable; and

(f) perform those other duties which the CEO may prescribe.

(4) The fire commissioner may inspect property in the province to determine if appropriate fire protection requirements and fire and life safety features are in place including:

(a) whether precautions against fire and the spread of fire are adequate and satisfactorily maintained; and

(b) whether fire alarms and fire exits are adequate and satisfactorily maintained.

(5) The fire commissioner may, in writing, delegate the duties referred to in this section, except paragraph (3)(b), to a person appointed under section 3 whom the fire commissioner considers qualified to perform those duties.

(6) The fire commissioner may, in writing, delegate the duties referred to in paragraph (3)(b) to persons within the Department of Government Services where the fire commissioner considers those persons qualified to perform those duties, and may, in writing, delegate to those persons his or her authority to order alterations of those plans under subsection (7).

(7) The fire commissioner may order alteration of plans and specifications submitted to him or her under subsection (2) to ensure appropriate fire protection and life safety requirements are in place.

[2008 cF-11.01 s4](#)

[Back to Top](#)

Emergency response and co-ordination

5. The fire commissioner shall, where directed by the CEO , co-ordinate fire protection and other operations and activities in emergency situations and, where necessary, secure the resources to respond to fire and emergency situations.

[2008 cF-11.01 s5](#)

[Back to Top](#)

Appendix D Fire Protection Services Act

Local assistants

6. (1) The fire commissioner may, in writing, for the term specified in the appointment, appoint the chief of a fire department of a municipality or another person in that fire department as a local assistant.

(2) On the coming into force of this Act, the appointment of a person as a local assistant or special assistant under the authority of the previous Act shall cease, unless that person is appointed as a local assistant under the authority of this Act.

(3) Every officer and every member of

(a) the Royal Newfoundland Constabulary; and

(b) the Royal Canadian Mounted Police

except where the fire commissioner otherwise directs, in writing, shall be a local assistant to the fire commissioner with respect to the area of the province in which the officer or member exercises his or her functions.

(4) Where an officer of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police is acting as a local assistant under subsection (3), that officer shall be subject to the direction of the fire commissioner.

[2008 cF-11.01 s6](#)

[Back to Top](#)

Duties of local assistants

7. Where directed by the fire commissioner, a local assistant shall

(a) assist the fire commissioner in carrying out his or her duties under this Act; and

(b) investigate and report to the fire commissioner the cause, origin, extent and circumstance of every fire occurring within the territorial jurisdiction of the local assistant

(i) where fatalities or injuries have occurred to persons, or

(ii) in which property has been destroyed or damaged.

[2008 cF-11.01 s7](#)

Appendix D Fire Protection Services Act

PART II

ADOPTION AND ENFORCEMENT OF CODES AND STANDARDS

[Back to Top](#)

Adoption and enforcement of fire protection codes or standards

8. (1) The minister may, upon the recommendation of the CEO, prescribe by regulation those standards necessary for fire protection and may adopt by reference, with or without changes, codes or standards of another jurisdiction or of Canada.

(2) The codes or standards referred to in subsection (1) may relate to fire protection aspects of clothing, materials, devices, systems, apparatus, solid fuel, gas and oil burning equipment and appliances, standards to be used in the installation and use of those materials or items in a structure or property, and may determine the safety of the use, sale, storage and handling of a device, material or equipment.

(3) The fire commissioner shall enforce all codes adopted under this section.

[2008 cF-11.01 s8](#)

[Back to Top](#)

Exemption

9. (1) Notwithstanding section 8 , the minister may, by regulation, exempt a municipality from the application of codes adopted under section 8 , and may delegate to that municipality the authority to adopt codes or standards of another jurisdiction or of Canada .

(2) A municipality exempted from the application of codes under subsection (1) may, with the approval of the minister, adopt by reference, with or without changes, codes or standards of another jurisdiction or of Canada except in all circumstances those codes or standards shall, in the opinion of the minister, be equivalent to or of a higher standard than the codes or standards adopted under section 8 .

(3) A municipality authorized to adopt codes and standards under this section shall have the responsibility for the enforcement of those codes.

[2008 cF-11.01 s9](#)

Appendix D Fire Protection Services Act

PART III POWERS OF ENTRY

[Back to Top](#)

Immediate threat to life

10. (1) Where the fire commissioner or his or her designate has reasonable grounds to believe that a risk of fire poses an immediate threat to life, he or she may, without a warrant, enter on any land or premises and, for the purpose of removing or reducing the threat, may,

- (a) remove persons on the land or premises;
- (b) post a fire watch;
- (c) remove combustible or explosive material or anything that may constitute a fire menace;
- (d) dispose of a material or thing that was removed under paragraph (c), in accordance with an order issued by the fire commissioner;
- (e) eliminate ignition sources;
- (f) install temporary safeguards, including fire extinguishers and smoke alarms;
- (g) make minor repairs to existing fire and life safety systems; and
- (h) do any other thing that the fire commissioner or his or her designate has reasonable grounds to believe is urgently required to remove or reduce the threat to life.

(2) The fire commissioner or his or her designate may, without a warrant, enter on land or premises, including adjacent lands or premises, where he or she has reason to believe that a substance or device that is likely to cause a fire may be situated on the land or premises.

(3) A person who enters land or premises under subsection (1) or (2) shall promptly after exercising any powers under this section give notice of it to the owner if the owner's whereabouts in the province are known.

(4) The person who gives notice under subsection (3) shall post a copy of the notice on the land or premises.

- (5) The notice shall,
 - (a) describe the location of the land or premises;
 - (b) state the reason for the entry; and
 - (c) state the things done to remove or reduce the threat to life or a likely cause of fire.

Appendix D Fire Protection Services Act

(6) A person who enters on land or premises under this section may call on police officers as necessary and may use force as necessary to make the entry.

[2008 cF-11.01 s10](#)

[Back to Top](#)

Entry for investigation

11. (1) The fire commissioner or his or her designate may, at reasonable times without a warrant, enter on land or premises where a fire has occurred for the purpose of determining the cause of the fire.

(2) Upon entering on land or premises under subsection (1), the fire commissioner or his or her designate may, for the purpose of determining the cause of the fire under investigation,

(a) close, and prevent entry to, the land or premises for the length of time necessary to complete the examination of the land or premises;

(b) remove from the land or premises, retain and examine an article or material, and take those samples or photographs, make videotapes and other images electronic or otherwise that in his or her opinion may be of assistance in determining the cause of the fire under investigation;

(c) make those excavations on the land or premises as he or she considers necessary;

(d) require that machinery, equipment or device be operated, used or set in motion under specified conditions; and

(e) make reasonable inquiry of a person, orally or in writing which may be necessary to determine the cause of the fire.

(3) A person who enters on land or premises under subsection (1), may, without a warrant, enter on adjacent land or premises if the entry is necessary for the purposes of conducting an investigation into the cause of a fire.

(4) A person who enters on adjacent land or premises under subsection (3) may exercise a power referred to in subsection (2) on or with respect to the adjacent land or premises.

(5) A person who enters land or premises under subsection (1) or (3) shall not use force to enter the land or premises.

(6) A judge may issue a warrant authorizing the fire commissioner or a local assistant named in the warrant to enter on land or premises and exercise any of the powers referred to in this section if the judge is satisfied on evidence under oath that there are reasonable grounds to believe that entry on the lands or premises is necessary for the purposes of conducting an investigation into the cause of a fire and,

Appendix D Fire Protection Services Act

(a) the fire commissioner or his or her designate has been denied entry to the land or premises or has been obstructed in exercising other of those powers with respect to the land or premises; or

(b) there are reasonable grounds to believe that the fire commissioner or his or her designate will be denied entry to the land or premises or obstructed in exercising other of those powers with respect to the land or premises.

(7) A warrant issued under subsection (6) shall,

(a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and

(b) state when the warrant expires.

(8) A judge may extend the date on which a warrant expires for those additional periods as the judge considers necessary.

(9) A person authorized by a warrant issued under subsection (6) to enter land or premises for the purpose of doing a thing referred to in this section may call on police officers as necessary and may use force as necessary to make the entry and do the thing.

(10) A judge may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupant of the land or premises.

[2008 cF-11.01 s11](#)

[Back to Top](#)

Entry on adjacent lands

12. (1) The fire commissioner, his or her designate may, without a warrant, enter on lands or premises,

(a) that are adjacent to the lands or premises on which a fire or emergency has occurred or is occurring, for the purposes of fighting the fire or of providing rescue or emergency services; or

(b) that are adjacent to the lands or premises on which there is a serious threat to the health and safety of any person, to property or to the quality of the natural environment, for the purpose of removing or reducing the threat.

(2) The fire commissioner or his or her designate may, without a warrant, enter on lands or premises on which a fire is occurring, or that are adjacent to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are adjacent to those lands or premises if, in the opinion of the fire commissioner, it is necessary to do so to prevent the spread of the fire.

Appendix D Fire Protection Services Act

(3) The fire commissioner or his or her designate may, without a warrant, enter on lands or premises that are outside the boundaries of the municipality of the fire department that employs that designate for the purposes of fighting a fire or of providing rescue or emergency services on those lands or premises if,

(a) in the opinion of the fire commissioner, the fire or emergency threatens persons, property or the environment within the territorial limits of the municipality served by the fire department; and

(b) there is no fire department or other emergency response capability for the area in which the lands or premises are situated.

(4) The fire commissioner or his or her designate may, without a warrant, enter on lands or premises that are outside the territorial limits of the municipality of the fire department that employs the designate for the purpose of fighting a fire or of providing rescue or emergency services on those lands or premises if the council of the municipality has entered into an automatic or mutual aid agreement or any other agreement under which the entry is permitted.

[2008 cF-11.01 s12](#)

[Back to Top](#)

Assistance

13. A person who enters on land or premises under sections 10, 11 or 12 may call on other persons he or she considers advisable to assist.

[2008 cF-11.01 s13](#)

[Back to Top](#)

Inspections

14. (1) The fire commissioner or his or her designate may, without a warrant, enter and inspect land and premises for the purposes of assessing fire and life safety.

(2) The power to enter and inspect land and premises without a warrant may be exercised at all reasonable times.

(3) A person conducting an inspection may,

(a) examine a document or other thing that is relevant to the inspection;

(b) demand the production for inspection of a document or other thing that is relevant to the inspection;

(c) remove anything that is relevant to the inspection for review and examination and remove a document that is relevant to the inspection for review and copying;

Appendix D Fire Protection Services Act

(d) conduct tests, take and remove samples, take photographs and make videotapes and other images, electronic or otherwise, that are relevant to the inspection;

(e) in order to produce a document in readable form, use data storage, information processing or retrieval devices or systems that are normally used in the premises being inspected; and

(f) question a person on matters relevant to the inspection for the purpose of assessing fire and life safety.

(4) If a person conducting an inspection demands that a document or other thing be produced for inspection, the person who has custody of the document or thing shall produce it and, in the case of a document, shall on request, provide the assistance that is reasonably necessary to interpret the document or to produce it in a readable form.

(5) A document or other thing that has been removed from land or premises,

(a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for both that person and the person who removed it; and

(b) shall, if it is possible to return the document or thing to the person, be returned within a reasonable time.

(6) A copy of a document that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

[2008 cF-11.01 s14](#)

[Back to Top](#)

Warrant authorizing entry

15. (1) A judge may issue a warrant authorizing a person conducting an inspection named in the warrant to enter on lands or premises and exercise a power referred to in subsection 14 (3) if the judge is satisfied on evidence under oath that there are reasonable grounds to believe that entry on the lands or premises is necessary to assess fire and life safety and,

(a) that person has been denied entry to the lands or premises or has been obstructed in exercising a power under subsection 14 (3) with respect to the lands or premises; or

(b) there are reasonable grounds to believe that the inspector will be denied entry to the lands or premises or obstructed in exercising a power with respect to the lands or premises.

(2) A warrant issued under subsection (1) shall,

(a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and

Appendix D Fire Protection Services Act

- (b) state when the warrant expires.
- (3) A judge may extend the date on which a warrant expires for those additional periods as the judge considers necessary.
- (4) A judge may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupant of the land or premises.
- (5) A person authorized under a warrant issued under subsection (1) to enter land or premises may call on police officers as necessary and may use force as necessary to make the entry and do the thing.
- (6) A person named in a warrant issued under subsection (1) may call on other persons he or she considers advisable to execute the warrant.
- (7) Subsections 14 (3), (4), (5) and (6) apply with respect to an inspection carried out under a warrant issued under this section.

[2008 cF-11.01 s15](#)

[Back to Top](#)

Identification

16. On the request of an owner or occupant of the land or premises, a person who enters on land or premises under this Part shall identify himself or herself and shall explain the purpose of the entry.

[2008 cF-11.01 s16](#)

PART IV ORDERS OF THE FIRE COMMISSIONER

[Back to Top](#)

Order following inspection

17. Where the fire commissioner or his or her designate finds, following an inspection under Part III, that a structure or property is especially liable to fire or the spread of fire, or is situated so that it would endanger another structure or property, the fire commissioner or his or her designate may order the owner or occupant, as appropriate, of that structure or property

- (a) to remove or demolish the structure on that property or part of it to make repairs or alterations;
- (b) to install fire protection and fire and life safety features required by the regulations which the fire commissioner considers necessary;
- (c) to comply with the applicable fire and life safety regulations, codes and standards;

Appendix D Fire Protection Services Act

- (d) to remove a flammable, combustible, explosive or unapproved material, item or equipment;
- (e) to remove from a structure or property an item, material or equipment which is hazardous or has not been approved;
- (f) to stop the operation of a hazardous process or operation or the emitting of a hazardous emission where a fire or explosion is likely to occur;
- (g) that a fire may not be lighted or maintained in an appliance, apparatus or place where the fire commissioner or his or her designate believes that the use of that appliance or apparatus is dangerous to persons or property;
- (h) to alter the use or occupancy of the structure or property or a part of it; or
- (i) to evacuate and close the structure or property or a part of it.

[2008 cF-11.01 s17](#)

[Back to Top](#)

Order regarding supply of electricity

18. (1) Where, in the opinion of the fire commissioner or his or her designate, an electrical installation, apparatus or equipment in or upon a structure or property is in a condition or is likely to cause a fire and to be dangerous to the safety of persons or property, he or she may, in writing, order a person, firm, corporation or commission or other organization supplying electrical energy to discontinue supplying electrical energy to the structure or property until the condition of the location of the electrical installation, apparatus or equipment is remedied or altered to the satisfaction of the fire commissioner, in consultation with the chief electrical inspector appointed under the *Public Safety Act* .

(2) Upon receipt of the order referred to in subsection (1), the person, firm, corporation, commission or other organization to whom it is directed shall immediately discontinue supplying electrical energy to the structure or property until the order is rescinded by the person who made it or by the fire commissioner.

(3) The prohibition on the provision of electrical energy in subsection (2) includes the provision of temporary poles or equipment unless the approval of the person who made the order or of the fire commissioner has been obtained.

[2008 cF-11.01 s18](#)

[Back to Top](#)

Appendix D Fire Protection Services Act

Form of orders

19. (1) An order made under section 17 or 18 may be oral or in writing, but where the order is made orally it shall be effective from the time it is made and shall in all cases be confirmed in writing and an order shall be served by delivering a copy to the person to whom it is addressed.

(2) Where an order made under section 17 or 18 is made by a designate of the fire commissioner, the order shall first be approved by the fire commissioner.

(3) An order made by the fire commissioner or his or her designate may contain a time frame for compliance.

(4) Where an order is made under section 17 or 18, it may contain more than one order, may be made in the alternative or may be made subject to the terms and conditions the fire commissioner or his or her designate considers appropriate.

(5) Where the fire commissioner considers it necessary, he or she may designate in an order made under section 17 or 18 whether the owner or the occupier of the structure or property or both the owner and the occupier of the structure or property shall comply with the order.

(6) A tenant or occupant of a structure or property with respect to which an order is made under section 17 or 18 shall, at all reasonable times, permit the owner of the structure or the employee, agent, or worker of the owner to enter and re-enter that part of the structure or property of which he or she is a tenant or occupant for the purpose of making the alterations and repairs and doing those other things that the owner is required to do under the order.

(7) An order of the fire commissioner made under this Part shall be considered to be in place until the order is rescinded by the person who made it or by the fire commissioner.

[2008 cF-11.01 s19](#)

[Back to Top](#)

Scope of order

20. An order made under section 17 or 18 may require that the structure or property be repaired or altered or that an installation may be made in accordance with the provisions of a code adopted by reference in the regulations under this Act.

[2008 cF-11.01 s20](#)

[Back to Top](#)

Appendix D Fire Protection Services Act

Order for closure of structure or property

21. (1) Where, in the opinion of the fire commissioner or his or her designate, a fire hazard exists in a structure or property which makes that property or structure dangerous to persons, the fire commissioner or his or her designate may order that the public be excluded from the structure or property until the fire hazard has been remedied.

(2) Subsection (1) shall also apply

(a) to a property which is adjacent to or threatened by a fire hazard in another structure or property; or

(b) where, in the opinion of the fire commissioner or his or her designate, a fire hazard exists due to the presence of flammable, combustible or explosive substances or materials, or because of a hazardous emission or another condition.

(3) In subsection (1), "public" may, in the discretion of the fire commissioner or his or her designate, include those persons who are resident in the structure or property which is the subject of the order.

[2008 cF-11.01 s21](#)

[Back to Top](#)

Order setting capacity and closure for over-capacity

22. Where, in the opinion of the fire commissioner or his or her designate, a danger to the safety of the public exists due to

(a) the inadequacy of exits; or

(b) the over-crowding of an area;

he or she may make an order prescribing the number of persons permitted in or upon the structure, and the number of persons shall not exceed the number prescribed in that order.

[2008 cF-11.01 s22](#)

[Back to Top](#)

Form of order

23. (1) An order made under section 21 or 22 shall be made in writing or by means of an official sign, and shall be delivered to the owner or occupier of the property or structure to which it relates.

(2) Unless otherwise specified by the fire commissioner, where an order made under section 22 is made by a designate of the fire commissioner, approval of the order by the fire commissioner is required before the order may be delivered.

Appendix D Fire Protection Services Act

[2008 cF-11.01 s23](#)

[Back to Top](#)

Other orders

24. (1) The fire commissioner may make those other orders he or she considers necessary for carrying out his or her duties under this Act, including

- (a) fire lane orders;
 - (b) no smoking for fire protection orders; and
 - (c) gas pump orders.
- (2) An order designating fire lanes may be made designating fire lanes on public or private property.

[2008 cF-11.01 s24](#)

[Back to Top](#)

Ministerial review of order

25. (1) Within 30 days from the time an order is made under this Part a person affected by the order may apply to the minister and the minister may review the order and may amend, revoke or confirm the order.

(2) A decision of the minister under this section may be enforced under this Act in the same manner as an order of the fire commissioner.

[2008 cF-11.01 s25](#)

[Back to Top](#)

Appeal to court

26. A person who is dissatisfied with a decision of the minister under section 25 may, within 14 days of receiving notice of the minister's decision, apply to a judge of the Trial Division to review that decision.

[2008 cF-11.01 s26](#)

[Back to Top](#)

Appendix D Fire Protection Services Act

Order shall remain in force

27. (1) An order of the fire commissioner or his or her designate and a decision of the minister made under section 25 shall remain in effect until revoked or amended in writing according to this Act and may be enforced even though a review of the order or decision is sought.

(2) Notwithstanding subsection (1), a judge of the court or the minister may, where a person affected by the order applies to do so, stay the enforcement of an order or decision on the terms and conditions the judge or the minister considers appropriate pending the review of the order under this Part.

[2008 cF-11.01 s27](#)

PART V GENERAL

[Back to Top](#)

Report required

28. (1) Where a fire has occurred, the fire chief of the fire department which responded to the fire shall report the details of that fire to the fire commissioner.

(2) Where a fire has occurred in which a fatality or injury has been caused by the fire, the fire chief of the fire department which responded to the fire, or a designate of the fire commissioner shall immediately report that fatality or injury to the fire commissioner including

- (a) the name, age and gender of every person sustaining an injury or fatality;
 - (b) the name of the occupier of the property where the fatality or injury occurred; and
 - (c) the other information that the fire commissioner may require.
- (3) A report under subsection (2) shall be delivered to the fire commissioner within 24 hours.

[2008 cF-11.01 s28](#)

[Back to Top](#)

Other reports

29. (1) Where a fire has occurred in which an insurer has an interest

- (a) the insurer;
- (b) an insurer which employs the services of an adjuster; or

Appendix D Fire Protection Services Act

- (c) an adjuster

shall report to the fire commissioner the details of that fire.

- (2) The details of the fire referred to in subsection (2) shall include

- (a) the name and address of the owner and occupier of the property where the fire occurred;
- (b) the name and address of each person insured by that insurer with respect to the property destroyed or damaged;
- (c) the location of the property;
- (d) the use and occupancy of the property;
- (e) the date of the fire;
- (f) the value of the property;
- (g) the amount of insurance carried and by whom it is carried;
- (h) the amount of loss sustained;
- (i) the probable cause of the fire;
- (j) the name and address of the person adjusting the claim; and
- (k) any other information that the fire commissioner may require.

(3) Where required by the fire commissioner, a person sustaining or claiming to have sustained a loss by fire of property, whether the property was insured wholly or partially, or uninsured, shall report to the fire commissioner

- (a) the date of the fire;
- (b) the name and address of the owner and of the occupier of the property where the fire occurred;
- (c) the location, use and occupancy of the property;
- (d) the particulars of the insurance; and
- (e) the other information that the fire commissioner may require.

(4) A report required under this section shall be sent to the fire commissioner within 10 days of the person required to report having been notified of the information.

[Back to Top](#)

Firefighting training

- 30.** (1) The fire commissioner, with the approval of the CEO,
- (a) shall establish standards for the training of firefighters in the province; and
 - (b) may establish standards for training firefighters in industry.
- (2) In establishing the standards under paragraph (1)(a), the fire commissioner shall develop a curriculum for the training of firefighters in the province and firefighter training which is conducted in the province shall be conducted in accordance with that curriculum.
- (3) Where firefighter training is provided by another person or entity as part of the curriculum for firefighter training, that firefighter training shall be subject to the approval of the fire commissioner.
- (4) The fire commissioner shall, with the approval of the CEO,
- (a) establish and conduct a mobile firefighting training program; and
 - (b) provide technical training programs to meet the requirements of firefighters, inspectors and other persons who have duties assigned by the fire commissioner or other duties under this Act.

[Back to Top](#)

Offences

- 31.** A person who
- (a) contravenes or fails to comply with a requirement or obligation imposed on that person by this Act or the regulations;
 - (b) interferes with a person in the discharge of that person's duties under this Act or the regulations;
 - (c) tears down, removes or damages a regulation, order or notice made under the authority of the fire commissioner under this Act or the regulations; or
 - (d) interferes with, tampers or damages installed fire protection or detection equipment

Appendix D Fire Protection Services Act

commits an offence and is liable on summary conviction to a fine of not less than \$1,000 and not more than \$5,000 and in default of payment of the fine, to imprisonment for not more than 30 days, and in the case of a continuing offence, to a fine of \$5,000 each day or part of a day during which the offence continues and each continuance for a day or a part of a day of an offence referred to in this subsection constitutes a separate offence.

[2008 cF-11.01 s31](#)

[Back to Top](#)

Action barred

32. An action or other proceeding does not lie against the CEO , the fire commissioner or his or her designate for anything done or omitted to be done in good faith in the course of exercising a power or carrying out a duty under this Act.

[2008 cF-11.01 s32](#)

[Back to Top](#)

Regulations

- 33.** (1) The minister may make regulations
- (a) regulating the sale, installation and maintenance in structures or property of equipment or apparatus for burning fuel, whether solid, liquid or gas;
 - (b) regulating the sale, installation and maintenance of fire extinguishing materials, devices, apparatus and equipment;
 - (c) regulating the sale and use of family fireworks;
 - (d) regulating the sale and use of aerial pyrotechnics;
 - (e) respecting fire and life safety inspections;
 - (f) prohibiting the construction, structural alteration or change of use of a structure unless a plan and specifications in a form to be prescribed in the regulations are first furnished to the fire commissioner and approved by him or her;
 - (g) respecting the exemption of a municipality from the application of section 8, including any terms and conditions upon which an exemption may be made;
 - (h) providing that so much of this Act and the regulations as he or she considers desirable shall apply to structures or property owned or occupied by the Crown; and

Appendix D Fire Protection Services Act

(i) respecting the certification of persons or firms engaged in the installation, servicing, maintenance and repair of fire extinguishers, fixed fire extinguishing systems, fire alarm and detection devices and fire alarm monitoring devices.

(2) Regulations made under this section may be

- (a) made to apply to the whole of the province,
- (b) restricted in their application to specified areas of the province,
- (c) made to apply without limit of time or during particular periods,
- (d) applied at or between specified times only, and
- (e) applied in or upon particular circumstances or conditions only,

and different regulations may be

- (f) made in respect of structures or property of a different description or class, and
- (g) made in respect of structures or property of the same description or class in different circumstances,

and exceptions or limitations in favour of or against structures or property of a particular description or class may be prescribed.

(3) Regulations made under this section may be made with retroactive effect.

(4) The fire commissioner may attach to a permit issued under subsection (1) those conditions that he or she considers necessary or desirable and the conditions may be varied in respect of different permits, and the permits are subject to refusal, suspension or cancellation.

[2008 cF-11.01 s33](#)

[Back to Top](#)

Regulations re: adoption by reference

34. The minister may, in accordance with section 8, adopt and constitute as regulations by reference

- (a) a code, rule or standard relevant to a matter referred to in section 33, or an official abridgment of a code, rule or standard;
- (b) a code, rule, standard or abridgment with the exception of a specified provision;

Appendix D Fire Protection Services Act

- (c) a specified provision of a code, rule, standard or abridgment; and
- (d) an amendment to a code, rule, standard or abridgment made, with or without modification,

and a certificate of the minister that a document is a copy of a code, rule or standard adopted and constituted as regulations under this section or an official abridgment of, extract from or amendment to a code, rule or standard shall without further proof be, in the absence of evidence to the contrary, evidence of the contents of the code, rule or standard.

[2008 cF-11.01 s34](#)

[Back to Top](#)

St. John's Regional Fire Department

35. (1) Notwithstanding another provision of this Act, all services provided by and duties and responsibilities of the fire commissioner assigned under this Act shall, within the area over which the St. John's Regional Fire Department has jurisdiction, be exercised by the fire chief of that department.

(2) Subsection (1) shall not preclude an agreement for the sharing of services, duties or responsibilities upon the approval of the minister, between the St. John's Regional Fire Department and the fire commissioner.

(3) For the purpose of this section, “area over which the St. John’s Regional Fire Department has jurisdiction” means the City of St. John’s, the City of Mount Pearl, and a municipal authority with which the City of St. John’s has contracted for the provision of fire protection services under section 402.3 of the *City of St. John’s Act*.

[2008 cF-11.01 s35](#)

[Back to Top](#)

Fees and forms

36. The minister may set fees and prescribe forms for the purpose and administration of this Act.

[2008 cF-11.01 s36](#)

[Back to Top](#)

RSNL1990 cC-15 Amdt.

37. Subsections 216(1) and (2) of the *City of Corner Brook Act* are repealed and the following substituted:

Regulations

Appendix D Fire Protection Services Act

216. (1) The council may make regulations with respect to the control and management of the fire department and, subject to the *Fire Protection Services Act* and regulations made under that Act, for the fighting of fires, the prevention of fire in the city and the inspection of buildings in the city for fire prevention services.

(2) In making regulations under subsection (1) the council may adopt the whole or a portion of the National Fire Code of Canada or another code, with or without modification and supplements or amendments to the Code, but where the city has been exempted from the application of section 8 of the *Fire Protection Services Act*, those codes and standards shall comply with the requirements of section 9 of that Act and shall be equivalent to or of a higher standard than the codes or standards adopted under section 8 of the *Fire Protection Services Act*.

[2008 cF-11.01 s37](#)

[Back to Top](#)

RSNL1990 cC-17 Amdt.

38. Subsections 340.4(1) and (2) of the *City of St. John's Act* are repealed and the following substituted:

Regulations re: management of fire department

340.4 (1) The council may make regulations with respect to the control and management of the fire department and, subject to the *Fire Protection Services Act*, for the fighting of fires, the prevention of fire in the city and the inspection of buildings in the city for fire prevention services.

(2) In making regulations under subsection (1) the council may adopt the whole or a portion of the National Fire Code of Canada or another code, with or without modification and supplements or amendments to the Code, but where the city has been exempted from the application of section 8 of the *Fire Protection Services Act*, those codes and standards shall comply with the requirements of section 9 of that Act and shall be equivalent to or of a higher standard than the codes or standards adopted under section 8 of the *Fire Protection Services Act*.

[2008 cF-11.01 s38](#)

[Back to Top](#)

RSNL1990 cI-9 Amdt.

39. Section 21 of the *Insurance Adjusters, Agents and Brokers Act* is amended by deleting the reference "*Fire Prevention Act* " and substituting the reference "*Fire Protection Services Act* ".

[2008 cF-11.01 s39](#)

[Back to Top](#)

SNL1999 cM-24 Amdt.

Appendix D Fire Protection Services Act

40. (1) Paragraph 414(1)(f) of the *Municipalities Act, 1999* is amended by deleting the reference "*Fire Prevention Act, 1991* " and substituting the reference "*Fire Protection Services Act* ".

(2) Section 414 of the Act is amended by adding immediately after subsection (6) the following:

(6.1) Where a council adopts a code under subsection (5) and the minister has, by regulation, exempted the municipality from section 8 of the *Fire Protection Services Act*, the adoption of the code shall, in all respects, comply with the requirements of section 9 of that Act.

(3) Paragraph 415(i) of the Act is amended by deleting the reference "*Fire Prevention Act, 1991* " and substituting the reference "*Fire Protection Services Act* ".

[2008 cF-11.01 s40](#)

[Back to Top](#)

RSNL1990 cP-15 Amdt.

41. Paragraph 27(1)(f) of the *Pippy Park Commission Act* is amended by deleting the reference "*Fire Prevention Act, 1991* " and substituting the reference "*Fire Protection Services Act* ".

[2008 cF-11.01 s41](#)

[Back to Top](#)

NLR 78/99 Amdt.

42. Section 2 of the *Provincial Offences Ticket Regulations, 1999* is amended by adding immediately after paragraph (e) the following:

(e.1) section 24 of the *Fire Protection Services Act* ;

[2008 cF-11.01 s42](#)

[Back to Top](#)

SNL1991 c34 Rep.

43. The *Fire Prevention Act, 1991* is repealed.

[2008 cF-11.01 s43](#)

[Back to Top](#)

Appendix D Fire Protection Services Act

Commencement

44. This Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.
(In force Jun. 1/12)

[2008 cF-11.01 s44](#)

©Earl G. Tucker, Queen's Printer