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[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

**NEWFOUNDLAND AND LABRADOR
REGULATION 45/12**

Fire Protection Services Regulations
under the
Fire Protection Services Act

(Filed May 8, 2012)

Under the authority of section 33 of the *Fire Protection Services Act*, I make the following regulations.

Dated at St. John's , April 30, 2012.

Kevin O'Brien
Minister of Municipal Affairs

REGULATIONS

Analysis

1. [Short title](#)

2. [Definitions](#)

PART I
ADOPTION OF CODES

3. [Codes adopted](#)

4. [Conflict](#)

PART II
SMOKE AND FIRE ALARM DETECTION SYSTEMS

5. [Application](#)

6. [Compliance with codes and standards](#)

7. [Requirements](#)

8. [Testing and maintenance](#)

PART III
FIRE EXTINGUISHERS AND FIRE EXTINGUISHING SYSTEMS

- [9. Fire extinguishers](#)
- [10. Plans to be approved](#)
- [11. Installation or service of unit or system](#)
- [12. Persons qualified for servicing](#)
- [13. Notice of commissioning](#)
- [14. Equipment not to be inoperative](#)

PART IV
FIREWORKS

- [15. Explosives Act \(Canada \)](#)
- [16. Permit required for retail sale](#)
- [17. Discharge of family fireworks](#)
- [18. Purchase and discharge of aerial fireworks](#)
- [19. Discharge inside a building](#)

PART V
GENERAL

- [20. Transitional](#)
- [21. Repeal](#)
- [22. Commencement](#)

[Schedule](#)

Appendix GG Fire Protection Service Regulations

Short title

1. These regulations may be cited as the *Fire Protection Services Regulations*.

[Back to Top](#)

Definitions

2. In these regulations

- (a) "aerial fireworks" means high hazard fireworks as described in Class 7, Division 2, Subdivision 2 of the *Explosives Regulations* under the *Explosives Act* (Canada);
- (b) "family fireworks" means low hazard fireworks for recreation commonly referred to as consumer fireworks, and as described in Class 7, Division 2, Subdivision 1 of the *Explosives Regulations* under the *Explosives Act* (Canada);
- (c) "fireworks" means fireworks as classified in the *Explosives Regulations* and the *Explosives Act* (Canada) and includes
 - (i) family fireworks,
 - (ii) aerial fireworks, and
 - (iii) pyrotechnics;
- (d) "fire extinguishing systems" means manual or automatic extinguishing systems designed to extinguish or limit the growth of a fire and include
 - (i) sprinkler systems and other water based systems,
 - (ii) foam based systems,
 - (iii) carbon dioxide systems,
 - (iv) halon systems,
 - (v) dry chemical systems,
 - (vi) wet chemical systems,
 - (vii) wetting agents, and
 - (viii) clean agent extinguishing systems;
- (e) "pyrotechnics" means theatrical explosives as described in Class 7, Division 2, Subdivision 5 of the *Explosives Regulations* under the *Explosives Act* (Canada);
- (f) "recognized national testing laboratory" means an organization accredited by the Standards Council of Canada;

Appendix GG Fire Protection Service Regulations

- (g) "residential occupancies, group C" means the occupancy or use of a building or part of a building by persons for whom sleeping accommodations are provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained; and
- (h) "smoke alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.

PART I ADOPTION OF CODES

[Back to Top](#)

Codes adopted

3. (1) The following codes are adopted with the additions, alterations or changes as directed by and described in the schedule:

- (a) for the construction of all buildings
 - (i) the National Building Code of Canada , 2010 edition, except Part 9 where relative to one and 2 family dwellings within Group C, and
 - (ii) the National Fire Code of Canada, 2010 edition; and
- (b) for the use and operation of all buildings, processes, areas and vehicles
 - (i) the National Fire Code of Canada, 2010 edition, and
 - (ii) the NFPA 101, Life Safety Code, 2009 edition, as published by the National Fire Protection Association.
- (2) Notwithstanding
 - (a) Division A, subsection 1.5.1.3 of the National Building Code of Canada, 2010 edition and the National Fire Code of Canada, 2010 edition; and
 - (b) Division B, Subsection 1.3.1 of the National Building Code of Canada, 2010 edition and the National Fire Code of Canada, 2010 edition

the standards referenced in all codes adopted by these regulations shall be the current editions of those standards at the date these regulations come into force.

(3) Where, after the coming into force of these regulations, referenced standards in codes adopted by these regulations change or are updated, those standards are adopted 6 months following the date of their publication.

[Back to Top](#)

Conflict

4. In the event of a conflict between the codes adopted under section 3, the provisions of the National Building Code of Canada shall prevail with regard to design and construction, except as may be otherwise provided in the schedule.

Appendix GG Fire Protection Service Regulations

PART II SMOKE AND FIRE ALARM DETECTION SYSTEMS

[Back to Top](#)

Application

5. Smoke alarms which comply with the codes adopted under section 3 shall be installed in:
- (a) new and existing dwelling units and in each sleeping room not within a dwelling unit;
 - (b) existing one and 2 family units, owner occupied or rented, unless governed by a municipal by-law;
 - (c) privately owned and occupied seasonal cottages and seasonal homes; and
 - (d) other areas which may be determined by the fire commissioner.

[Back to Top](#)

Compliance with codes and standards

6. The installation, testing and maintenance of smoke alarms shall comply with all codes and standards adopted under section 3 as described in the schedule.

[Back to Top](#)

Requirements

7. (1) The requirements for fire alarm and detection systems in new or existing buildings shall be as required by the codes and standards adopted under section 3 as described in the schedule, and may be varied by order of the fire commissioner for the safety of occupants.

(2) Fire alarm and detection systems shall be designed only by qualified persons in accordance with the National Building Code of Canada and all components of fire alarm and detection systems shall be tested, listed and labelled by a recognized national testing laboratory or as otherwise approved by the fire commissioner.

(3) The installation and verification of all newly installed fire alarm and detection systems and voice communication systems used in conjunction with fire alarm and detection systems shall comply with the National Fire Code of Canada.

(4) Plans for the installation of fire alarm and detection systems shall be approved by the fire commissioner.

[Back to Top](#)

Testing and maintenance

8. (1) The testing and maintenance of fire alarm and detection systems in buildings shall be performed in accordance with the National Fire Code of Canada.

Appendix GG Fire Protection Service Regulations

(2) Qualified personnel performing the tests and maintenance referred to in subsection (1) shall follow the requirements of the National Fire Code of Canada.

(3) A person shall not perform maintenance, repair, inspection, testing or verification of an installed fire alarm and detection system unless, in the opinion of the fire commissioner, that person

- (a) possess the necessary tools and testing equipment to do the work;
- (b) has passed certification examinations to the satisfaction of the fire commissioner; and
- (c) has received the applicable licences.

(4) A licence to perform testing and maintenance of fire alarm and detection systems shall remain in force unless cancelled, suspended, or surrendered.

(5) Fire alarm and detection systems shall be in working order.

(6) Where services are required to installed fire alarm and detection systems, those systems shall not be inoperative for any longer than reasonably necessary for those services to be performed.

(7) Where a fire alarm and detection system is temporarily inoperative in an occupied building required to have a fire alarm and detection system, the person responsible for completing the work shall:

- (a) immediately notify the fire department and monitoring station of the shut down and where that shut down is anticipated to last more than 24 hours, that notification shall be in writing;
- (b) post notices on all floors by elevators and at entrances, stating the fire alarm and detection system is inoperative and that work is being carried out on it and when that work is expected to be completed;
- (c) patrol the area at least once every hour;
- (d) notify the fire department, monitoring station and the building occupants and owner when the work has been completed and the system is operational; and
- (e) in addition to the requirements of paragraphs (a) to (d), comply with the other fire and life safety requirements of the fire commissioner with respect to the shut-down, if any, for the protection of persons affected by it.

(8) Inoperative fire alarm and detection systems referred to in subsection (7) shall be given high priority in regard to repairs or adjustments that may be required to restore them to full operation.

PART III FIRE EXTINGUISHERS AND FIRE EXTINGUISHING SYSTEMS

[Back to Top](#)

Fire extinguishers

9. (1) A person shall not sell, use or install a portable fire extinguisher within the province unless and until it has been listed and labelled for use in Canada.

Appendix GG Fire Protection Service Regulations

(2) A person shall not sell, use or install an obsolete fire extinguisher, including a fire extinguisher which has been noted as obsolete by NFPA 10, Portable Fire Extinguishers, as published by the National Fire Protection Association.

[Back to Top](#)

Plans to be approved

10. (1) A plan for the installation of a fire extinguishing system and system components shall be approved by the fire commissioner before that system is installed.

(2) Notwithstanding subsection (1), where a fire extinguishing system required for commercial cooking according to NFPA 96, Standard for Ventilation Control and Fire Protection of Cooking Operations is installed, plan approval by the fire commissioner is not required.

[Back to Top](#)

Installation or service of unit or system

11. (1) A person shall not install or perform a service on a fire extinguisher or fire extinguishing system until, in the opinion of the fire commissioner, that person

- (a) possesses the necessary tools and testing equipment to do that work;
- (b) has passed certification examinations to the satisfaction of the fire commissioner; and
- (c) has received the applicable licence issued by the fire commissioner.

(2) A licence shall remain in force unless cancelled, suspended or surrendered.

(3) All installation and servicing shall be performed in accordance with codes adopted under section 3 and as described in the schedule.

(4) The fire commissioner may cancel or suspend a licence for non-compliance with the Act or these regulations.

[Back to Top](#)

Persons qualified for servicing

12. (1) Only persons or agencies fulfilling the requirements of subsection 11(1) shall perform servicing procedures.

(2) An agency shall, as required by the fire commissioner, report the name and address of each qualified person and the number of and names of all trainees in its employ.

(3) A trainee shall perform servicing procedures only under the direct supervision of a qualified person who shall be responsible for the work performed.

[Back to Top](#)

Appendix GG Fire Protection Service Regulations

Notice of commissioning

13. Upon completion of the installation of a fire extinguishing system and upon commissioning of that system, a copy of the installer's or manufacturer's verification shall be submitted to the fire commissioner.

[Back to Top](#)

Equipment not to be inoperative

14. (1) Installed fire extinguishing systems shall be in working order.

(2) Where services are required to installed fire extinguishing systems, those systems shall not be inoperative for any longer than reasonably necessary for those services to be performed.

(3) Where a fire extinguishing system is temporarily inoperative in an occupied building required to have a fire extinguishing system, the person responsible for completing the work shall

- (a) immediately notify the fire department and monitoring station of the shut down and where that shut down is anticipated to last more than 24 hours, that notification shall be in writing;
- (b) post notices on all floors by elevators and at entrances, stating the fire extinguishing system is inoperative and that work is being carried out on it and when that work is expected to be completed;
- (c) patrol the area at least once every hour;
- (d) notify the fire department, monitoring station and the building occupants and owner when the work has been completed and the fire extinguishing system is operational; and
- (e) in addition to the requirements of paragraphs (a) to (d), comply with the other fire and life safety requirements of the fire commissioner with respect to the shut-down, if any, for the protection of persons affected by it.

(4) Inoperative fire extinguishing systems referred to in subsection (3) shall be given high priority in regard to repairs or adjustments that may be required to restore them to full operation.

PART IV FIREWORKS

[Back to Top](#)

Explosives Act (Canada)

15. Only fireworks which have been authorized under the *Explosives Act* (Canada) may be stored, sold or used in the province.

[Back to Top](#)

Permit required for retail sale

16. (1) A person shall not offer family fireworks for retail sale unless that person has obtained a permit from the fire commissioner authorizing the storage and sale of those fireworks in accordance with these regulations and the applicable federal requirements.

Appendix GG Fire Protection Service Regulations

(2) A permit issued under subsection (1) shall remain in force until cancelled, suspended or surrendered.

(3) The fire commissioner may cancel or suspend a permit for non-compliance with the Act, these regulations or the applicable federal requirements.

[Back to Top](#)

Discharge of family fireworks

17. A person shall not discharge or display family fireworks unless that person

- (a) is over 18 years of age;
- (b) discharges fireworks in accordance with instructions printed on each item or package; and
- (c) exercises care and caution in the discharge of those fireworks.

[Back to Top](#)

Purchase and discharge of aerial fireworks

18. (1) A person shall not discharge aerial fireworks unless a permit from the fire commissioner is obtained authorizing the discharge or display.

(2) A permit issued for outside discharge or display of aerial fireworks is valid only for the date and area for which it is issued.

(3) The discharge or display of aerial fireworks shall be under the direction of a person authorized to do so by the applicable federal regulatory authority.

[Back to Top](#)

Discharge inside a building

19. (1) A person shall not discharge fireworks inside a building.

(2) Notwithstanding subsection (1), the fire commissioner may issue a permit for the discharge of pyrotechnics within a building for special occasions, including theatrical performances, and may stipulate the conditions under which that discharge may be permitted.

PART V GENERAL

[Back to Top](#)

Transitional

20. A permit issued under the *Fire Protection Act, 1991*, for installation, inspection or maintenance of

- (a) fire alarm and detection systems; or
- (b) fire extinguishers and fire extinguishing systems

Appendix GG Fire Protection Service Regulations

shall be valid for a period of 12 months following the coming into force of these regulations only, at which time all permits for those purposes issued under the former Act shall be cancelled.

[Back to Top](#)

Repeal

21. The following regulations are repealed:

- (a) *Fire Prevention Fire Extinguisher and Fixed Fire Extinguishing Systems Regulations* , Consolidated Newfoundland and Labrador Regulation 958/96;**
- (b) *Fire Prevention Fireworks Regulations* , Consolidated Newfoundland and Labrador Regulation 8/96;**
- (c) *Fire Prevention Flammable and Combustible Liquids Regulations* , Consolidated Newfoundland and Labrador Regulation 959/96;**
- (d) *Fire Prevention Regulations*, Consolidated Newfoundland and Labrador Regulation 9/96;
and**
- (e) *Fire Prevention Smoke and Fire Alarm Regulations* , Consolidated Newfoundland and Labrador Regulation 960/96.**

[Back to Top](#)

Commencement

22. These regulations come into force on June 1, 2012.

Appendix GG Fire Protection Service Regulations

[Back to Top](#)

Schedule

Fire and Life Safety

Interpretation

1. (1) In this Schedule

- (a) "addition" means an increase in building area, aggregate floor area, height, or number of stories of a structure;
- (b) "adopted code" means the applicable code as adopted under section 3 of the regulations;
- (c) "authority having jurisdiction" means the government body responsible for the enforcement of a part of the referenced code or the official or agency designated by that body to exercise that function;
- (d) "change of occupancy classification" means a change in the occupancy classification of a structure or portion of a structure;
- (e) "change of use" means a change in the purpose or level of activity within a structure that involves a change in application of the requirements of the Act, regulations and adopted code s;
- (f) "existing building or structure" means building or structure approved for occupancy by the AHJ or a building or structure which is currently occupied;
- (g) "historic building" means a building or facility considered to have historical, architectural, or cultural significance by a local, regional, or national authority;
- (h) "modification" means
 - (i) the addition or elimination of load-bearing elements,
 - (ii) the reconfiguration of any space,
 - (iii) the addition or elimination of any door or window;
 - (iv) the reconfiguration or extension of any system, or
 - (v) the installation of any additional equipment;
- (i) "new construction" means a building or structure which is
 - (i) under construction, or
 - (ii) not approved for occupancy by the AHJ;
- (j) "reconstruction" means

Appendix GG Fire Protection Service Regulations

- (i) the reconfiguration of a space that affects an exit, or a corridor shared by more than a single tenant, or
 - (ii) the reconfiguration of space so that the rehabilitation work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained;
- (k) "rehabilitation" means any work on an existing building classified as:
- (i) repair,
 - (ii) renovation,
 - (iii) modification,
 - (iv) reconstruction,
 - (v) change of use of occupancy, or
 - (vi) addition;
- (l) "renovation" means
- (i) the replacement in kind or strengthening of load bearing elements, or
 - (ii) the refinishing, replacement, bracing, strengthening, or upgrading of existing materials, elements, equipment or fixtures, without involving the reconfiguration of spaces; and
- (m) "repair" means the patching, restoration, or painting of materials, elements, equipment, or fixtures for the purpose of maintaining those materials, elements, equipment or fixtures in good or sound condition.
- (2) Words and phrases used in this schedule that are not included in this section shall have the meanings which are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms with the various trades and professions to which the terminology applies.
- (3) The following abbreviations are used in this schedule:
- (a) AHJ: authority having jurisdiction;
 - (b) LSC: NFPA 101 Life Safety Code;
 - (c) NBCC: National Building Code of Canada ;
 - (d) NFCC: National Fire Code of Canada ; and
 - (e) NFPA: National Fire Protection Association.

[Back to Top](#)

Application and use

2. (1) This schedule directs the application and use of the adopted codes.

Appendix GG Fire Protection Service Regulations

(2) This schedule directs the application and use of the appropriate codes, sections or chapters of codes that shall be used for

- (a) the design, construction, operation of new structures; and
- (b) the use and operation of existing structures.

(3) This schedule identifies the procedures that owners or developers shall follow in the repair , renovation , modification , reconstruction , change of use or change of occupancy classification , and addition to existing structures including historic buildings .

[Back to Top](#)

Existing buildings

3. (1) This schedule permits repairs , renovation s, modification s, reconstruction s, additions , and changes of use that maintain or improve the health, safety, and well-being of occupants in existing buildings, without requiring full compliance with the adopted codes, except for proportional additional work as specified in this schedule and the LSC .

(2) Nothing in this section shall be interpreted as requiring the repair , renovation , modification or reconstruction of existing buildings, but in all circumstances the requirements of the adopted codes shall be met.

(3) All work shall be classified into categories of:

- (a) repair;
- (b) renovation;
- (c) modification;
- (d) reconstruction;
- (e) change of use; or
- (f) addition

with specific requirements established for each category according to the LSC .

[Back to Top](#)

Compliance

4. (1) Existing life safety features which are obvious to the public, if not required by the adopted codes , shall be either maintained or removed.

(2) This schedule shall not supersede any adopted codes or ordinances that address dangerous or unsafe buildings.

(3) Buildings and structures located in whole or in part in a floodway or floodway fringe shall conform to the Newfoundland and Labrador Provincial Land Use Policy Flood Risk Areas .

Appendix GG Fire Protection Service Regulations

(4) The minimum design loads for a structure shall be the loads applicable at the time the building was constructed, provided that no structurally deficient condition is created.

(5) Notwithstanding subsection (4), structural elements that are uncovered during the course of the building rehabilitation which are found to be unsound or structurally deficient shall comply with the load requirements of the NBCC .

(6) Where a rehabilitation work area includes a commercial kitchen and the work includes reconfiguration or extension of cooking equipment or the installation of additional cooking equipment, existing grease ducts, exhaust equipment, and kitchen hoods shall be brought into compliance with the requirements of NBCC .

(7) Where

(a) a rehabilitation work area is more than 50 percent of the gross floor area; or

(b) the occupant load is intended to be increased by at least 20 percent as a result of the rehabilitation work,

the plumbing system shall be upgraded to the NBCC .

(8) Rehabilitation work, including an addition, shall not create or extend any nonconformity to the adopted codes in the existing building in which the rehabilitation work or the addition is constructed.

[Back to Top](#)

Preliminary meeting

5. (1) Where a building permit is required for a rehabilitation project involving multiple adopted codes , before the submission of the construction permit application and upon the request of the applicant and the payment of any required fees, the AHJ or its designee and representatives from all necessary agencies may meet with the applicant to discuss plans for any proposed work or change of occupancy.

(2) The meeting referred to in subsection (1) shall, to the extent possible, include the officials responsible for permit approval and enforcement with respect to the following, as applicable to the rehabilitation project:

(a) National Building Code of Canada ;

(b) National Plumbing Code of Canada ;

(c) NFPA 101, LSC;

(d) Canadian Electrical Code;

(e) National Fire Code of Canada ;

(f) *Public Safety Act* ;

(g) *Building Accessibility Act* ; and

(h) *Historic Resources Act* ;

(3) Decisions made at the meeting shall be documented and circulated to those in attendance.

Appendix GG Fire Protection Service Regulations

(4) For a rehabilitation project or portion of it that is in the repair , renovation , or modification category of work, a preliminary meeting may be permitted to be granted at the discretion of the AHJ when a request for a preliminary meeting is made by the prospective applicant prior to the submission of the construction permit application.

(5) The rehabilitation work area shall be clearly identified on all construction permit applications, construction documents, and permits required by the AHJ .

[Back to Top](#)

Design, construction, use & occupancy - new construction

6. (1) Building plans submitted for approval shall meet the requirements of the regulations, adopted codes and this schedule.

(2) All new construction , including construction and development shall meet the requirements in the table:

New Construction		
OCCUPANCY TYPE		DESIGN, CONSTRUCTION, USE & OCCUPANCY
GENERAL NOTES		
NBCC Occupancy Classification	LSC Occupancy Classification	
Group A - Division 1,2,3,4 Assembly	ASSEMBLY	NBCC, NFCC AND CHAPTER 12 LSC
Group A - Division 2 Assembly	EDUCATION	NBCC, NFCC AND CHAPTER 14 LSC
Group A - Division 2 Assembly	DAY -CARE	NBCC, NFCC AND CHAPTER 16 LSC AND DAY -CARE REGS.
Group B - Division 1 Detention	DETENTION & CORRECTIONAL	NBCC, NFCC AND CHAPTER 22 LSC
Group B - Division 2 Treatment	HEALTH CARE	NBCC, NFCC AND CHAPTER 18 LSC
Group B- Division 3 Care	RESIDENTIAL BOARD AND CARE	NBCC, NFCC, Chapter 32 LSC and NL Personal Care Home Policy Manual
Group C Residential	ONE & TWO FAMILY DWELLINGS	NO REQUIREMENTS
Group C Residential	LODGING & ROOMING HOUSES	NBCC, NFCC AND CHAPTER 26 LSC
Group C Residential	HOTELS & DORMITORIES	NBCC, NFCC AND CHAPTER 28 LSC
Group C Residential	APARTMENT BUILDINGS	NBCC, NFCC AND CHAPTER 30 LSC
Group D Business and personal services	AMBULATORY HEALTH CARE	NBCC, NFCC AND CHAPTER 20 LSC

Appendix GG Fire Protection Service Regulations

Group D Business and personal services	BUSINESS	NBCC, NFCC AND CHAPTER 38 LSC
Group E Mercantile	MERCANTILE	NBCC, NFCC AND CHAPTER 36 LSC
Group F - Division 1,2,3 Industrial	INDUSTRIAL	NBCC, NFCC AND CHAPTER 40 LSC
Group F - Division 2,3 Industrial	STORAGE	NBCC, NFCC AND CHAPTER 42 LSC

(3) New construction shall follow the NBCC for design and construction with the only exception of the means of egress.

(4) Means of egress for new construction shall comply with Chapter 7 of the LSC unless otherwise provided for or modified by the individual occupancy chapters, which shall prevail.

(5) The requirements for the use and occupancy of the building shall follow the NFCC and the applicable occupancy chapter for new construction requirements in the NFPA 101, LSC .

(6) The use and occupancy requirements shall be incorporated into the design and construction of the building.

(7) There shall be no use and occupancy requirement for design and construction that exceeds

(a) the requirements of the NBCC; or

(b) section 2, Means of Egress, of the applicable occupancy chapter of the NFPA 101, LSC.

[Back to Top](#)

Use and occupancy -existing buildings

7. (1) Existing buildings shall meet the requirements of the regulations, adopted codes, this schedule and the requirements in the table:

Existing Buildings	
OCCUPANCY TYPE	USE & OCCUPANCY
GENERAL NOTES	EXISTING
ASSEMBLY	NFCC AND CHAPTER 13 LSC
EDUCATION	NFCC AND CHAPTER 15 LSC
DAY -CARE	NFCC AND CHAPTER 17 LSC AND DAY -CARE REGULATIONS
HEALTH CARE	NFCC AND CHAPTER 19 LSC
AMBULATORY HEALTH CARE	NFCC AND CHAPTER 21 LSC
DETENTION & CORRECTIONAL	NFCC AND CHAPTER 23 LSC
ONE & TWO FAMILY DWELLINGS	NO REQUIREMENTS

Appendix GG Fire Protection Service Regulations

LODGING & ROOMING HOUSES	NFCC AND CHAPTER 27 LSC
HOTELS & DORMITORIES	NFCC AND CHAPTER 29 LSC
APARTMENT BUILDINGS	NFCC AND CHAPTER 31 LSC
RESIDENTIAL BOARD & CARE	NFCC AND CHAPTER 33 LSC AND PERSONAL CARE HOME POLICY MANUAL
MERCENTILE	NFCC AND CHAPTER 37 LSC
BUSINESS	NFCC AND CHAPTER 39 LSC
INDUSTRIAL	NFCC AND CHAPTER 41 LSC
STORAGE	NFCC AND CHAPTER 43 LSC

(2) Existing buildings shall meet the requirements of NFCC ; and the applicable chapter for existing buildings in the NFPA 101, LSC .

(3) Means of egress for existing buildings shall comply with Chapter 7 of the LSC unless otherwise provided for or modified by the individual occupancy chapters.

(4) There shall be no use and occupancy requirement for existing buildings that exceeds

(a) the requirements of the NBCC; or

(b) the applicable existing occupancy chapter of the NFPA 101, LSC .

(5) Where an existing building requires upgrading to meet the requirements of subsection (2), the owner may be subject to a fire commissioner's order to correct any deficiencies and that order shall be implemented in accordance with sections 8 and 9.

(6) Subject to the approval of the AHJ , where a deficiency has been identified and a directive has been issued for the correction of the deficiency, the period for compliance to meet subsection (2) may be extended as follows:

(a) fire protection features, 5 years;

(b) structural requirements, 5 years;

(c) means of egress requirements, 2 years; and

(d) fire alarm and detection systems, 2 years.

(7) The owner may submit a life safety evaluation in accordance with section 12 to comply with subsection (2).

(8) This section shall not apply to historic buildings that are not undergoing rehabilitation .

[Back to Top](#)

Appendix GG Fire Protection Service Regulations

Rehabilitation work areas

8. (1) Where a rehabilitation work area is in a building that is required to have a fire alarm and detection system in accordance with the NBCC, the fire alarm and detection system shall be installed throughout the entire building.

(2) Where a rehabilitation work area is in a building that is not equipped with a fire alarm and detection system, and the rehabilitation work when completed, changes the occupancy classification or the occupant loading, a fire alarm and detection system shall be installed throughout the entire building in accordance with the NBCC.

(3) Where a rehabilitation work area is in a building that is required to have a sprinkler system in accordance with the NBCC, the sprinkler system shall be installed throughout the entire building.

(4) Where a rehabilitation work area is in a building that is not equipped with a sprinkler system, and the rehabilitation work when completed, changes the occupancy classification, building area or number of stories, a sprinkler system shall be installed throughout the entire building in accordance with NBCC.

(5) Where a rehabilitation work area is in a building that is not equipped with a sprinkler system and the rehabilitation work is less than 50% of the aggregate floor area a life safety evaluation may be provided in accordance with section 12.

[Back to Top](#)

Historic buildings

9. (1) The repair , renovation , modification , reconstruction , and change of use or occupancy of historic buildings shall comply with:

- (a) NFPA 101, LSC;
- (b) NFPA 914, Code for Fire Protection of Historic Structures; or
- (c) Fire Safety Alternatives for Heritage Buildings in St. John's , NL.

(2) For historic buildings or structures located in whole or in part in floodway or floodway fringe, work on the building or structure shall be permitted, provided that both of the following are met:

- (a) the proposed work will not preclude continued designation as a historic building or structure; and
- (b) approval has been given by the Department of Municipal Affairs under the Newfoundland and Labrador Provincial Land Use Policy, Flood Risk Areas.

[Back to Top](#)

Code conflicts

10. Where a conflict exists or appears to exist between 2 or more adopted code requirements, sections 6 and 7 shall apply.

Appendix GG Fire Protection Service Regulations

[Back to Top](#)

Code application where uncertainty

11. (1) Where the NBCC or the NFCC does not, in the opinion of the fire commissioner, address an issue or does not provide detailed requirements, the applicable Chapter for new construction of NFPA 101, LSC shall apply.

(2) Where the NFCC does not, in the opinion of the fire commissioner, address an issue or does not provide detailed requirements, the applicable Chapter for existing buildings of NFPA 101, LSC shall apply.

(3) There shall be no use and occupancy requirement for existing buildings that exceeds the requirements of the NBCC or section 2 of the applicable occupancy chapter for existing buildings of the NFPA 101, LSC.

[Back to Top](#)

Life safety evaluation

12. Where the owner of an existing building feels it is impractical to upgrade to meet code compliance, the owner may submit a life safety evaluation to the AHJ for approval to meet fire and life safety equivalency in accordance with the adopted codes.

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